



Rochester Hills

Minutes

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Marvie Neubauer, Scott Struzik and Ben Weaver
Youth Representative: Siddh Sheth

Tuesday, November 15, 2022

5:30 PM

1000 Rochester Hills Drive

WORKSESSION

CALL TO ORDER

Chairperson Brnabic said "Good Evening" and welcomed attendees to the November 15th Planning Commission Work Session. She said that the discussion tonight will continue with the focus on reconfiguration and consolidation of certain zoning districts. She said that she'd like to welcome Jill and Joe from Giffels Webster who will be guiding the conversation tonight, along with Sara and Chris.

ROLL CALL

Present 7 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Scott Struzik and Ben Weaver
Excused 2 - Greg Hooper and Marvie Neubauer

Others Present:

Sara Roediger, Planning and Economic Development Director
Chris McLeod, Planning Manager
Pam Valentik, Economic Development Manager
Jennifer MacDonald, Recording Secretary
Siddh Sheth, Rochester Hills Government Youth Council Representative
Also in attendance from Giffels Webster were Jill Bahm and Joe Tangari, and student representative Siddh Sheth

Mt. Tangari arrived at 5:40 p.m. and Dr. Bowyer arrived at 6:20 p.m.

PUBLIC COMMENT

There was no public comment regarding non-agenda items.

DISCUSSION

[2022-0447](#) Zoning Ordinance Amendments - District Consolidation

Ms. Roediger stated that there will be discussion of all of the districts proposed

for consolidation and noted that staff have included a lot of related information in the packet for review.

Ms. Bahm explained that this discussion started with looking at the REC district, and that led into a review of other districts and uses and discussion of where certain uses belonged and made sense, while looking at the Master Plan for guidance. She said that other municipalities all over the country are collapsing their zoning districts, and noted that in compact areas it doesn't make sense to have different districts that have differing setbacks. She pointed out that several consolidations are being proposed, starting with the B-5 which was discussed at the last meeting. For some districts, new names are being proposed which are more accurate and descriptive to the uses that they allow. She said that the REC districts are proposed to be renamed to Employment Center to eliminate the confusion with REC meaning recreation, since the district allows for manufacturing, high tech jobs, and the like. A paper district that currently has no parcels allocated to it within the existing REC is proposed to be removed. The REC I district would become Highway Business which is really what that district is, and the ORT Office, Research & Technology district would be eliminated. There was discussion about consolidating the B-1 and O-1 districts, then there was discussion about moving the O-1 to B-1, but then it was decided that moving the B-1 to O-1 would be better given some of the comments from the Flex Business Overlay discussions.

Ms. Bahm presented a map showing the proposed districts to be removed. She noted the map is not parcel specific but instead shows areas of zoning. Ms. Roediger referred to the Table of Uses showing proposed revisions.

Chairperson Brnabic asked what is being accomplished with the consolidation of the B-1 and O-1, and whether it would allow for a higher building height. She said that about half of the properties in B-1 have the FB overlay, and some of those properties could put parcels together to allow for FB developments. She asked if staff was suggesting to add the FB overlay to the other B-1 properties, and she asked what the advantage would be.

Ms. Roediger responded no, that was not the intent. She explained that the B-1 is really going to move to B-2 because there are really so few properties shown in pink on the map that are in the B-1. She said that staff looked at one section of Auburn Rd. that has many different zoning districts and they all are not necessary. The B-5 is really just calling out the type of business that is already there.

Mr. Tangari explained that this would help to move away from pinpoint zoning, with such small parcels in the B-1 that are scattered and don't have a character of their own.

Ms. Bahm referred to the Table of Uses and noted that the revisions move some things around but then there will need to be some standards added in order to mitigate impacts, and some new definitions may need to be added as well. She noted there probably does not need to be a distinction between public and private stables, and animal uses will need some clarification. She said that attached dwelling units should be removed from the REC districts, and

commented that she is not sure why that use was included there. She discussed some other uses and said that various indoor recreation facilities are listed in several ways in the current use table and need to be consolidated and clarified. She said a definition for these facilities needs to be added, and then such facilities could be regulated by size, to avoid conflicts between these uses and others such as professional offices.

