



Rochester Hills

Minutes

Planning Commission

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Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, November 1, 2011

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Special Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum present

Also present: Ed Anzek, Director of Planning and Economic Development

James Breuckman, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2011-0457 October 4, 2011 Regular Meeting

A motion was made by Schroeder, seconded by Kaltsounis, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

COMMUNICATIONS

- A) *Planning & Zoning News dated September 2011*
- B) *Letter from Robert White and Kristen Klick, dated November 1, 2011 re: Rezoning*
- C) *Email from Melinda Hill, dated November 1, 2011 re: Rezoning*

NEW BUSINESS

2011-0431 Request for Rezoning Recommendation (Public Hearing) - File No. 05-042 - Two parcels totaling approximately 7.3 acres on the west side of Dequindre, south of Washington, from RE, Residential Estate to R-1, One Family Residential district, Parcel Nos. 15-01-277-015 and 15-01-278-006, Damian Kassab, Little Winkler, LLC, Applicant.

(Reference: Staff Report prepared by James Breuckman, dated October 27, 2011 had been placed on file and by reference became part of the record thereof.)

Present for the City of Rochester Hills (applicant) were Ed Anzek, Director of Planning and Economic Development and James Breuckman, Manager of Planning.

Mr. Anzek recalled that a discussion regarding the subject properties was held at the October 4th Planning Commission meeting concerning density. Staff had met with Mr. Damian Kassab of Little Winkler, LLC and Mr. Vito Terriaciano of Artega Homes regarding re-establishing Little Winkler Estates, which had been approved for the site in 2006. They found that the Preliminary Plan had lapsed, and that the property had been subsequently Rezoned to RE, Residential Estate, which required one-acre minimum lots. Little Winkler had been approved when the property was zoned R-1, One Family Residential, which required a 20,000 square-foot minimum lot size or a little less than half-an-acre. The average lot size of Little Winkler was 22,500 square feet. In looking at the surrounding properties, Staff noted that the properties to the north, east and south were of similar size or smaller than those in R-1 zoning, and Winkler Mill Estates, directly to the north, was zoned R-1. Across Dequindre, in Shelby Township, the lots averaged 12,000 square feet, which were closer to the City's R-3 district. To the south, in Rochester, the lots averaged 14,000 square feet, more similar to the City's R-2 district. When the subject property was Rezoned in 2009, it was done uniformly and everything not subdivided was made RE. Letters were sent to the property owners, advising them of the Rezoning and offering to meet if they wanted further explanation.

Mr. Anzek stated that Staff felt that it would be more appropriate to Rezone the subject property back to R-1 because of the surrounding development and was now bringing it before the Planning Commission as a City-initiated Rezoning request. To the west, there were two lots, one of which was 1.4 acres and one a little over two acres which would be appropriate to remain RE. There was a large lot further to the west zoned

RE, and there had been discussions about putting in a 10-unit development several years ago. Mr. Anzek added that he had received a couple of letters prior to the end of the day, and he advised that he would address them after public comments.

Chairperson Boswell opened the Public Hearing at 7:08 p.m.

Robert White, 56187 Dequindre Rd., Rochester Hills, MI 48307. *Mr. White thanked the Commission for the opportunity to speak. He stated that earlier this year, he and his wife became owners of 56187 Dequindre Rd., one of the two parcels to the west that were adjacent to the subject properties now under consideration for Rezoning to a higher density. His neighbor's house at 56495 Dequindre also shared the dedicated easement - a long driveway - that traveled through the subject property and which gave them access to Dequindre Rd. He noted that he was one of the people who had submitted written comments to the Commissioners. He said that he wished to speak about process; the process they undertook before they purchased their home; the process the City undertook in Rezoning the subject properties four years ago; and the process which the potential developer was seemingly trying to sidestep. They felt that they were very lucky to find their home. It was a great home on a large lot, surrounded by similarly sized properties and nestled among large, mature trees. Before they moved forward with their purchase, they took a deliberate process of due diligence. That included multiple conversations with the energy department and environmental experts about the gas lines in the easement to the south of the property. It included long discussions with the previous owners about maintaining the natural pond and features on the property. It included a detailed land records check to determine the nature of the easement, and it included much examination of the Rochester Hills Planning Commission and City Council records regarding the two vacant properties to the east (the subject properties). He said that he personally visited the City's Planning Department in May of 2011 to determine the status of the Little Winkler Estates development. He was told the City had not heard anything from the applicant in a long time. The Staff confirmed that the Preliminary Approval granted in November of 2006 had expired, since the developer had never returned to seek Final Approval. He was also informed that the properties had since been Rezoned from R-1 to RE, which meant that, according to Staff, even if the developer wanted to, he could not come back with the same plan. They comfortably moved ahead with their purchase, given the knowledge that an agent of the City had told them that there was no danger of the Little Winkler Estates plan being revived. They also felt confident in their assessment because the City had moved*

forward with its own planning process shortly after the Little Winkler Estates development had received Preliminary Approval. The City made the decision to adjust the zoning on the lots to RE, which fit in with almost every other property in the northeast section of the City. He pointed to a map on the overhead screen, and said that the subdivision in Rochester to the south was separated by a very large easement and a lot of tree stands. To the east, across Dequindre Rd. was a major development. The properties to the north were all zoned RE, with the exception of the development on Carter, which was R-1.

Mr. White said that it was difficult for him to understand why the same Planning Staff, after just one meeting with the developer and no notice or input from the surrounding property owners, decided to endorse a Rezoning back to R-1. To suddenly claim that the previous Rezoning to RE might not have been thought through enough, seemed to undermine the hard work of the Master Plan in the first place. They were left with a developer who failed to seek or receive Final Approval for a project and who refused to respond to the City's notice that the property was being Rezoned. The developer did not even make a phone call to better understand what the official City notice might mean for his property. He seemingly had not paid taxes on the property in several years, but he now wanted a "second bite of the apple." Mr. White wondered why the City was so willing to change the underlying zoning for the property owner and the developer. It did not seem as if either had demonstrated much respect for the City's development process. The property owner simply brushed aside the City's Master Plan process, and the developer was treating the requested Rezoning as a fait accompli. He expected the City to rubber stamp the Rezoning, regardless of the City's stated desire to protect the estate-like nature of the nearby properties in the northeast part of the City. Mr. White said he knew this because on the front page of the Artega Homes website, the company listed the Little Winkler Estates project, renaming it Winkler Estates, and stated that it was the most prominent project it had going in Oakland County. The developer was selling the houses currently. The 2006 Site Plan was provided as the basis for the development, and they were currently taking reservations and collecting earnest money deposits of \$2,500.00 from prospective home buyers. He had spoken with the Artega Sales Manager for the project. He told Mr. White that they had already taken a deposit from one customer and expected as many as three more soon. They were planning to break ground as soon as possible. He was told by the Manager that as soon as they had sold five units, they could break ground. Mr. White thanked the Commissioners.

Deanna Hager, 1841 Carter Rd., Rochester Hills, MI 48307. Ms. Hager thanked the Commissioners for listening to her comments. She stated that she and her husband had lived on Carter since 1993, before any development. They thought they were pretty protected in the area because of the intent to keep it estate-like. At this point, they were not interested in seeing half-acre lots as approved in 2006. They had experience with developers saying they would keep trees, but they did not. They had neighbors who stood in front of bulldozers to try to protect trees. They were concerned about the trees, lot sizes, construction noise, and five houses versus ten houses. She acknowledged that it might be somewhat selfish, but it was the culture of the area. She referred to property values, and said that everyone was concerned about them these days, and it was very important to them. Also, privacy was very important and what kept the value where it was. She said that if someone drove in the area they could get a feel about it. She concluded that she echoed everything Mr. White mentioned in his letter.

Debbie Prachaseri, 1860 Carter Rd., Rochester Hills, MI 48307. Ms. Prachaseri stated that she had lived at the above address for 26 years. She said that her home was on 8/10ths of an acre. She thought that most of the houses on Carter Rd. were more than half-acre lots. Most of the homes had mature trees. Looking at the map for Little Winkler Estates, it appeared that many of the trees in the middle of the property would be removed. She asked how many trees were on the property and how many would be removed. She asked if the new lots would have mature trees. She said that builders were able to retain trees, and each lot would have some mature trees. There were some wonderful, huge pines that currently lined the driveway to the two properties to the west, and she said she would hate to see all of those trees taken down. It appeared to her that only the perimeter trees would be retained, which she did support especially along Dequindre, which blocked the noise from traffic. Another concern was the building timeframe, and the neighbors hoped it would be short if something were built. She mentioned wildlife, and said there was a concern because the community would be gated at the front. They were concerned it would push the deer paths onto Carter Rd. and onto the subdivision to the south. She said that she would like to know how many houses on Carter were on less than half-acre lots.

Rob Link, 1956 Carter Rd., Rochester Hills, MI 48307. Mr. Link said that he had lived on Carter with his family since 1996. He stated that it was a beautiful area, and he was concerned about a reduction of lot sizes for the development. He did not agree to going down to smaller lot sizes. The trees were a great concern, not only for all the reasons heard, but

from a drainage perspective and water absorption in the area. He did not want to see trees removed from the spaces, and he noted that the trees had been tagged. He said that the trees provided shade and sound buffering and helped with drainage. Regarding the lot size change and the layout, he said he would really like to understand the plans for the drainage and the pond. Water ran off many of the lots on Carter into the lower grade and into the pond off of Dequindre. If there was buildup, they would get water coming back onto the lots adjacent to it. From a construction perspective, he would not want to hear a lot of noise during the early morning weekends. He had heard noise from the other side of Dequindre early in the morning, and he did not think it was right to have that kind of noise pollution. He reiterated that most concerning were the lot sizes and the drainage.

Terry Willingham, 1171 Miners Run, Rochester, MI 48307. Mr. Willingham said that he was on the opposite side of where people who spoke lived, but they represented his concerns very well. When they moved into the area four years ago, they looked at 200 houses. They chose their house because it backed up to where Little Winkler Estates would be, and it was quiet with a lot of trees. He commented that it was a sanctuary. There was a lot of wildlife, deer, fox and coyote. There were 20 species of ducks and swans, and he remarked that the trees were wonderful. When they moved in, they were told similar things, such as that they would not have to worry because the area would never change. He was concerned about maintaining the trees. He liked that the plan showed the trees being preserved along the border. It was important to him that the pond did not get disturbed; he understood it was protected. The hillside on the opposite of the pond was where a lot of animals congregated. It looked like there would be a house right in the middle of that area, and zoning to smaller lots would allow that to happen. He was also concerned about the wall on Dequindre. If that were completely enclosed, it would create a problem for the animals that crossed Dequindre, and they would be funneled to small sections on the side. That would cause congestion on Dequindre. He did not want to see a situation where there would be construction for multiple years.

Mike Callahan, 1169 Miners Run, Rochester, MI 48307. Mr. Callahan thanked the members for the opportunity to voice his concerns. His concern was the pond and wetland. He commented that the pond was beautiful. There were many ducks that came in the spring and fall. He would like to see everything done to protect the area. A few years ago they had a family of swans on the pond in the summer, and his kids loved looking at the pond. Almost every night there were deer roaming through

the area. He would like everything possible done to protect the wetlands.

Chairperson Boswell added that he had received a letter from Mr. and Mrs. Robert White and an email from Ms. Melinda Hill, and said they would be made part of the public record. The letters were in opposition to the proposed Rezoning for reasons similar to what was heard by the neighbors. Seeing no one else come forward, Chairperson Boswell closed the Public Hearing at 7:25 p.m.

Mr. Anzek responded to the residents, saying that he appreciated all the input. He noted that Mr. White's letter was received late in the day, and he wished to address some of the issues. Mr. White did not mention procedures outlined in his letter regarding Michigan Public Act 579. Mr. Anzek explained that Public Act 579 dealt with Conditional Rezoning, which was recently adopted in the State. It had been used by the City on a couple of occasions. Conditional Rezoning limited the use of a property, unlike if something was in a commercial district, for example, where anything from a tattoo parlor to a restaurant was allowed. In a single-family situation, there was really no difference in the RE versus R-1 district in terms of permitted uses. He was not sure how Public Act 579 would apply. Mr. White had raised the issue of process. Mr. Anzek said that in 2007 the Master Plan was adopted; however the Rezoning was done in 2009. In May, when Mr. White visited City Hall, he was told that the Little Winkler Estates project had lapsed and that the land had been subsequently Rezoned to Residential Estate. Mr. Anzek mentioned property values, and said that he had never seen a residential development built in the City that affected someone else's residential property values. Property values had been declining, but they were beginning to flatten. It had no direct relationship with adjacent residential developments. A question was raised about how many trees would be removed. He advised that it was a platting question. The City had a Tree Conservation Ordinance, which required 37% of the regulated trees to be saved on site. He thought that had been worked out during the original Site Condo process, and he would have to research the location of tree preservation.