Ms. Roediger presented a map for the technology parks in the city. She said that much time has been spent discussing how to address the REC uses, and asked the commissioners to consider the issues with allowing uses such as pet related issues, dance studios and other similar uses in the tech parks. She noted that there are considerations such as parking and disruption to other businesses. She suggested not allowing new recreational uses to occupy interior areas of tech parks, and pointed out that existing recreational business would be grandfathered, but no new recreational businesses would be allowed in those areas. She noted the gray columns on the tables are the districts that are proposed to be removed.

Ms. Bahm suggested the commissioners review the use table, and if they see any uses they are concerned about to bring those up for discussion.

Chairperson Brnabic noted that there are now 24 recreational uses in the tech/industrial parks out of 244 units of available space and asked for confirmation that the businesses that are currently there would be grandfathered.

Ms. Roediger responded yes and said the approach is to preserve the established tech parks but allow the recreational uses along main roads, which would allow for some options while not reducing the integrity of uses within the interior of the tech parks.

Chairperson Brnabic said the concern is price per square foot and asked if they wanted to renew their lease could they still do that?

Ms. Roediger replied that they could.

Mr. Tangari noted the existing recreational uses would become legal nonconforming uses.

Ms. Roediger said that the idea is to be preemptive to market shifts in supply and demand and the high demand for industrial space in the city.

Mr. Struzik said that he likes the idea of consolidating districts and getting rid of spot zoning. He said that it will lead to better outcomes, and it will allow for more flexibility for the businesses who are already occupying those properties.

Ms. Roediger said that it was discussed before to move all of the B-5 properties to B-3; however in some instances this doesn't make sense because the B-3 properties would be surrounded by B-2 properties, such as at Tienken and Rochester. It would make more sense to match the surrounding zoning and not be left with more spot zoning.

Chairperson Brnabic asked for a comparison of uses allowed in B-1 versus B-2.

Ms. Roediger referred to the uses listed in the table. She said the main change is really the drive-throughs as conditional uses. She said she thought it was interesting that at Rochester and Tienken the shopping centers are B-2 but one is B-3, and it would make sense to change the B-3 one to B-2. She explained that the zoning districts evolved over time for many different reasons. She said the B-3 is intended more for large shopping centers such as Target and Winchester.

Ms. Denstaedt said that at Rochester and Tienken, when looking at the makeup of the strip centers, they are about the same.

Ms. Roediger noted that at Crooks and M-59, those are more highway-type businesses. She said that with getting rid of the ORT, those properties would go to either Office or Employment Center zoning. She explained that there are some consent judgments, including on Adams Rd. and Marketplace and the Suburban Softball property where the zoning should change to reflect what is already there and what is likely to be constructed. She said that there is a right-of-way parcel near Adams/Marketplace that received its own parcel number, and that is another thing that needs to be cleaned up. She referred to the Kostal property, and said there is a consent judgment there to allow them to occupy in the future. She said that making these changes will result in a more accurate zoning map for the future. She said that this would also include getting rid of the SP Special Purpose districts, and explained that these properties are all institutional, and 80% of them are senior living facilities. She said that the senior living could revert to residential districts which allow such development anyway, and the district could be called Campus Planning. She showed the SP properties on the map. She concluded that staff would write these items as ordinance amendments and plan to take them to the joint City Council and Planning Commission meeting in January.

Mr. Struzik said that this way if more senior living was not needed in the city in the future, then properties could revert back to residential use.

Ms. Bahm cautioned that the senior living facilities are essentially a multi-family use, and she said to zone them as single family residential may cause property owners issues with financing in the future. She also said that next year updating the Master Plan will be discussed.