Mr. Anzek noted that the City limited hours of construction to 7 a.m. to 7 p.m. on weekdays and Saturdays. Sundays required a special approval from the Mayor to work or to work past the hours of 7 p.m. other days. Since he had been at the City, it was his understanding that there had only been one occasion where a Mayor had approved that, and it was for the M-59 construction deadlines, to work at midnight. He was not sure how the gating would affect the wildlife, and said it would be more of a Site

Plan question rather than Zoning. Regarding drainage, the plan that was tentatively approved in 2006 showed a retention pond in the southeast corner of the development. The water might drain to the pond, but it would be channeled and piped to the retention area. Since that time, there had been new engineering standards adopted by the City that would probably require enlargement of the detention basin. He clarified that the request was a zoning question, not a Subdivision Control Act or One-Family Site Condo Ordinance question. A lot of questions raised would be dealt with in the platting or site condo process - the drainage, access, trees, etc. He talked about the pond, and said he believed it was remaining intact as on the original plan. He did not believe it was a regulated wetland because of its size, and that it did not have direct inlet into a waterway.

Mr. Anzek clarified that the subject question was about density. The parcels were at one time zoned R-1. Through the process, Staff identified the northeast portion of the City, the north central portion of the City and a large neighborhood immediately west of City Hall as appropriate for Residential Estate zoning, because the predominant number of lots within those areas were an acre or more. The subject parcels were Rezoned RE after the Preliminary Site Condo Plan was brought forward. The parcels were treated as two large tracts of land which would be appropriate for RE at that point. On closer examination, knowing that the densities to the south, north, east and that the Carter Rd. subdivision was zoned R-1, it seemed appropriate to zone the subject parcels what they were originally.

Mr. Yukon clarified that the parcels to the north were currently zoned R-1. He asked about the parcels in Rochester, which averaged 14,000 square feet, and if that was comparable to R-1. Mr. Anzek was not sure about the zoning categories in the City of Rochester. Mr. Yukon said that currently, the pond was in the southwest corner and if the development went through, the retention in the southeast corner would be by Dequindre. He asked if the water would drain to the pond. Mr. Anzek said that the water runoff from impervious surfaces created with the development should be channeled through storm drainage and curb and gutter system to the retention area by Dequindre. The natural sheet that fell on the grasses would still go to the pond.

Mr. Kaltsounis summarized that the request was for a Rezoning. With a Rezoning request, the Commissioners did not look at property sizes other than average property sizes of the zoning district. They would not look at ponds, deer tracks, trees or anything else - it was a Rezoning. They did not look at where the roads would go, where the gates would go, etc. He directed comments to Mr. Kassab, the developer, and suggested that if

he went forward, he should take note - there were a lot of neighbors in the room that were concerned. The Planning Commission was very interested in how builders and developers interacted with their neighbors. No matter what happened, the applicant would likely be back before the Commissioners, and he recommended that they got to know the neighbors and listened to their concerns. He emphasized that the Commissioners always recommended that developers worked with the neighbors to try to resolve any issues.

Mr. Kaltsounis stated that he was part of the Master Plan process when they looked at areas of the City and the lot averages of different districts. The northeastern corner became RE, which was new. They tried to bring the zoning in line with what the lot sizes were. Outside of that, there were particular parcels they looked at to see if they should make changes and to see what they could do with properties to make them beneficial to the City and the neighbors. In hindsight, although the subject parcels were reviewed, it would be one of those developments that fit a certain template. That was why the City was looking at it again. He was not concerned about development for that property at this point. If someone came forward with an R-2 development, he would probably say no. When he looked at a Rezoning, he also looked at the surrounding area. The subject properties would fit into an R-1 more than an RE district. If he was looking at it again at a Master Plan meeting, he would leave it at R-1. There were still hurdles to cross with its development, and the neighbors would be part of the process. Hearing no other comments at that point, he moved the following motion:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 05-042, the Planning Commission recommends to City Council approval of the request to rezone Parcel Nos. 15-01-277-015 and 15-01-278-006 (7.3 acres) from RE, Residential Estate, to R-1, One Family Residential District.

Chairperson Boswell restated the motion noting the mover and seconder and asked for any further discussion.

Mr. Hooper asked if the parcels were zoned R-1 for the previous 30-40 years (before 2009). Mr. Anzek believed that there had been no significant Rezonings since 1992. It had been R-1 from at least 1992 until 2009. Mr. Hooper clarified that from the inception of the City until 2009 it was zoned R-1 and then it was Rezoned in 2009 to RE. He felt that was a significant factor. Also, he reminded that the new engineering standards for detention ponds would significantly affect the size of the

pond on the site, and it would probably result in fewer than ten lots. It was his opinion, but he thought there would be a loss of one lot if it went forward, which would result in the remaining lots being even greater in size. He said that a question was raised about half-acre lots, and in studying the previous plan for Little Winkler, seven of the ten lots were greater than half an acre. He felt that R-1 zoning was appropriate for the two parcels.

Mr. Reece said that if the parcels stayed as RE, at 7.3 acres, they might have gotten five or six homes at the most. There was a relevant question asked about the Carter Rd. lots and the actual sizes of those. He would be curious to see if the actual sizes of the existing R-1 Winkler Mill Estates lots were greater than 20,000 square feet, as compared to the proposed Little Winkler Estates lot sizes. The question to him was whether it would be compatible with the majority of the existing developments in the area. It was on the fringe of being significantly compatible with the development to the north. A couple of areas had larger lots, but the reality was that many of those properties at one time were larger areas also, and there were lots of deer, fox, wild life and trees where the homes people lived in today were. That had to be balanced in terms of looking at a Rezoning. The question he had was about the existing development to the north and whether the lots were compatible with the 22,500 square-foot lot sizes submitted as Little Winkler.

Mr. Anzek said he would do the calculations and let the Commissioners know. The 22,500 square-foot lot size for Little Winkler was an average, and there were probably some larger.

Mr. Hetrick said that since most of the questions folks had were about trees and features of the development, he recommended that they could come back before the Commission at the time of consideration of Site Condo Approval. He asked when the development to the north was built, and Mr. Anzek thought it was in the 1960's.

Chairperson Boswell asked if the properties west of Little Winkler were zoned RE, which Mr. Anzek confirmed. Chairperson Boswell said that given the fact that the subject properties were on Dequindre and that the Carter Rd. properties were R-1, he would have to agree that R-1 was more appropriate. If they were further in and away from Dequindre, he would be of a different mind.

Hearing no further comments, Chairperson Boswell called for a vote.

Recommended for Approval to the City Council Regular Meeting

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis and Schroeder

Nay 2 - Reece and Yukon

Chairperson Boswell stated for the record that the motion had passed seven to two.

UNFINISHED BUSINESS

2011-0381 Discussion regarding a proposed Zoning Ordinance text amendment to allow gas stations in B-3 Zoning Districts as Conditional Uses

(Reference: Cover memo and ordinance amendment prepared by James Breuckman, dated September 28, 2011 had been placed on file and by reference became part of the record thereof.)

Mr. Breuckman referred to his memo, which had some draft language that reflected comments from last month's meeting. There were also some aerial photos and pictures of other gas stations in the area that were supplementary to the proposed language. He wanted to go through the draft language and see what the Commissioners felt. They had talked about how gas stations would be permitted. The language was drafted to permit them as an accessory use that would require a Conditional Land Use Approval. The language said that gas stations might be permitted as an accessory use to a principal use with a minimum floor area of 40,000 square feet in the B-3 district, and both would have to be located on the same parcel. The next item talked about minimum lot area and that such uses may only be permitted on a parcel of ten acres or greater. He showed a map with various lot areas in the B-3 district in the Rochester Rd. corridor. They tested a few parcels of varying sizes to see how a gas station might lay out on those parcels. They put the Speedway station from the northwest corner of Rochester and Tienken to scale on each site, including the 31-acre Meijer site. They also showed how much area a gas station would occupy on the (almost) ten-acre site at the corner of Auburn and John R. They put another one on the southeast corner of Rochester and Hamlin, which was an 11.7-acre parcel. He wondered what the Commissioners thought about the ten-acre requirement.

Mr. Kaltsounis said that he was still not a fan of it. After the last meeting, he found out that the Kroger by South Boulevard and Crooks in Troy was going to put in a gas station in the front parking lot. He wondered what would be next. He could see future cluttering of developments and brownfields. He was not a fan of having gas stations out in the open. If

someone was selling cheap gas, people would find it. For the Meijer lot, he wished the station would be on the other side of the store. He remarked that ten acres was one thing, but what else was on an existing property was concerning.

Mr. Reece stated that he was less concerned about the brownfield development issue in today's world of super regulations and construction standards for tanks and so forth. He did share Mr. Kaltsounis' concerns about gas stations popping up all over the place. He asked how they would control that and if they were opening up Pandora's Box by allowing it at the Meijer location. His personal opinion was that it either needed to be on the Rochester Rd. end of the development or on the Auburn end of the development. There was a big residential development to the back, and he thought they would be doing a huge disservice to those residents by putting a gas station there. He indicated that the world was changing with big box stores selling gas. It was the "nature of the beast" in today's business world, and they had to decide how to best prepare for it and regulate it. If one was allowed at Meijer and another store down the road wanted one and it was disallowed, he could see issues arising. He gave it a lot of thought over the last few weeks, and it made sense for Meijer, but he was just afraid that there could be problems for some of the other locations.

Mr. Breuckman thought it might make sense to step back and reassess whether to consider it. Mr. Reece agreed that they might need to. Chairperson Boswell asserted that it was a fact of life that they might have to live with, and they had to figure out how best to regulate it. Mr. Reece thought it was important for the City going forward and to reach out to the business owners. There was a balance between the residential aspects of the City, but in reality, the City needed the businesses to help make the City sustainable. They could not get by on just the residential tax base alone, and the tax base was certainly not what it used to be. The balance of making it work and maintaining the harmony of the City was the challenge. They had to have sound logic and judgment on why they might turn it down in a particular instance, when they had approved it somewhere else.

Mr. Hetrick agreed with the Commissioners about the location on a lot. If they were talking about Meijer, in his view, a location on Auburn would be far more preferable than a location on Rochester Rd. It would be more in harmony with the surroundings. He disagreed a little when he looked at parking lots that were underutilized, where something could look fairly unattractive. If there was an opportunity to redevelop the properties and

use a space more effectively that generated tax revenue and opportunities for the residents to buy cheap gas, it would be much better. If there was an opportunity to use parking lots to generate commerce, that would be a good thing. They mentioned setbacks and square footages of buildings, and that was the City's opportunity to be able to manage the process so they could control where the locations were, and the City could get a business that was appealing from an aesthetic prospective. The draft language mentioning setbacks, building size and square-footages was a way to better manage how things went when they approved one and not another and would explain why.

Mr. Hooper asked how the Conditional Use would be used so it did not appear as a spot zoning, when it only applied to one parcel. Mr. Anzek said that it would not be a Rezoning; it was an accessory use within a B-3 district, treating that accessory use as a Conditional Use and requiring a permit. Mr. Hooper said it seemed as if they were writing it so it only applied to one piece of property, and it would appear they were writing it for only one owner in town. Mr. Anzek said they could run the risk of exclusionary zoning. That was something Mr. Breuckman had wrestled with in trying to come up with something that was not a one size fits all, but trying to see where this could be applied fairly across the board without bias. Mr. Breuckman said that was how he came up with requiring ten acres. That functioned very similar to a lot of uses in the Ordinance. There were uses and design standards the uses would have to meet. There was often a minimum parcel area or additional setbacks for various uses, which meant that they were not going to fit or be permitted in every location within the zoning district. If there was a gas station at the southeast corner of Rochester and Hamlin, it could be laid out well and be consistent with the size of the bank there. The amendment said that ten acres was the minimum feasible area to make things work from a design perspective. He read off parcels that were ten acres or higher: Lowe's, Meijer, Hampton Plaza, Bordine's, Hampton Village, Winchester, and Home Depot. It was limited to the larger strip centers. The parcels that were smaller than ten acres were of a completely different character. The parcels larger than ten acres had a big box or were larger-scale shopping centers. Less than ten acres tended to be more neighborhood-scale shopping centers or single-user sites. Mr. Hooper said that there were other areas in the community, such as at Walton and Adams, and east on Walton Boulevard. Mr. Anzek agreed that they might need to do a little more analysis for those areas.

Mr. Breuckman had superimposed a one-acre gas station on the sites, which showed the elimination of a lot of parking. They still had to make

sure the retail square-footage on the ten acre parcels had sufficient parking. Meijer had enough and others might, but the smaller parcels would not be able to meet the parking requirements. He said he would feel more comfortable if Staff had more time to do some analysis. He asked if they agreed with requiring a minimum of ten acres, but he questioned if it would work if someone had a nine-acre parcel and they proposed two pumps with a nice kiosk that would take up ten spaces. He asked if that would be supported. He reminded that it was a question about allowing gas stations in B-3 districts that had been asked of City Council in a letter from Meijer, and Council sent it to the Planning Commission for guidance and advice. The answer ranged from denial to developing options, and the Commission had asked to see how standards could be developed.