Ms. Roediger asked if the commissioners have any more topics for discussion. She noted that the transit millage passed, and suggested there could be some land use implications with that. She noted that city staff has reviewed three applications for EV charging stations as administrative site plan reviews, and said that staff is working right now to write a clear set of standards for such uses. She said that an important question is whether the city should require underground work on sites in preparation for future charging stations.

Mr. Tangari suggested that it would be better to require it, as opposed to for instance a multi-family development needing to break up their asphalt to install

wiring for charging stations in the future when residents are living there. He said that the most important place to charge an electric vehicle will be where people live, and it will be a real issue in the future if you can't do it at home.

Mr. Dettloff said that makes sense, and he said that the need for more charging stations will come quickly.

Mr. McLeod said that it would be much cheaper for the installation to be done before a parking lot is completed than after, and people may not be able to afford to break up asphalt later for the installation when it will be more of a necessity.

Ms. Roediger said that staff is currently discussing this now in reference to the Legacy apartments, because they want to put charging stations in the underground parking; however, the Fire Department is very concerned if a fire were to start within the foundation of the structure. She said that the Fire Department is also concerned about businesses like car dealerships having charging stations inside.

Mr. Tangari said that for inside installations they can be added onto a wall without breaking up the concrete. He said that the frequent fires that have happened were because of lithium ion batteries and this will be less of an issue in the future as there is a move to use solid state batteries.

Mr. Struzik noted there can also be fires with regular vehicles due to gas leaks.

Ms. Roediger asked the commissioners' availability for the annual joint meeting with City Council in January, and asked if they would be available either Monday, January 30 or Tuesday, January 31. She said that she will also poll Council on their availability. She said that discussion will include the proposed district consolidations, EV charging stations, and some other issues that need to be addressed such as modular buildings, drive-through uses with no interior space, and food trucks. She said that there was an issue with a taco truck parked in a lot next to Taco Bell for a long time.

Mr. Dettloff asked if city approval is required for all food trucks currently.

Ms. Roediger said that she is not sure what the Building Department is requiring for food truck permits now, and she said that we do want to require permits for carnivals or other extended uses. With regard to the Biggby proposal, she said that it is difficult to have a minimum building size but it could be discussed to regulate the quality of the architecture or the drive through only use.

Dr. Bowyer said that it should be required for a restaurant to have dining inside the building. She said that residents do not want the city littered with little buildings.

Ms. Roediger said that it appears to be a trend in the fast food industry to have no inside seating and the city would get a lot of pushback on that.

Ms. Bahm suggested that complaints about little buildings should be specific as

to what the concerns are, for instance traffic and whether they are making properties walkable.

Mr. Weaver suggested that it makes sense to have EV charging where people live and park.

Mr. Dettloff asked whether the consolidation of zoning districts is a trend in surrounding communities.

Ms. Bahm replied that it is.

Mr. Tangari explained there is a trend toward being more flexible with uses permitted, and then having form based design requirements.

Ms. Bahm said that concerns such as traffic, noise, odor etc. can be anticipated and addressed.

Ms. Roediger said that the Performance Standards section of the ordinance was just updated, and that new sign standards including temporary signs would be going to Council. She said that per a discussion with John Staran off-premises signs will be classified as prohibited.

Mr. Tangari said that is due to a recent Supreme Court decisions which clarified the issue.

Ms. Roediger said staff has also had some recent discussions about uses in districts with regard to change of occupancy applications for some uses.

Mr. McLeod said that sometimes these uses can actually be different than what they put on the application, and then it becomes an enforcement issue.

Ms. Roediger suggested that these uses could be addressed proactively, and there could be conditional use approval with regard to hours of operation, for example. She asked the commissioners if they would consider requiring conditional use approval for a business to be open after midnight.

Mr. McLeod suggested that it would be tied to the noise ordinance at 11:00 p.m.

Ms. Roediger said that there would be no worksession in December.

Discussed

ADJOURNMENT

The worksession ended at 6:40 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*