Mr. Hooper asked how Mr. Breuckman arrived at a minimum floor area of 40,000 square feet. Mr. Breuckman said that was about as big of a building that could be fit on a six or seven-acre parcel. Mr. Hooper said that adjustments of that number or of ten acres could reduce the number of potential sites in the City to a handful or less. Regarding the building design standards for the accessory structure, the language said it could not exceed so many square feet but was left blank. He asked if that was open for discussion, to which Mr. Breuckman agreed. Mr. Anzek recalled the discussion last month about a convenience food store versus a kiosk. A kiosk would have someone handling cash transactions and selling items through a window. He and Mr. Breuckman discussed having a larger building and how to make it an aesthetically appealing structure. If a building was brought closer to the street and there was direct access for pedestrians from the street with the canopy behind it, it might be a way to conceal the canopy and make an attractive building fronting on the street. Mr. Hooper asked the size of the buildings at other Meijer stores, and Mr. Breuckman responded that they were about 1,600 to 2,000 square feet. Mr. Hooper asked if they could add a condition that the building must front an adjacent major road to avoid putting the gas station in the back of the property. Mr. Breuckman said they could require it to be within so many feet of the designated major thoroughfare or put in a 200-foot setback requirement from a residential district. Mr. Hooper asked about not allowing something to abut a residential property. Mr. Anzek said that could be difficult to enforce. If it were put in the southeast corner of the Meijer site, it would abut residential.

Mr. Anzek pointed out that one of the other advantages of putting the structure forward and the canopy behind it was that the light under the canopy would not go out onto the street and be a distraction.

Mr. Breuckman noted that one of the requirements was that there could be no new driveways on major roads. The gas station would have to be accessed internally from the on-site circulation. That would lead to putting the canopy facing the on-site circulation. He asked if there were any comments about the building size or site area.

Mr. Reece indicated that the issue with building size would come down to whether they wanted strictly a gas station or if they would accept a convenience store. A kiosk was about 40 x 40 versus a convenience store, and that would impact the setback from the road and put the canopy behind the building. He thought that was the big question they had to answer - whether they wanted strictly one or the other.

Chairperson Boswell offered that one good thing about a convenience store was that it would not be out in the middle of the parking lot; it would be next to the road where pedestrians could get to it easily. Mr. Breuckman said that philosophically, they could limit the size of the store, but if someone wanted to build a 7-Eleven, that was a permitted convenience store by right in the B-3 district. He was not sure that was equitable for a gas station convenience store. Mr. Reece said that the discussion was not about convenience stores, it was about gas stations. If a 7-Eleven came in and wanted to put a store in the parking lot, it would be an extreme case. Mr. Anzek said it would be treated as an outlot, and if there was ample parking, it could be done. That was how a bank and a shopping center were allowed on the Meijer parcel.

Mr. Dettloff asked if the City had any authority to restrict the number of pumps based on the size of a parcel. Mr. Breuckman believed that they could do that as a proportionality standard. Mr. Dettloff was not sure if there was a standard size, but to keep it in control, he thought that might help with some of the issues they were discussing. Mr. Breuckman agreed, and reminded that there were a lot of gas stations around town on extremely small sites.

Ms. Brnabic said that the key point was whether to allow gas stations in the B-3 district. Discussing convenience stores was something different. She agreed they had to move forward very carefully, and she hoped they took more time to consider everything. She realized the economy played a major factor, and they had to pay attention to balance and harmony. She wanted to make sure they looked at it carefully, so in five years, they did not look back and ask why they had done something.

Mr. Anzek recalled talking about smaller, kiosk-based facilities. A kiosk would have a back side, and if someone put a facility in a parking lot that was seen from all four sides, they would want to make sure it was attractive. Mr. Breuckman came up with the idea of a double-fronted building, where people could enter from the street and the canopy side. The Fire Department would not allow the dumpster to be next to the building, so it would have to be in the parking lot and be well screened. If there was a convenience store with double frontage, it could be a nice looking building from both sides with a pitched roof and nice colors, for example.

Ms. Brnabic asked if Staff would identify any potential B-3 parcels for this type of development. Mr. Anzek agreed, and said they would look at ten-acre parcels, whether there was surplus parking, and whether a large building was there or could be added. They could not show favoritism to one site or another. They were looking for direction to see if they were on the right track with what had been put together so far.

Mr. Kaltsounis said that he frequented the Kroger on 23 Mile and Romeo Plank. It had a less obtrusive look, with a canopy that was narrower. Wal-Mart down the street had a canopy right up to the road, and he did not like the way it looked. He felt they had to take a look at the positioning. In general, he was concerned about having an extra convenience store, and he was against the whole concept. He would like to take a look at the non-conforming setbacks of most of the B-5 gas stations. If they did build on B-3 parcels, the B-5 properties would be knocked off the list and no one would invest, and they might as well be Rezoned.

Mr. Breuckman stated that was a very good point. That was why they were going to look at the setbacks in the B-5 district. It would be unfair if they let people in the B-3 district have something people in the B-5 district could not.

Mr. Schroeder thought they had to proceed, because they could potentially be in court and have less control. He was concerned about the building being totally exposed and how they would treat it, but if they had something aesthetically pleasing, it would help. In the Meijer case, Rochester Rd. was so congested that it would be much better to have it on Auburn Rd., but he could understand why Meijer would want the exposure on Rochester Rd. He had seen the Meijer parking lot full at Christmastime. With a gas station on Rochester Rd., it would take some of the store's close proximity parking. If it were on Auburn, taking parking

would not be as detrimental to the store.

Chairperson Boswell asked if everyone was comfortable with requiring ten acres and a 40,000 square-foot building and heard no negatives. He said they would need to know what those sites were. Mr. Breuckman said that beyond what he had mentioned earlier, he thought there might be five elsewhere. He said they would provide a map showing those for the next meeting. Chairperson Boswell asked if they wanted to decide about convenience stores versus kiosks. He said he would personally like to see a convenience store because they could have two fronts. Mr. Anzek said that perhaps that could be the basis of allowing a convenience store - by requiring two fronts. Mr. Reece said that his preference would be a kiosk. He was concerned about reducing the setback along a major thoroughfare and having a building there. Mr. Hetrick added that he would prefer a convenience store if there were two fronts. The opportunity from a commerce perspective and reducing lighting was also better.

Ms. Brnabic said that initially, she preferred a kiosk, but she liked the suggestion of having two fronts on a building and would be open-minded about that. She asked if Staff could provide examples of how that would look in potential areas. Mr. Anzek said they would, and he praised Mr. Breuckman's skills with the computer.

Mr. Reece indicated that he was open to considering it, and he liked the idea of two fronts. He would be concerned about how close the building was to the road. Mr. Breuckman said that he looked at the jewelry store just north of the Shell at Avon and Rochester, and the car dealerships north of that, and noticed that they came right up to the road. He drove by, and it did not really bother him. He would suggest 10-20 feet as appropriate setbacks if the building was in front of the canopy. Mr. Reece asked the normal setback in the B-3 district, and Mr. Breuckman answered 75 feet. That assumed a front parking bay plus a ten-foot setback. Mr. Anzek advised that B-3 districts required a five-acre minimum parcel and 400 feet of frontage. It was intended more for community-based shopping. He also pointed out that flexible zoning districts allowed buildings to be closer to the road.

Mr. Breuckman emphasized that with gas stations, they did not want to permit access onto the main street. The 75-foot setback presumed that all of the automotive use area was in front of the building. He did not think that they wanted the canopies right out in front on the roads.

Mr. Reece mentioned the Costco in Auburn Hills and said that on a

Friday afternoon, when people were filling up to go up north, it was not unusual to see 10-15 cars lined up. Mr. Breuckman said that the first time he used gas at the Costco in Madison Heights, he took the wrong driveway and got stuck in the gas station line. Mr. Reece said they had to look at things on an individual basis depending on the layout. Mr. Breuckman suggested that it was good that the Conditional Use process could give them the ability to impose additional conditions.

Ms. Brnabic asked why ten feet would be enough of a setback. She was not sure that would be enough. Mr. Breuckman said that ten feet was what a rear yard could be reduced to in a B-3 district. He took a site and flipped it 180 degrees. Instead of the 10-foot rear yard setback being away from the road, it would face the road. The same development could be fit in the same area on the site. Ten feet was also consistent with the buffer for parking along a major thoroughfare, and there was a basis for why it might be a good number to start with.

Mr. Reece mentioned that the traffic by the Verizon store was horrible. Mr. Breuckman reminded that the driveways would have to be taken out of consideration. Mr. Anzek advised that Staff had worked annually with the Verizon store and Meijer. There was a tentative agreement that Meijer would allow Verizon a connection to the Meijer parking lot to discourage people from using Rochester. It had not been worked out yet, but they were continuing to work with them. Meijer had been very generous working with Lowe's on the access driveway so a light could be installed.

Mr. Kaltsounis said that his vote was for kiosks, but the ideas for setbacks and two fronts were great ideas for other development. Mr. Schroeder asked if there was a long range plan for Rochester Rd., noting the City of Troy's work on it. Mr. Anzek said that there was still a provision asking for a 180-foot right of way for a six-lane boulevard. The Thoroughfare Plan introduced the use of roundabouts at Auburn, Hamlin and Avon, changing Rochester to a four-lane boulevard. They needed to decide one way or the other, because 180 feet was difficult to enforce. The Speedway at Avon and Rochester wanted to rebuild, but the 180 feet had totally shifted to the west side to miss Leader Dogs. Speedway could not develop because the 180 feet would go right in the middle of the building. He did not think a six-lane boulevard would work, and it would cost millions to buy right-of-way. He added that they would visit it when they looked at the Master Thoroughfare Plan Update.

Discussed

2011-0365 Discuss potential Zoning Ordinance Amendments - James Breuckman, Manager of Planning

(Reference: Cover memo and draft ordinance amendments, prepared by James Breuckman, dated October 27, 2011 had been placed on file and by reference became part of the record thereof.)

Mr. Breuckman stated that since the amendments were fairly completed, when the Commissioners were in agreement with the language, Staff would schedule the Public Hearing. He noted the supplementary language in the cover memo about the barrier-free spaces and the B-5 district setback analysis, which he felt would require the most discussion. He discussed the ADA and national standards for increasing barrier-free spaces, how that was calculated and the percentages used. He pointed out a graph which showed the ADA requirements and the City's proposed new requirements and explained them in more detail.

Ms. Brnabic recalled that several Commissioners had requested that the Ordinance be amended to require access aisles on both the driver and passenger sides of each parking space in addition to increasing the number of handicap accessible spaces. From Mr. Breuckman's calculations, parking was only added for van accessible spaces, however, the Commissioners were looking for regular accessible parking spaces versus van spaces. She referred to Table 14 in the amendment, and said that they would not reach an extra space until the number of spaces provided was high. For example, from 76 to 100 spaces, there would not be a space added until 88 parking spots were required. From 101 to 150, they would not get an extra space until they were up to 136. She read from the current ADA chart that said that if 151-200 spaces were required, they would get one plus five accessible spaces. Mr. Breuckman had proposed two plus 3.33%, but the extra accessible space would not happen until there were 166 spaces. Mr. Breuckman clarified that in the current chart, it was not five plus one, it was five, and one of those had to be a van accessible space. Ms. Brnabic clarified that with one plus five, it would be one van accessible and five regular accessible. Mr. Breuckman disagreed, and said that it meant five total barrier-free spaces, one of which had to be a van accessible space. That was the current requirement and national standard. Mr. Breuckman referred to the graph in the packet and assured that they would get to five spaces faster under the new line than under the current standards. They would get to four spaces, then there was a little overlap, and once they got past 105, the City would always require more than the ANSI standard.

Ms. Brnabic asked if the City was requiring four plus 2.33%, whether it meant four van spaces or four plus 2.33% regular spaces. Mr. Breuckman said it was for total accessible spaces, and that van space

was a separate thing. Ms. Brnabic said that even with the new percentages, it would take a while to reach an extra space, particularly notable at 76-100, because there would be 88 spaces required to gain an extra space. It seemed slow going to gain a space. Between 101 and 150, it would require 136 spaces to gain an extra accessible space. Mr. Breuckman said that between 105 and 136 there would be an extra space. From 136 to 150 there would be two extra spaces over the current standard. That would continue to increase up to about 500.

Ms. Brnabic recalled that she had strongly urged that the Ordinance be amended to require access aisles on both sides of a vehicle for a variety of reasons, but she did not see that in the new Ordinance. She did not feel it would be a hardship for sites that had a lot of parking. She thought that if it would cause a hardship for smaller sites that the Planning Commission could approve a site conditionally.

Mr. Breuckman said that if there was a five-foot access aisle on both sides of every accessible parking space, they would be increasing the area needed by 25%. His concern was that it would be a design hardship in smaller parking lots. When they started to acquire more accessible parking spaces, in effect there would be more spaces that had access on both sides. Without requiring it, they would get a few more in larger parking lots where there was access on both sides. He understood the issue, but he was not comfortable requiring the five foot access aisle on both sides of the space. The problem was that when there was a standard handicap space, it was eight feet wide. It was already two feet narrower than a regular space. The access was on the driver side. If a car was centered in a handicap space, there would be an extra foot already on either side. He suggested a middle ground where they required, under certain conditions, that the handicap accessible parking spaces be ten feet. The driver could hug the side of the parking space and there would be two extra feet built into the passenger side.

Ms. Brnabic said that she assumed five feet was the standard aisle width. She would not object to four feet, but she did not think people should have to hug the line to get more space on one side. She had an Impala which was six feet wide, and when she opened her door, the total space used was ten feet. If someone opened the passenger door in an eight-foot handicap space without an aisle, the door would be into the space next to it. People could not get out of their doors if they used a walker, and it presented a safety issue. If someone used the last handicap space next to a regular space, he or she would not be able to open the door all the way to get out. She maintained that there had to be some type of aisle

next to the handicap space.

Chairperson Boswell referred to the current handicap space size, which was eight feet wide. He asked if there could be an eight-foot space with two-and-a-half aisles on each side. Mr. Breuckman said that would not be ADA compliant because an access aisle had to be at least five feet wide. He said that a normal parking space was ten feet wide. Cars tended to be centered in a space, leaving two feet on each side of a car, meaning there would be four feet between cars. When there was an eight-foot wide handicap space, even if a car was centered, some footage was lost because the space was narrower. He was suggesting making handicap accessible spaces ten feet wide. If a space was on the end, a car could be parked right to the line and there would be four feet inside the space, plus two feet from the space next to it.

Mr. Kaltsounis brought up van accessible spaces and mentioned an issue someone had at his church. Mr. Anzek advised that van assessable spaces were supposed to be next to an eight-foot wide maneuverability area. Mr. Breuckman said that he was just referring to standard accessible spaces not van accessible spaces. Van accessible spaces were supposed to be either eight feet wide, with an eight-foot wide access aisle or 11 feet wide, with a five-foot access aisle.

Ms. Brnabic referred to the pictures she had taken at an IHOP, and said they presented a good example of what she would like to see. She did not think that some of the pictures Mr. Breuckman showed looked like they had five-foot aisles. She talked about larger parking lots, and said that she did not think adding five-foot aisles next to handicap spaces would particularly cause a hardship. She thought it might be a little harder for businesses with smaller lots, and they would have to consider requests on an individual basis. She did not see how adding five feet for an aisle for four or five spaces would be too difficult. The chart from Mr. Breuckman showed that when the number of spaces required was higher and there was ample parking already, a business would only lose three spaces out of 400, for example. If it did cause a hardship, the Commission could deal with it.

Mr. Breuckman said that if there were 400 spaces under the new standards, 13 handicap spaces were required, so that would be 90 feet of additional space required. He said he was curious to hear from the other Commissioners.

Mr. Hetrick asked Ms. Brnabic if her concern was about the number of

spaces or the width. Ms. Brnabic said it was the width and having access on the passenger side. She was also concerned about the number of spaces, noting that Chairperson Boswell had dealt with the lack of spaces more. There were two issues, and she would like to see a few more spaces required, but the passenger side aisle was key for her.

Mr. Hetrick asked if the number of spaces could be consistent with ANSII, but made larger. He questioned whether that would produce a design handicap for a builder. Mr. Breuckman said that if the spaces were made wider, the total amount of space used in the parking lot would probably be fairly equal. Mr. Hetrick asked if it was possible if they could do what Ms. Brnabic was asking, which was to make the spaces bigger, and not necessarily create a design problem by being consistent with ANSII requirements. Mr. Breuckman agreed that could be done.

Mr. Reece said that the only issue he saw was that there were a lot of people with handicaps that were not necessarily wheelchair bound. There were heart condition patients and diabetics. Ms. Brnabic maintained that there were a lot with walkers and wheelchairs. Mr. Reece agreed, but said there were a growing number of people that were not in a wheelchair also. He was not sure if there could be a balance by not going all the way to one side, and he did not think they could sign spaces as wheelchair only. Mr. Anzek did not think they would want to. Ms. Brnabic stated that someone would not need a wheelchair for what she was requesting, noting that just getting out on the passenger side with a walker was difficult. Mr. Reece said he understood that, but he believed that there were a significant amount of people that used handicap stickers for various reasons beyond being in a wheelchair or using a walker. Unfortunately, people thought of someone handicapped and immediately envisioned a wheelchair user, but the numbers were growing significantly because of heart and other issues. If someone had surgery, they could get a temporary handicap sticker. He wanted to make sure they were not going so far in one direction that they ended up overbuilding those spots.

Mr. Breuckman proposed that a ten-foot wide handicap space would give people a lot of extra space. Mr. Reece said that he liked that idea. Mr. Breuckman said that if they did not have striped access on both sides they would still have a minimum of two feet of extra clearance for the door swing.

Ms. Brnabic asked if that meant ten feet with five feet on one side. Mr. Breuckman said that was correct; the five feet had to be there on at least one side of the space. He suggested that they could add that if there was

a barrier-free accessible space that did not abut to the access aisle, the space would have to be at least ten feet wide. Ms. Brnabic wondered if there was a way to have the access next to spaces closer to a front door. Mr. Breuckman had looked at the lot at IHOP and said it had three spaces without the access aisle on both sides. Ms. Brnabic agreed it was that way for spaces farther away from the door. She said she would like to see at least half the spaces with an access aisle on one side so people had an option. If someone did not have a walker, they could use the space that looked wider.

Mr. Yukon referred to Mr. Hetrick's comment regarding using the ANSI standard but widening the spaces. He thought they would be losing spaces by doing that. With the current ANSI requirements, there were fewer spots compared to Mr. Breuckman's proposal. He wondered if they should stay away from the ANSI requirement.

Mr. Breuckmen said it was true there was going to be a higher demand for accessible parking spaces, so there was something to be said for providing more in the City's parking lots. If they started to require additional spaces and required the five-foot access aisles on both sides, the impact would start to accrue. If they were just required to be wider, he did not think it would accomplish what they wanted to accomplish, and they had to make sure they had enough available.

Mr. Yukon noted that Mr. Hetrick had posed the question about staying with the ANSI requirement but making the spaces wider, and Mr. Breuckman had replied that it was doable. Mr. Breuckman said it was absolutely doable, and it would probably take up the same amount of land area because there would be fewer spaces but larger. However, they would not have increased the supply of accessible spaces, and that would be a disservice.

Mr. Breuckman asked if everyone was comfortable requiring the handicap spaces to be ten feet wide when both sides did not abut a striped access aisle. Chairperson Boswell thought it would work, and he was comfortable with it. Mr. Schroeder asked why they needed more spaces. It was his observation that there were spaces that were never used. Chairperson Boswell stated that he had not observed that. Mr. Reece said that health care providers were stating that the number of people getting sicker was increasing significantly. It was obesity, hip replacements, and things like that. Mr. Breuckman commented that his mom was 63 and she had foot surgery. Mr. Reece said they were just beginning to hit the curve which would keep going up. Mr. Kaltsounis

added that at his church, there were 18 handicap spots for 750 parking spots, and people were requesting more.

Mr. Anzek said that all projections were showing people aging and staying in their homes. There was a solid base of assisted living and independent care places where families came and took family members out for an occasion. He said there was an increase in demand for accessible spaces, and he felt it was good they were going to increase the supply. They did not want to create parking that would not be used. They could go slowly and monitor it, and they might have to tweak things as they went along.

Mr. Breuckman indicated that the rest of the amendments were fairly straight-forward. The only one he wanted to spend more time talking about was the B-5 district setback requirements. He referred to the drive-thru requirements where the redundancy was eliminated, and there was now one standard. There was an amendment to parking space requirements to allow employee spaces to be single-striped and double-striped for customers or high turnover spaces. There was an amendment to allow the Commission to approve alternate parking lot surfacing, such as non-asphalt surfacing. There were miscellaneous corrections in the manufactured housing district standards. He asked if anyone had comments about those sections.

Mr. Schroeder mentioned alternate parking lot surfacing, and said that it was fairly loose about drainage. Someone could dump all the drainage into a roadway or down a driveway. He suggested it should say that someone had to meet basic engineering standard for that, so it did not run down a driveway. Mr. Breuckman said it would be subject to the City's engineering standards. Mr. Yukon read that it said, "Review and approval by the Drain Commissioner." Mr. Schroeder advised that the Drain Commissioner only had control over County drains, not control over the roads or private or City drains, and he thought that should be restated.

Mr. Breuckman explained that the second paragraph referred to off-street parking areas, which meant all off-street parking areas, regardless of surfacing. It was his understanding that all off-street lots, regardless of which surfacing option was used, would have to meet the City Engineer's approval. He suggested that to clarify, it could say that all parking lots shall meet specifications approved by the City Engineer. Mr. Schroeder agreed that would be better.

Mr. Hooper noted that it said, "brick pavers or an equivalent material," and

he asked if it was pervious pavement they were now encountering. Mr. Breuckman said he did not have anything particular in mind. Mr. Hooper mentioned that his company was doing a project in Kentucky, and it was all parking block mats set down on a permeable base and there were no catch basins in the lot. It drained in between the bases and people parked there. Mr. Breuckman said that was why "or equivalent material" was added - to give the City more flexibility to be more responsive.

Mr. Anzek recalled that in Florida, where he worked previously, they would try to drive the water into the ground rather than chase it into a canal. In Michigan, they were trying to get more water infiltration rather than doing collection and distribution into the river system. They were trying to keep more onsite to go into the ground. The City was talking about changes to the detention basins to allow water infiltration instead of water storage and disposal. They would probably be seeing more impervious parking lots, especially in support of the park system, where there was less parking. He noted that almost all churches in Florida had grass parking lots. Mr. Schroeder suggested removing the reference to the Drain Commissioner.

Mr. Breuckman brought up B-5 district setbacks. He had proposed setbacks of 25, 0, 50 and 50 feet. There would be 25 for the front, 0 for one side yard setback with a total of 50, and a rear yard setback of 50 feet. The rear yard setback could be reduced to 10 feet when it abutted a non-residential district. That was the same as all the other commercial zoning districts. That would get back to the standards that were in place when a lot of the gas stations were first approved. The 50-foot total side yard setback was still quite a bit higher than 0, which was the total side yard setback requirement before 1977. They could allow the design option on the existing B-5 sites that would put the building closer to the street and the canopy further back. It would be more useful on some corner sites. Currently, on a corner site, there were almost always four curb cuts, two of which were very close to the corner. One of the benefits of moving the building forward was that they could close two of the curb cuts and move the primary curb cut back further from the intersection, allowing a nice circulation pattern on site.

Mr. Kaltsounis asked if that would be a takings situation, similar to the Sunoco at Crooks and South Boulevard. Mr. Anzek said that they were finding many gas stations more than willing to go to two driveways. He recalled a recent rebuild on Auburn in Brooklands, where there was a convenience store and gas station added, and they had eliminated two driveways. Mr. Schroeder advised that MDOT and the Road

Commission did not allow four any longer. Mr. Breuckman said the option could be allowed if a gas station abutted two non-residential parcels. They could do the same concept for existing B-5 sites. He asked if they wanted to require a 50-foot total side yard setback. It seemed a little high to him, but it was consistent with the other commercial zoning districts. It could go to 30 feet or 15 on each side, which would provide a little additional flexibility. He wondered if the City should even allow it as a redevelopment option for B-5 sites.

Chairperson Boswell did not think anyone was opposed to it. Mr. Schroeder thought that it was better for onsite traffic. Mr. Hooper's concern was residential property. Mr. Breuckmen said it would not be allowed if it was next to residential property. He noted the southwest corner of Hamlin and Rochester Road. Walgreen had a parking lot that was 60 feet wide with residential zoning to the west. A canopy would impact the neighborhood, so in that instance, they might want to have the setback at least 150 from the residential district. Mr. Kaltsounis asked if they should add standards for buffering. Mr. Anzek said that could be good vertically rather than width-wise. If they created a 25-foot buffer, they would still have large setbacks. The layout they proposed gave an opportunity for pedestrians to go to the convenience store, and it would serve as an incentive for people to redevelop those stations. They also might get additional pumps. Mr. Schroeder recommended taking out the example showing driveways close to an intersection.

Mr. Breuckman asked the Commissioners if they wanted to see the revised language before the Public Hearing was held, which they favored. Chairperson Boswell asked about the side yard setbacks. Mr. Hetrick said they were o.k. to him. He had reviewed the documents, and with the minimum yard setbacks suggested, he could only find three out of the entire list that would be non-conforming. Mr. Anzek added that they would have to exempt the canopy, but they were exempt now from front yard setbacks.

Discussed

ANY OTHER BUSINESS

Mr. Anzek informed the Planning Commission that he had asked Chairperson Boswell to come to City Hall to sign a letter on behalf of the Commissioners regarding a traffic enhancement grant for aesthetic improvements to the Avon and Livernois bridges. Mr. Schroeder asked if they needed an official motion agreeing to it, but Mr. Anzek did not feel it

was necessary. The letter talked about the Planning Commission's responsibility for aesthetics in the community and that they presided over the Master Thoroughfare Plan, among others. Mr. Dettloff asked how quickly they might get word. Mr. Anzek advised that it came from the Mayor's office, so he would keep them apprised.

Mr. Breuckman mentioned that he was on the committee for the Rochester Road Access Management Study, which included Royal Oak through Rochester and to the City's northern border. It was mostly complete, and Staff would be bringing someone in to do a presentation on the results in the next one to three months. Mr. Schroeder asked, and was told that LSL Planning, SEMCOG and MDOT did the study.

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for December 6, 2011.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Kaltsounis, Chairperson Boswell adjourned the Special Meeting at 9:30 p.m., Michigan time.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary