



# Rochester Hills

## Minutes

### Planning Commission

1000 Rochester Hills Dr  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*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*

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Tuesday, December 13, 2022

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*Chairperson Brnabic called the December 13, 2022 Planning Commission meeting to order at 7:00 p.m., Michigan Time.*

## ROLL CALL

**Present** 9 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Marvie Neubauer, Scott Struzik and Ben Weaver

## Others Present:

*Sara Roediger, Director of Planning and Economic Dev.*  
*Chris McLeod, Planning Manager*  
*Bill Fritz, Public Services Director*  
*Paul Shumejko, Transportation Engineering Manager*  
*Keith Depp, Project Engineer*  
*Jennifer MacDonald, Recording Secretary*

*Chairperson Brnabic welcomed attendees to the December 13, 2022 Planning Commission meeting. She noted that if anyone would like to speak on an agenda item tonight or during Public Comment for non-agenda items to fill out a comment card, and hand that card to Ms. MacDonald. Members of public may also comment on an item by sending an email to [planning@rochesterhills.org](mailto:planning@rochesterhills.org) prior to the discussion of that item. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.*

## APPROVAL OF MINUTES

[2022-0576](#) November 15, 2022 Worksession Minutes

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

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

[2022-0577](#) November 15, 2022 Regular Meeting Minutes

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

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

## COMMUNICATIONS

*Chairperson Brnabic noted that Commissioners received the Road Commission for Oakland County's Fourth Quarter Newsletter.*

## PUBLIC COMMENT

*There was no public comment regarding non-agenda items.*

## UNFINISHED BUSINESS

### 2022-0424

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2022-0007 - to allow alcoholic beverage sales for on-premises consumption for Modern Craft Winery to take place within A/R Workshop, 882 S. Rochester Rd., zoned B-2 General Business District with an FB Flexible Business Overlay, Parcel No. 15-15-476-026, Thomas Nixon, Modern Craft Winery LLC, Applicant

*Chairperson Brnabic introduced the item for the conditional use request to allow alcoholic beverage sales for on-premises consumption for Modern Craft Winery to take place within A/R Workshop, 882 S. Rochester Rd., zoned B-2 General Business District with an FB Flexible Business Overlay, Parcel No. 15-15-476-026. She explained that the applicant, Thomas Dixon with Modern Craft Winery, is not in attendance tonight.*

*Mr. McLeod explained that at the November meeting the applicant was unable to attend. He said that the applicant said that they are having issues with their license transfer with the Liquor Control Commission and they have requested additional time for this request. He said that since the applicant's timeframe is unknown he suggests that the Commission postpone this request indefinitely.*

*Mr. Dettloff asked if the particular issue is known.*

*Mr. McLeod responded that it appears that the State is questioning the application due to the number of licenses that have been issued to that particular winery.*

*Chairperson Brnabic noted that the formal public hearing for this request was held at the November 15 meeting, and said there have been no speakers cards received tonight and asked if anyone would like to speak on this item. Hearing no one she said she would look for a motion to recommend postponement.*

*Ms. Neubauer moved the motion in the packet to postpone indefinitely the Conditional Use request, which was seconded by Mr. Struzik.*

*After the voice vote, Chairperson Brnabic announced that the motion passed unanimously.*

**A motion was made by Neubauer, seconded by Struzik, that this matter be Postponed. The motion carried by the following vote:**

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

## **NEW BUSINESS**

### **2022-0573**

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2021-0015 - to operate a drive-through as accessory to a permitted use for the proposed redevelopment of vacant residential structures and Alex's restaurant as a Chick Fil-A restaurant with an accessory drive through along with a proposed second phase of development for a separate retail building on the northern portion of the site, 3178 and 3200 S. Rochester Rd., located on the west side of Rochester Rd., north of Hickory Lawn Rd., zoned B-2 General Business with an FB Flex Business Overlay and R-3 One Family Residential, Parcels 15-34-227-017, 15-34-227-039 and 15-34-227-040, Brandon Schram, Rochester Hills Retail Management II LLC, Applicant

*Chairperson Brnabic introduced the request to operate a drive-through as accessory to a permitted use for the proposed redevelopment of vacant residential structures and Alex's restaurant as a Chick Fil-A restaurant with an accessory drive through along with a proposed second phase of development for a separate retail building on the northern portion of the site, 3178 and 3200 S. Rochester Rd., located on the west side of Rochester Rd., north of Hickory Lawn Rd., zoned B-2 General Business with an FB Flex Business Overlay and R-3 One Family Residential, Parcels 15-34-227-017, 15-34-227-039 and 15-34-227-040. She asked the applicants to come to the front table.*

*Present for the applicant were John Gaber, attorney for Alrig USA, Justin Lurk with Chick Fil-A, Jacob Swanson with Fleis & Vandenbrink, Mitch Harvey with Stonefield Engineering, and Jordan Chapman with Alrig USA.*

*Chairperson Brnabic explained that the applicant failed to install the conditional use sign required by the ordinance fifteen (15) days prior to the public hearing. She noted that this is the Commission's first review for this proposed development, and since the applicant did not meet the sign requirements the Commission will not be taking any action tonight other than a postponement. She said that she will hold the advertised public hearing to allow residents the opportunity to comment, express their concerns, and ask questions. She said that the Chick Fil-A requests can be rescheduled to the January 17th meeting unless the applicant chooses a later date. She said that another advertised public hearing will also take place. She noted that the agenda and packet materials are available on the website the Wednesday evening the week prior to any scheduled meeting.*

*Chairperson Brnabic explained the city's review process in that an applicant submits a proposed site plan to the City's Planning and Economic Development Department for review. A technical review takes place from professional City*

staff from departments such as Engineering, Building, Fire, Parks and Natural Resources, and Assessing. She said that the Michigan Department of Transportation (MDOT) and Road Commission for Oakland County (RCOC) review applications from a traffic standpoint. She said that each department makes comments and requests for modifications on the plans and a recommendation for approval or denial before the plan moves forward to the Planning Commission. The Planning Commission receives the packet and thoroughly reviews each plan before the meeting. The applicant presents the request in person at the scheduled meeting, and the Planning Commission has an opportunity to comment, ask questions, express concerns, and request modifications. She noted that staff and Planning Commission reviews are performed according to the ordinance guidelines. She said that the Planning Commission serves as a check and balance. She said that there are a variety of actions that can be taken by the Planning Commission - plans can be approved as presented, they can be approved with additional conditions, the request can be postponed or tabled until changes or concerns are addressed by the applicant, or a plan can be totally denied. In the case of a conditional use it moves on to City Council for final approval or denial.

Mr. McLeod stated that in addition to the conditional use recommendation request for the Chick Fil-A drive through, the applicant is also requesting site plan and tree removal permit approval. He presented a PowerPoint to show the current site conditions and noted that the site currently includes Alex's restaurant, a vacant residence and a single family residence behind Alex's along Hickory Lawn. He noted that all drive through facilities in the city require conditional use approval. He stated they are requesting to remove 17 trees from the site and replant them accordingly in addition to the other required landscaping. He presented the zoning map for the area and reviewed adjoining properties. He pointed out that the residence behind is zoned residential and it will only be utilized for landscaping so it does not require rezoning. He said that based on the site plan, the request is to develop the property in two phases. The northern building would have two tenant spaces for approximately 5,000 sq. ft. and would be the second phase of site development, after the Chick Fil-A had diminished in intensity in theory, leaving 89 parking spaces overall and 34 stacking spaces. He showed renderings of the proposed Chick Fil-A building and elevations for the proposed northern retail building.

Mr. McLeod stated that obviously one of the main considerations is for stacking and he presented the Phase 1 vehicle stacking plan allowing for 137 cars stacked, noting that the red line on the plan shows the primary stacking and the blue line is for overflow. He said that it is important to note that in terms of traffic flow patterns, the maneuvering lanes are mostly one-way directional, and noted that is true even with the future version of the site. Mr. McLeod said the City's Ordinance requires 16 ft. stacking spaces; however the traffic report says 25 ft. are required which brings down the number of stacking spaces that can be accommodated. He showed the phase two plan intended for after the initial number of vehicles had reduced and settled down, and at that time there would be 52 stacking spaces.

Mr. McLeod said that as Chairperson Brnabic noted, this request has gone through a number of administrative reviews, using both in-house traffic reviews

and consultants Hubbell, Roth & Clark (HRC). The traffic study submitted addressed impacts to the existing road network as well as a queuing analysis for the site. He stated that at this point the site plan does not have approval from the City Traffic Engineering review, Fire department, or from Planning staff. He presented a slide addressing the traffic and noted the shorter throat length at the site entrance, as opposed to Lowe's across the street which has a lot longer throat length meaning that a driver entering has a lot more time to make a decision what to do. He said staff is concerned also regarding the overall traffic pattern onsite, with multiple one way drives. He said it would be common to have restaurant staff out there to direct traffic. He said reviewers have raised questions in terms of people stacking while exiting the site and how this may conflict with people entering, and only so many people can turn left out of the site at a particular time since it is a signalized intersection. He reviewed the conditional use standards and asked the Commissioners to consider how the use fits into the character of the area and how will it be serviced by infrastructure, among other items. He said there are engineers from City staff and consultants here to answer questions.

Chairperson Brnabic asked the applicants to introduce themselves for the record.

Mr. Gaber thanked Mr. McLeod and stated that he thinks that they can satisfy the concerns that were raised regarding the conditional use criteria and will work with the City to be able to do so. He apologized for the sign not being installed in time. He stated that he appreciates the opportunity to present tonight without the Commission having to take any action, which will ensure that the Planning Commission and the public is well versed in the facts. He explained that they have been working on this for a year and a half, and there have been quite a few reviews. He noted that in addition they have held two neighborhood meetings, one in May 2021 and the second one a few weeks ago. He said that people say those meetings are just for show, but that is not true. He said after the first meeting they decided to purchase the residential parcel strictly for the purpose of providing landscape buffering for the neighbors. He said they do want to listen to the neighbors and hear their concerns. He said their job is to show they have mitigated potential adverse impacts on adjoining properties and that will go a long way.

Chairperson Brnabic asked specifically what Mr. Gaber feels they have addressed since they met with the neighbors. She said that often be certain things can be ironed out by the time the developers get to the Planning Commission. She asked if there was anything that was addressed in a different way since they held the neighborhood meetings.

Mr. Gaber stated that he would defer to Mr. Chapman since he put together answers to questions that were raised at the meetings.

Chairperson Brnabic said that she has never previously attended a neighborhood meeting, but being that it was held at City Hall and there have been such concerns expressed, a number of Planning Commission members attended; and she commented that she was really disappointed in the presentation. She said that she didn't expect a full presentation; however there

was a one sheet site plan and no details, no enlarged view, or no color rendering presented to allow residents to see what the building would look like and what the parking would look like. She said that she was disappointed that the applicants showed up to do a neighborhood meeting and there wasn't much information provided. She noted that residents were not fully aware of the process, and many residents thought the request was ready for City Council. She said that the representative that came to the meeting didn't even explain to the residents that the next move was to go to the Planning Commission first for a recommendation on the conditional use which would then go on to City Council. She said that she was disappointed in what occurred there because more could have been provided to allow for a better understanding for the residents.

Mr. Gaber asked for the opportunity to go through the full presentation now and apologized for the misconception, and said that afterward they can go through neighborhood concerns specifically.

Mr. Lark said that Chick Fil-A is a family owned, privately held company and all locations are individually owned by local operators. He said that they are closed on Sundays and they have over 2,600 locations in 48 states, Canada and Puerto Rico. He mentioned that the local owner is here today also. He explained that they have a great team member experience providing flexibility and competitive wages and scholarships. He said they are big on giving back to the community and make a \$25,000 donation to a local food bank every time they open up a new location. He reviewed recognitions that Chick Fil-A has received and said locations will be opening on the east side of the state, and then in Allen Park, Twelve Oaks in Novi, Northville, Shelby, Woodhaven, Southfield, Monroe, Livonia, Flint, Taylor and Roseville. He commented that Mr. McLeod did a great job of going over the specifics.

Mr. Harvey said there are a few items he wants to hit on to bring to the Commissioners' attention. He said that today the site has Alex's restaurant and a vacant property with an abandoned building and cracking concrete at the entrance driveway which is gated and chained. He said that currently there are driveways on the southern parcel to Rochester Rd. and also to Hickory Lawn to the south. He noted that the development is divided into two phases. Access to the site is through the existing signalized intersection on Rochester Rd. and the remaining existing driveways would be removed. He said that they designed both buildings with pedestrian sidewalks connecting from the buildings to the sidewalks along Rochester Rd. and the site will be adequately parked with 89 parking spaces. Architecturally the Chick Fil-A building is designed with white and brown brick material with metal coping. He said the retail building to the north is designed in a similar fashion. He said that the Phase I stacking plan provides 1,636 linear feet of total stacking so there will be no adverse impacts. He said the plans show in blue where the site will accommodate vehicles over that with 570 additional linear feet of stacking. He said that after the initial surge goes down to a normal level there will be minimal impact on site circulation. He said the exit stacking of 269 linear feet is shown in purple.

Mr. Harvey stated that with the landscaping plan they wanted to go above and beyond what is required and have presented a comprehensive plan with year-round curb appeal. He said the plantings will provide headlight screening

along Rochester Rd., with evergreens mixed with ornamental trees and a flowering landscape island. He said moving across the site to the west, there will be a screening landscape buffer on the additional parcel to the west and a 6 ft. wall, which will provide multiple layers of buffering for the adjoining properties. He said the tree demolition plan shows what exists today for landscaping and then showed the proposed landscaping plan and said proposed evergreen trees will all be 10-12 ft. high at the time of planting. He pointed out that there will be no access to Hickory Lawn where they are providing deciduous trees for additional screening for the site. He said the plantings will also provide noise buffering to the residents. He said that it will be difficult to see the wall from the west because there will be so many plantings. He presented a proposed rendering of the development looking from the corner of Rochester Rd. and Hickory Lawn.

Mr. Lurk presented examples of other Chick Fil-A locations adjacent to residential properties. He said the 6 ft. solid block wall with additional landscaping will address noise and light spillage. He said their location in Kalamazoo, Michigan opened in 2021 and he looked at the closest residence to the building structure to drive through which is 75 ft. For comparison purposes the closest resident on Hickory Lawn would be about 100 ft. He said that Kalamazoo location has 530 ft. capacity in the drive through and a 330 ft. capacity in parking lot for 860 ft. total capacity for drive through usage (43 cars - 20 ft. long). He said that they want to be extra safe with regard to grand opening traffic, and that's why the plans are for the Phase 1 and Phase 2 of the development. He presented other locations and noted their capacities based on a 20 ft. long stacking space, including Grand Rapids, Michigan where the closest residence to the drive through is 360 ft. away; St. Louis where the closest residence is 95 ft. away with 800 linear ft. total capacity; Deerfield, Illinois with the closest residence at 125 ft. and 840 linear ft. total capacity; Indianapolis where the closest residence is 145 ft.; and Cincinnati, Ohio where the closest residence is 85 ft. and 1,220 linear ft. total capacity.

Mr. Lurk introduced Jacob Swanson of Fleis & Vandenbrink, their traffic engineer who said that they evaluated the existing roadway network and site generated traffic impact signal timing permits, collecting existing volumes along study intersections. Mr. Lurk said they conducted an in-depth analysis of four peak periods, including background traffic and including the Bebb Oaks development. He said the study takes into account the background growth rate from year to year. He said normally they used ITE standards; due to the unique characteristics of the site, the specific data for this site was collected at other Chick Fil-A sites to accurately represent the trip generation for the site. He said they looked at new trips coming from home as well as pass-by trips where the driver is already on the roadway network; people may just stop to pick up some food and they are not added to the roadway network. He said the industry standard for trip pass-by is 55% however the City and MDOT asked to use a conservative 10% pass-by trips for opening day. He said that as time goes on and more stores open in Michigan it will be less of a novelty and there should be more traditional pass-by trips. He said they collected data at similar sites in Michigan and assessed the percent impact of the site on study intersections. He said for offsite intersections there is a negligible impact and they have presented several recommendations for traffic flow. He said they are

suggesting a flashing yellow arrow to allow for additional capacity left turns into the site and also into Lowe's. In addition they are in discussions with MDOT and RCOC in order to optimize the Rochester Rd. corridor. The primary issue is at Rochester and Auburn Rd., where there are high volumes which creates issues. The optimization will create a better flow of traffic on Rochester to alleviate problems that will impact their site and mitigate impacts to the corridor. He said they conducted a comparison of background traffic and then compared it with the mitigation measures which would decrease the intersection delay.

Mr. Lurk said that based on their observations at the Novi location they evaluated existing operations and collected data regarding maximum and average queue lengths. He said with the unique operations of Chick Fil-A, the service they provide by having people to come out to take orders is increased for the site by expediting the process. They take an average of 36 seconds per vehicle and their employees are very proactive in directing traffic, it was a very organized and orderly process.

Mr. Lurk pointed out that when they first made the application in 2021, part of that application was a traffic queuing analysis at three locations. Based on that recommendation they should design sites with 30-32 cars capacity in the drive through and the ability to accommodate another nine cars parked otherwise, for 41 maximum vehicles. He said they also heard at the HOA meeting that the location is not part of a greater shopping center, it is a standalone location. He said they have many Michigan standalone locations that are more applicable to what is presented today, including Grand Rapids South, Novi at Twelve Oaks, and Kalamazoo. He said that the Battle Creek location is busy and has 720 ft. capacity between both lanes, accommodating 36 cars total. Traverse City is another example, and he noted that it opened March 2022 with 1470 linear ft. capacity drive through, allowing for 74 cars. He said there has not been spilling out of the drive through there. At Monroe, Michigan which was recently opened there is capacity for 46 cars with no ability to spill out into another parking lot. He said that location has two drive through lanes all around, and at their opening weekend they did a fantastic job and kept cars from spilling out onto the road. He said that after the opening weekend they are doing awesome, and cars are staying in the drive through lanes and barely even spilling out into main parking lot. He said what they are noting their Grand Rapids market is that they are seeing that as they add more stores in a particular market the novelty wears off. He said their Flint location is coming online soon, and it will be a standalone market on Miller Rd. with a 64-car capacity. He said their location in Walker, Michigan will open in Spring 2023 with 63 cars total capacity. He said a location in Taylor, Michigan will have 55 cars total capacity.

Mr. Lurk then presented the proposed site plan for Rochester Hills with a maximum of 110 cars total capacity. He commented that there is a lot of data, but it was important to go through it. He said Chick Fil-A's traffic control techniques help ensure that grand openings are successful. He said they would be using multiple menu boards and order points to increase the number of vehicles that can be served at once. He said they would be increasing kitchen staff during peak hours to boost food preparation speed, and using multiple drive through lanes to increase the number of vehicles that can be accommodated on the site. He said there would be team members with



*handheld devices who are placed in drive through lanes to take orders. They would utilize directional signage and traffic expert team members or off duty police officers to manage the grand opening. They also have grand opening teams that travel across the country and go there a few weeks prior to support staff and also after the opening.*

*Mr. Chapman said they assembled a list of questions from the neighborhood meeting and he noted that most of them have been addressed but he is happy to run through them.*

*Chairperson Brnabic said that she was curious about what came from that meeting.*

*Mr. Chapman said that this data is based on the concerns they heard at that meeting. He said the questions included consideration of a right out only turn, which he said they considered but with the signal optimized and supported by the traffic study it is not needed. Other questions included who has reviewed this at the City, and how long it will take traffic to become consistent after the grand opening. He said that it has been explained that this has been reviewed by the city, by HRC, and by MDOT. He said it could take days or weeks for the traffic to become consistent, it all depends on the market of the site. He said other questions/concerns included whether the buffer meets the ordinance requirements; and added that there were concerns about noise and emissions and why Chick Fil-A is not being proposed for a large retail outlot. Mr. Chapman said that the landscaping complies with all City requirements; he said there is no other retail site in the city meeting Chick Fil-A's criteria; exhaust and lights will be buffered from residential homes with the proposed wall and landscaping; and they will hire police to oversee traffic during the opening.*

*Mr. Lurk said that hiring police would help to prevent traffic issues.*

*Mr. Chapman said that in the event of an emergency, staff can assist getting a vehicle out of the drive through lane. He said that another neighborhood comment was about whether the traffic study considered the four story apartment building which was approved to the north, and he said that it was referenced in the study. He said that a noise study was not done for this location; however they believe the wall and landscape buffer will help. Regarding a left turn only exit, he noted that it will not be needed with optimizing the signal. There was a question about how the development would affect surrounding property values, and he said that the properties are zoned for such a development and values would be similar if the property were to be developed otherwise under the current zoning. There was a question about if the drive through can be removed from the plans, and he responded that is an essential part of the operation. There was a question if it was considered to make Hickory Lawn a dead end so that people couldn't enter from Rochester Rd., and he responded that is a City road and they would cooperate with whatever the City would do about that. He explained that the purpose of the public hearing is to introduce this project to the Commission and to the City of Rochester Hills. There was a question asking why the applicant has not considered Adams Rd. and M-59 for the proposal. Mr. Chapman responded that it was considered but the location could not meet their criteria. He said there could be face to face*

ordering from an associate outside of the building, and explained that is determined by each owner operator how to run their business. There was a question about why MDOT has not approved this yet. He said that MDOT will not approve the plans until the site plan and Traffic Impact Study are approved by the City and Hubbell, Roth & Clark (HRC). There was a question as to whether the applicant would be willing to have the conditional use approval revoked if vehicles spill out from the site. He said that is not something that they would likely consider. There was a question about if the school bus route was part of the traffic study. He said there are no bus stops on Rochester Rd. near the development. There was a question about if it will be harder for residents to access Hickory Lawn, and he said they are not making any changes to Hickory Lawn.

Mr. Gaber said that he would bring the discussion back to the legal side. He said that as part of the conditional land use criteria, an applicant must show that the proposed development will not cause impacts to adjacent properties and the area. He said the proposed development is very compatible with the Rochester Rd. corridor which has similar uses, and the property is zoned and planned for this type of use. With regard to the neighborhood to the west, it is a commercial use and they have tried to mitigate that by purchasing the adjacent property to deal with the noise and the lights. With respect to Rochester Rd., he noted that there is a traffic signal to allow for safer accessing this site, more than some others on Rochester Rd. He said the traffic light improvements that Mr. Swanson reviewed earlier will help.

Chairperson Brnabic opened public hearing at 8:29 pm and noted that the Planning Commission has received numerous emails from residents concerned with this development. She said that some of the concerns expressed include increased traffic volume on Rochester Rd., the location, overflow onto Rochester Rd. from the site, the proximity of the residential homes on Hickory Lawn and restaurant patrons cutting through that area, and environmental impacts such as pollution, noise, pedestrian safety and safety in general.

Richard Moher, 3212 Hickory Lawn Rd. said that he is concerned this is the largest and highest volume drive through on a principal arterial roadway, and there are no improvements to Rochester Rd. planned as part of the City's Master Plan. He said the City needs to exercise caution and there are already traffic issues today. He said the environment will be overloaded with noise, lighting and pollution. He said that this location will not be set back as far as the other locations reviewed. He said the site today is a low volume family restaurant, it is safe, not congested and easy to walk to. Ten to 15 cars enter this location per hour on a normal day and there are no issues with noise, lighting or pollution. With the current proposal, the environment will be overloaded including noise from radios and cars idling.

Namron Cesarz, 3150 Hickory Lawn said that it is time to hear the common sense presentations which tells you that location is not suitable or acceptable for such a large drive through. When Alrig met with the neighbors they presented a plan that could accommodate 77 cars and the concerns expressed at that time referred to the number of cars idling, noise, and emissions. They understand

*the property needs to be developed and asked if there are considerations for anything else. Now they are proposing to accommodate almost twice as many cars and they threw in the Phase 2. For anyone not present at the last homeowners meeting, there was no guarantee that Phase 2 would ever happen and when there would no longer be 137 cars idling right on the other side of a neighborhood. She is asking Commissioners to rely on their own common sense that they would not want this at the end of their street.*

*Keith McLaughlin, 3211 Hickory Lawn said that he lives about 100 yards from the proposed site. He said that he did not go to the first homeowners meeting. He said it is an issue with exhaust pollution and what really sparked him and he needs to see Oakland County Road Commission what the Fire Department has to say about this. He said it is not a matter about if there is a fire, there could be a disaster and asked how the Fire Department would get to it. He said he would rather have a marijuana sales shop in this location instead of the proposed drive through. He said that he doesn't want to be there with the noise, traffic, and exhaust fumes. He suggested shrubs would not be sufficient to address these issues. He said that Mr. McLeod did a great job with his presentation but the applicants' presentation was overloaded with nonsense residents don't care about.*

*Gary Bida, 2162 Cumberland Rd. said that he hopes the City will deny this project due to noise and pollution. He said that MDOT has not approved this and he can't see them allowing a left turn light which would slow traffic going north and south. He said that would cause backups even more, to South Blvd. and possibly all the way to Hamlin Rd.*

*William Freeman, 273 Shadywood said the great residents of Rochester Hills need to stand up to ask to deny the permit for the conditional use. He said no traffic study was done on the effects on Hickory Grove. He said that both Hickory Lawn and Shadywood are cut throughs. He said with increased traffic they are not going to be paying attention to come through our roads, and if one dog is run over or one kid hit, the Planning Commission will not want that on them. He said that they have coyotes and rabbits and asked to not let them ruin the residential neighborhood. He said there are already 31 eateries in the area, and asked if the city really needs one more with a drive through this big. He said the residents are telling the City to please deny this application.*

*John Panzica, 144 Shadywood Rd. said the Commission needs to weigh objectively the concerns of the citizens tonight and the common good. He said that unfortunately this proposal is extremely close to a residential neighborhood which will affect their quality of life and the ease of access to their own homes. He said that home values will be affected and no resident of Rochester Hills should have to endure such hardships. He said they are relying on the Planning Commission and City Council to protect residents from this injustice. He said that he is painfully aware of Rochester Rd. traffic and it would be an even bigger mess than it is now. He said the voices of all of the citizens that are not here and unaware, they would oppose this proposal. He said the evidence supports the rejection of this proposal.*

*Chairperson Brnabic clarified this is the Planning Commission meeting tonight.*

Jack Zagrodzki, 3198 Glengrove Dr. said that his wife has been a resident of Rochester Hills for 18 years, and they raised two boys in the city. He said he has a passion for community and he likes to say it takes a village. He said that change brings uncertainty and emotions. He feels change up to this moment has been positive. He said the benefits of a local owner operator is that they will have the interests of the city at heart, that person will care about the city and the neighbors. He said that he would like to address some Facebook posts from neighbors. He said that Chick Fil-A offers leadership programs at the local schools. He said that Chick Fil-A has been a leader in helping communities after natural disasters. He said they did so in Oxford a little over a year ago, and they are there to feed people at the schools. He said please remember that Chick Fil-A cares and would make an excellent community partner.

Mathew Karakas, 3300 Hickory Lawn Rd. said that his front door is 120 ft. from the proposed land use. He said the health effects from this development will be felt all the way to the senior home 1,200 ft. away. He said the American Lung Association, EPA, WHO and many other agencies all agree that exhaust fumes from idling vehicles can cause lung cancer, which is injurious by anyone's definition. He said that at the Shelby Twp. location the fried food odor was discernible from 350 ft. west. He said if you can smell the odor from that distance then the exhaust pollutants will travel that far also. He asked what is the acceptable limit of carcinogenic pollutants at their property line and asked why is this not even considered by the Planning Commission, and the limit should be zero. He said from the Ordinance Performance Standards there cannot be injurious, noxious or objectionable gases to a person or property is prohibited. Those gases cannot be buffered or reduced. He said that all mega drive throughs adjacent to a residential neighborhood should be immediately denied based on this. He said the duly elected officials present need to listen to the residents present.

Melanie Martin, 3300 Hickory Lawn Rd. said zoning decisions profoundly affect the community, and she is here to share in the opposition. She said the proposal violates #4 of the conditional use criteria, and said the carbon emissions will have negative effects on their health. She said that 100 vehicles idling for 16 hrs. a day, and asked if anyone has checked the national ambient air quality standards. She asked if there is there an air quality assessment that is part of this process. She said it would lead to increased school absences and hospital visits, as children are more susceptible. She said the buffer of a wall and a splash of green will do nothing, and there will be emissions and sound pollution. She asked if there are plans to require an environmental noise assessment. She said they will suffer from unwanted stress and ill health effects. She said this is not an appropriate site for this restaurant, too close to residences, it is in violation of the conditional use criteria, and the City needs to protect residents by denying the conditional use and the tree removal permit.

Eileen Arseneau, 3284 Hickory Lawn Rd. said that she bought her home in 1984, and she moved to the city because the City cares about green space and

because of the school district. She said that the City needs to care about the citizens. She said one of the representatives said they have nothing to do with people cutting through the residential street behind them. She said that the buffer will do nothing and asked for the proposal to be denied.

Chairperson Brnabic called for Gabriele Guevrno to speak; however she was not present.

Faith Fruziano, 461 Orchardale Dr. said that she is in full support of this development and said it will be a great addition to the community. She said that Chick Fil-A will help the community. She said that a lot of people are hyper-focused on the traffic. She said she drove past the locations in Southfield and Shelby recently and there were only seven cars in the parking lot. She said she understands the concern with the opening but there will be more stacking for that and it dies down after opening.

Kim Zonka, 3629 Old Creek Rd. said that the residents don't need a Chick Fil-A at this location, it is not in the best interest of the residents, it is in the best interest of Chick Fil-A. She said that there has not been talk regarding Nawakwa on the east side of Rochester Rd.; she said that she has lived off that road since 1989, and there has been an alarming increase in traffic for all seasons. She commented to turn out of her street even turning right is difficult and to turn left it is a nightmare. She said with the current proposal the string of cars will stretch to South Blvd. She said people exiting the Chick Fil-A will only be able to turn right and go a mile around to get onto M-59, and she said the traffic affects all of the residents in the area. She said she has a major issue with Chick Fil-A's human rights violations, and mentioned that there are numerous lawsuits right now about that. She said that she has traveled all over the country and sees them everywhere, and she said there is always a line. She said that they have a hate-filled agenda. She said that residents have North Shack two miles away who is independent and should be supported. She said that she is an LGBT person and she will oppose this with every fiber of her being.

Deb Alexander, 306 Shadywood said that she has spoken many times about traffic and wants to discuss the dangers and health risks of idling cars, especially for 137 cars for many hours at Chick Fil-A. She said as a cancer survivor she has spent years looking into how she can avoid cancer reoccurring. In her cancer support group they invite health care specialists to discuss health topics including dangerous pollutants to avoid. She said she would like to have others reduce their chance of getting cancer. She said idling cars emit many dangerous pollutants such as carbon monoxide which is a silent killer. She said particulate matter can embed in your lungs, and other contaminants that can cause diminished lung capacity. Prolonged exposure to particulates can cause lymphoma and leukemia. She said that with eight minutes per car, 6 days per week, 16 hours a day will produce a large concentrated volume of pollutants. She said it was horrible fighting cancer and she is still dealing with the side effects eight years later. She said people want to keep the pollutants out of their lives, it causes harm financially and physically, and causes the body to break down. She said she opposes this development being built as a constant source of pollutants six days a week.

Robert Kurow, 3130 Hickory Lawn said that last week's meeting was not posted, he did not get a letter and he was not aware of it. He said the applicants can show nice little pictures of the Novi location, however they didn't show the turnoff lane that people are of coming into. He said that Traverse City has like 15% of the population of Rochester Rd. and he said not once was the Hall Rd. location mentioned. He said he has no idea when the other resident was there when she said there were seven cars there. He said Chick Fil-A is a destination spot, and there is no advantage to Rochester Hills for this location. He said the restaurant patrons will not visit the other retail spaces. He said that he would love to know how Hickory Lawn will not be affected. He asked how 137 cars are get into that lot and then only have 4-5 cars back up to turn left to get out. He said that twenty years ago traffic studies of Rochester Road said nothing could be done to make it better. He said there is no way the proposal will not affect traffic.

Gretchen Komarzec, 3248 Hickory Lawn said that she lives directly across the street from the proposed site. She said that when she opens her front door she will see all of those westbound cars since they will be pointing right at her front door. She said she is flabbergasted that this is even being considered, this is a drive thorough on steroids with 2,200 linear ft. stacking which is way too much and yet not enough. She said that the Shelby Twp. Location had over a mile of cars lined up on their opening day. She said parking spaces will get blocked and 36 second service time is not fast enough. She said that the location is adjacent to residential properties, and she said only two locations in Michigan out of 20 have adjacent residential properties, and those have much less capacity. She said that doesn't make their case and they have to go to St. Louis to find another similar situation. She asked what actions they mitigated. She said there should be noise testing done, they will have employees standing outside taking orders, and then they will have to have their service trucks coming after midnight.

Jason Orow, 2415 Jackson Dr. said that he has lived in Rochester Hills since 2006 and has four kids. He loves the fact that he can go to downtown Rochester. He said he thinks the proposal is good for the community, they give back to the community and he would love to see it.

Norman Mikha, 805 Quarry said he has lived in Rochester Hills for over 15 years and he passes by this site every single day. He said he has asked why there is an abandoned house in the middle of Rochester Hills' most dense retail corridor. He thanked the Chick Fil-A team for considering to invest in the community. He said the traffic argument is very dated now that there are many Chick Fil-A's, and the traffic is starting to spread out. He said he loves the products. He said the Hall Rd location is not the same as when it first opened and it did get shorter. He said it will take a lot of money to redevelop the site, otherwise there will continue to be an abandoned building. He said that other communities vote for Chick Fil-A because it is a good product with good service.

Paula Rosenbusch, 476 W. Maryknoll said that there are others here from other neighborhoods and she has seen a lot of great strides and progressive development decisions that have been made by the City in the last nine

months. She said the proposed Chick Fil-A will add a huge traffic burden to the city and add to an existing problem on Rochester Rd. She said that 17 replacement trees misses the mark for the community. She said that she is a proud member of Tree USA and this proposed development should give everyone pause. She said that she wants balanced development that preserves the integrity of Rochester Hills.

Mary Matthews, 1655 Emerson Circle said the commissioners should go by the Shelby location; there is always traffic there. She said that she goes that way every day and this development cannot be compared to a Taco Bell. She said Rochester Rd. will be backed up during the light show in the winter and that needs to be looked at before this gets approved.

Chairperson Brnabic closed Public Comment at 9:26 p.m.

Chairperson Brnabic said that she does not ever recall a test for emissions being prepared for a development since she has been on the Planning Commission.

Ms. Roediger said that the City has not required an emissions study previously. She said that this is a unique use and is more intense, and additional documentation can be required as part of the discretionary review for the conditional use. She said that is part of the reason to bring this to the Planning Commission now, to see what additional information is requested.

Mr. McLeod agreed that the Planning Commission has the leeway with a conditional use to ask for additional documentation.

**Chairperson Brnabic called for a recess at 9:32 p.m. for ten minutes and called the meeting back to order at 9:42 p.m.**

Chairperson Brnabic noted that there was a speaker card that was stuck together and she called resident George Abro to speak.

George Abro, 755 Lake Forest Rd. said that there will be a lot of cars but they can control traffic without issue. He said that he went to the Telegraph location recently and traffic was managed. He said it would be great for the community and noted what they do for the community. He said Chick Fil-A offers jobs that are not typical fast food jobs; they offer a lot to their employees. He said there are many former employees who own a Chick Fil-A locations. He said that they give back in a genuine way and they care.

Chairperson Brnabic asked Mr. Gaber for a response to public comments.

Mr. Gaber said that he appreciates the passion of the residents and he is trying to provide factual information. He said with going to electric vehicles, most vehicles have a shut off at stopping, and he noted the winds prevail west to east away from the residential properties.

Mr. Chapman said they love the residents' passion and stated that they designed the site to not to impact Rochester Rd. He said the design doesn't

mean that they will have 137 cars in the drive through all day, and no location across the country has that many cars. He said they normally have approximately 215 transactions per day, and looking at transactions gives a better idea of the volume. He said that he doesn't know where 13,000 cars per day comes from. He said the development is not just drive through, there is dine in also. He said that looking at the high end of 2,000 transactions they are looking at that location because there are 20,000 cars on Rochester Rd. per day. He said they want to capture those cars. He said they have never done an emission test but he said they would be happy to comply if they know what that looks like. He said that he didn't know how to compare it to the 40,000 cars already going up and down Rochester Rd. every day with the emissions coming from cars in their proposed drive through, but they will do whatever it takes.

Chairperson Brnabic asked the MDOT representative for any comments.

Mr. Tom Pozolo said that MDOT is still reviewing this permit.

Mr. Hooper said that with regard to MDOT, it is the chicken and the egg. He said the statement in the email received said that MDOT doesn't perform a full review until the conceptual approach is approved and the traffic impact study is approved by the City. He said since MDOT owns Rochester Rd. they are going to issue a permit to allow this to happen, but they are going to wait until approved by the city, and he asked how that process works.

Mr. Pozolo said they typically would not do much review is completed because often there are changes, driveways can be moved and developments can change, but their review is not contingent on anyone else's review.

Mr. Hooper confirmed that MDOT wants an approved site plan.

Ms. Neubauer asked when the city would get a final answer from MDOT. There have been a lot of people have been saying feelings with regard to traffic. She said that the fact finder from the traffic standpoint is MDOT. She said the determination of the actual impact on the road will be from MDOT.

Mr. Pozolo said that this has been through multiple reviews and they still need additional information from the developer. He noted that it takes time to go back and forth until they get everything that they need from the developer.

Ms. Neubauer said that the developer and MDOT need to communicate about the missing things. She said no decision can be made without MDOT giving an actual answer. She said that she wants to make it clear to the residents this is the very first time the Planning Commission has seen any of this information, and this is the first step.

Mr. Shumejko said that the Traffic Impact Study is still awaiting a few items from the applicant as recently as October 20th.

Mr. Depp said that the developer can get the City the needed information but this meeting happened quickly.



*Ms. Neubauer said this has opened up big lines of communications about what is missing and what needs to be submitted. She said that she has some questions about the report from HRC and the applicant's response, and she would like for the next meeting to have some of the response fleshed out better regarding eight out of the 14 points that were made. She asked the applicant for the next meeting to provide the updated information for the Commissioners to make an educated and informed decision regarding grand opening traffic. She asked to specify whether the grand opening would be a weekend, a month, or two months.*

*Mr. Lurk said that it varies per location, for Monroe it was one weekend.*

*Ms. Neubauer asked what was the timeframe for the Hall Rd. location.*

*Mr. Lurk said that lasted a lot longer.*

*Ms. Neubauer said if that information is not known now to provide it in January. She that she lives in a subdivision with an elementary school. She said her children are so close to the school they can't get a bus so she has to do the car line. She drives an old car and it does not turn off while idling, and there are 100-200 cars behind her in the line. She said it is part of life sometimes, it happens twice a day at every school, and at the high school there are 300-400 cars that do that. She said she has driven by the Hall Rd. location, she would not go when it opened but she has gone since that time. She said it doesn't block Hall Rd. traffic. She said she is trying to be fair and objective, and she would be interested in an emission study but she is not sure how the pollution for a set time period for the opening could be distinguished from lunch time to dinner time. She suggested residents could email before the next meeting on how to do that. She said that supporting evidence is needed. She asked the applicant whether the Flint and Roseville locations have been approved.*

*Mr. Lurk said the Flint location has been approved and the Roseville location is under review now.*

*Ms. Neubauer asked the applicant whether a location would be coming to Troy.*

*Mr. Lurk said they are in the entitlement process on a major thoroughfare nearby but he cannot disclose the location.*

*Ms. Neubauer said that she and all the Commissioners had an opportunity to read all of the emails, hear all the resident concerns and read their emails, and will be as objective as possible; but there is much missing information for this project.*

*Mr. Struzik explained that over the past week he spent two hours sitting at the Hall Rd. Chick Fil-A location, and he paid a lot of attention to the traffic circulation. He said that his experience was that the end of the stacking spaces are not used as stacking spots. He said that future documentation should reflect actual stacking spaces. He asked whether food will be served from the window.*

*Mr. Lurk said that a pickup door on northeast corner of the building will also be used. He said that in looking at stacking Hall Rd., the design after Covid was the dual lane all around to offer flexibility depending on the local operator.*

*Mr. Struzik said that he went there three different times, and he witnessed circulation issues within the shopping center with cars queuing into the shopping center. He said the serving time appears to be accurate. He said at the Hall Rd. location the parking lot is very difficult to access for people parked elsewhere in the shopping center. He said that he counted cars over 50 cars in the queue. He asked about the Novi location the applicant had mentioned it is a standalone location. He said that is located on a mall road, and if there are any impacts it would impact that collector road and not the main road. He said that he looked at previous aerial photos nine months after the Novi location opened, and he counted 62 cars in the drive through. He said that location was the older design and it impacted a neighboring property because the drive through was backed up. He said the applicant had also identified a couple other developments as standalone developments; however they are in locations such as on a Meijer property and not truly standalone.*

*Mr. Lurk said that by standalone he meant not part of a greater shopping center area.*

*Mr. Struzik said the type of road that is first impacted with overflow should be looked at. He said a private road is one thing, another property owner is another, and if it impacts a public road that is another consideration. He asked Mr. Depp or Mr. Shumejko whether there are optimizations that could be done that could improve service even with a Chick Fil-A, and whether there is any validity to that claim.*

*Nick Nacita with HRC said that when a signal is optimized it means stealing green light time from one direction for the other direction. He said with optimization it makes some movements slightly better but then others are slightly worse.*

*Mr. Struzik asked regarding plans for a new signal upgrade at Rochester and Auburn.*

*Mr. Pozolo said the latest date is 2026 that MDOT has provided for upgrading that signal. However that project may be delayed further.*

*Chairperson Brnabic commented that since the M59 location has opened what she's observed for the last year is the circulation moving several lanes out into the main traffic aisle. She said that she noticed lately they have changed the circulation, it seems to be located more to the east side. She asked if there was a problem with the management of the plaza or the city and why the traffic pattern was changed after all this time.*

*Mr. Lurk said that he believes the request came from Chick Fil-A.*

*Mr. Weaver said that with regard to the Hall Rd. location, the applicants mentioned they are not sure when it was not the shiny new toy anymore.*

*Mr. Lurk said there will be less and less demand when more stores are opened.*

*Mr. Weaver said that he appreciates the masonry wall, it will help with lighting from the traffic but it won't deflect sound or emissions. He said that he likes the 12 ft. trees along the wall and is curious about the spacing between the trees. He said that his concern is that he doesn't want bigger trees to be choked out as they grow. He said there are a lot of existing trees to be saved but they are very tiny on the plan. He said consideration should be given to not damaging the root structure of existing trees when putting in new trees when trying to save the existing trees. He said they should make sure they are not overplanting. He asked if the owner has more than one location.*

*Mr. Lurk said no, but there are some owners who own two locations and a few who own three locations.*

*Mr. Weaver said that he is curious about the owner's experience opening the Hall Rd. location and their challenges with traffic issues. He said that he is guessing that a Troy location would be within five miles of this location, and asked the applicants if they know when that location will be opening.*

*Mr. Lurk responded that he doesn't know the timeframe.*

*Mr. Weaver said that comparing the different locations is not comparing apples to apples, since the Twelve Oaks location doesn't back up onto 12 Mile Rd. He said that he doesn't know that the examples provided by the applicant shown really relate to this site. He said that the applicant mentioned that there may be 2,000 transactions per day and that is 125 transactions per hour per day. He said that he is concerned about people cutting through Hickory Lawn.*

*Dr. Bowyer said that traffic and noise will be overwhelming. She said that the other locations presented for comparison are not comparing apples to apples. She asked how long the opening day type traffic will last.*

*Mr. Lurk said that it varies per location and noted it was longer during Covid.*

*Dr. Bowyer asked how many people can be accommodated with the dine-in portion of the restaurant. She asked how long it would take until the landscaping actually looks like the landscaping in the renderings.*

*Mr. Lurk responded that there would be 72 seats inside.*

*Mr. Weaver responded that it would take until about year seven for the landscaping to resemble the renderings.*

*Dr. Bowyer said that the wall would help with the lighting and noted the trees will not help any time soon. She referenced the ordinance Performance Standards and said that an olfactory meter needs to read less than four otherwise the business can be shut down. She said conditional use approval for the drive through could be revoked if the business becomes a nuisance to adjoining properties. She asked staff whether there has ever been another time where*

*three of six City department reviews have denied the plans.*

*Ms. Roediger said that the site plan has been through a number of a reviews, and there is a benefit to bringing the request before the Planning Commission to see if additional information is requested.*

*Ms. Denstaedt asked for clarification on the total number of cars that the drive through could accommodate, and she asked for the average number of cars. She said there is a big employment issue now and asked where they would find the 120-140 employees needed and could they guarantee they would be sufficiently staffed.*

*Mr. Lurk responded that they find employees in the local community, and they will not open unless there is adequate staffing. He said that he doesn't believe that they are understaffed at the Hall Rd. location.*

*Ms. Denstaedt referred to the photo of the queuing at Twelve Oaks and asked when that was.*

*Mr. Chapman said that was from August 2022.*

*Ms. Denstaedt asked how many of the other locations shown in the presentation are large cities like Grand Rapids. She asked about traffic issues at the Kalamazoo store.*

*Mr. Lurk said that he is not saying that all of the locations mentioned will be comparable, he was just showing how much capacity they have for comparison of the drive throughs.*

*Mr. Galina said that he is a fan of Chick Fil-A. He said when he saw the site he understands that it is attractive because of the location. He said that the adjoining neighborhood is a concern. He said from a feasibility standpoint, cars pulling in to the site have to make a quick decision. He said the biggest thing is the stop light there. He said to make the left turn arrows longer, even if a lot can get through in 30 seconds but probably many won't be able to exit the site. He said that he can't wrap his head around how this can get approved because of the traffic concerns and he is stressed just looking at it.*

*Mr. Dettloff said that he echoes the sentiments by his fellow commissioners. He agreed that the other locations presented are not comparing apples to apples with this proposed location. He asked the applicants if they can honestly say there is a Michigan location that will be like this location.*

*Mr. Lurk said that the closest is probably the Kalamazoo store with its proximity to residential properties and being located on a main road.*

*Mr. Dettloff asked for confirmation if the owner is acquiring a franchise. He said that given the nature of the business, that owner has to wear several hats. He said that when it comes to all of the comments about traffic and pollutant concerns he would question how they are going to address them. He said that he is concerned what will happen if the owner does not have experience. He*

*asked the applicants if they can honestly say that they addressed the concerns expressed at the neighborhood meetings.*

*Mr. Lurk said that each franchisee goes through a training process, and he is not sure how long it is.*

*Chairperson Brnabic asked staff why City's engineering department is using 25 ft. long stacking spaces while the ordinance is 16 ft.*

*Mr. Nacita said that 25 ft. is the industry standard and MDOT uses that also. He said that it is the conservative approach and accounts for the fact that cars are not bumper to bumper, it accounts for headway between vehicles.*

*Chairperson Brnabic asked what has been found with 20 ft.*

*Mr. Lurk said that's why they use linear footage but they are willing to use whatever measurement the City wants.*

*Chairperson Brnabic questioned whether the shorter measurement is really enough space in a crowded situation, and noted it made her wonder if the Zoning Ordinance should be reviewed.*

*Ms. Roediger said that staff would add to the list of housekeeping amendments to be discussed.*

*Chairperson Brnabic said that with regard to the Environmental Impact Study, the delineation is from M59 to Avon Rd., and she commented that she thinks it will be much more than that. She said she wonders if the development goes into Phase II why the retail building is not sprinkled. She said it might not be mandatory, but suggested it would be safer to have both buildings sprinkled. She said that in the long run the 137 stacking spaces would cut down to 52, and that seems like a lot.*

*Mr. Lurk said that once the retail building is established the Chick Fil-A could accommodate up to 52 stacking spaces.*

*Chairperson Brnabic said that she agrees with the other Commissioners, more information is needed, and there are some very valid concerns.*

*Mr. Struzik stated that Rochester Hills is a great place to live and work, and he understands a lot of money and time is put into site plan proposals. He commented that as an additional request for the next meeting he would like the applicant to determine what is the linear footage of the onsite stacking for the Hall Rd. location. He said that it is difficult to compare linear footage with this proposal, and he would like to know so he could do a more apples to apples comparison. He said the concern is impact on the immediate area of residents and businesses. He asked if there is any other drive through in the city that is this intense, and adjacent to a residential street and residential properties. He said those conditions are generally inconsistent with other metro Detroit locations. He said he is concerned about negative impacts on nearby residents, for turning left from Hickory Lawn Rd., about cut through traffic, and*

emergency response on the site. He said there are also larger area traffic concerns. The first thing impacted by the lack of design on the site or demand is too high will be Rochester Rd. which is a public road. He said if traffic backs up onto Rochester Rd. it would cause gridlock. He said the restaurant is only accessible from a single entry onto a single driveway, whereas the Hall Rd. location is inside of a shopping center with multiple access points, and Novi has three access points. He reviewed the number of access points for other locations. He said Chick Fil-A is a victim of their own success in that there is so much demand. He said there is only one driveway on one road, there are no alternate driveways. He said his observations at Shelby Twp. location is that it seems to be top notch and well-staffed, and he saw no major malfunctions. He said that location is designed so that one customer could not hold up the line, so that is a good thing. He said that he researched the closest 15 locations to the Detroit area and most of the sites are accessible from more than one main road.

Mr. Hooper said that based upon the size of a truck he agrees 25 ft. is reasonable. He is focused on the traffic analysis and doesn't see how MDOT can evaluate this. He said you can't take away any green signal time from Rochester Rd., that is a nonstarter. He said it's almost insurmountable, but it's up to the applicants if they want to pursue this.

He moved the motion in the packet to postpone the item and it was seconded by Ms. Neubauer.

Chairperson Brnabic stated that before she moves forward with the vote, she would ask if the applicant knows how long they would like before they come back. She commented that it seems like with all the questions, they might want to wait longer than January 17 to return to the Planning Commission. She suggested that they contact the Planning Department when they are ready so that staff can schedule this on the next available agenda.

Mr. Lurk responded that was acceptable.

After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

**A motion was made by Hooper, seconded by Neubauer, that this matter be Postponed. The motion carried by the following vote:**

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, in the matter of File No. JNRNB2021-0033 (Chick-Fil-A at 3200 S. Rochester Road), the Planning Commission **postpone** action on the **Conditional Use** to allow a drive-through, to allow the Office of Planning to re-advertise the required public hearing and to allow the applicant time to place the required notice of proposed conditional use sign at the subject site in compliance with the City's Zoning requirements.

redevelopment of vacant residential structures and Alex’s restaurant as a Chick Fil-A restaurant with an accessory drive through along with a proposed second phase of development for a separate retail building on the northern portion of the site, 3178 and 3200 S. Rochester Rd., located on the west side of Rochester Rd., north of Hickory Lawn Rd., zoned B-2 General Business with an FB Flex Business Overlay and R-3 One Family Residential, Parcels 15-34-227-017, 15-34-227-039 and 15-34-227-040, Brandon Schram, Rochester Hills Retail Management II LLC, Applicant

*Please see discussion under Legislative File 2022-0573.*

**A motion was made by Neubauer, seconded by Weaver, that this matter be Postponed. The motion carried by the following vote:**

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, in the matter of File No. JNRNB2021-0033 (Chick-Fil-A at 3200 S. Rochester Rd.), the Planning Commission **postpone** action on the **Site Plan** to allow a drive-through restaurant use and ancillary retail building, to allow the Office of Planning to re-advertise the required public hearing and to allow the applicant time to place the required notice of proposed conditional use sign at the subject site in compliance with the City’s Zoning requirements.

[2022-0575](#)

Request for Approval of a Tree Removal Permit - File No. JNRNB2021-0033 - for the removal and replacement of 17 regulated trees for the proposed Chick Fil-A development located on approximately 2.75 acres, 3178 and 3200 S. Rochester Rd., located on the west side of Rochester Rd., north of Hickory Lawn Rd., zoned B-2 General Business with an FB Flex Business Overlay and R-3 One Family Residential, Parcels 15-34-227-017, 15-34-227-039 and 15-34-227-040, Brandon Schram, Rochester Hills Retail Management II LLC, Applicant

*Please see discussion under Legislative File 2022-0573.*

**A motion was made by Neubauer, seconded by Weaver, that this matter be Postponed. The motion carried by the following vote:**

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, in the matter of File No. JNRNB2021-0033 (Chick-Fil-A at 3200 S. Rochester Rd.) the Planning Commission **postpone** action on the **Tree Removal Permit** to allow a drive-through restaurant use and ancillary retail building, to allow the Office of Planning to re-advertise the required public hearing and to allow the applicant time to place the required notice of proposed conditional use sign at the subject site in compliance with the City’s Zoning requirements.

**ANY OTHER BUSINESS**

[2022-0581](#)

Request for Approval of the 2023 Meeting Schedule

*Chairperson Brnabic pointed out that the November and December meetings were moved up one week each so as not to conflict with Thanksgiving and the Christmas season holidays.*

*Mr. Hooper mentioned that he would not be available November 14, however he would not request the Planning Commission consider a change on his account.*

*Chairperson Brnabic noted that the November regular meeting date would be two days before Thanksgiving and with many people traveling it might conflict. She asked if any of the other commissioners had any opinions.*

*The Commissioners concurred that moving the November meeting up one week was preferred.*

*After a motion by Ms. Neubauer, seconded by Ms. Denstaedt to approve the proposed meeting schedule as noted in the meeting packet, Chairperson Brnabic called for a voice vote, and subsequently announced that the motion passed unanimously.*

**A motion was made by Neubauer, seconded by Denstaedt, that this matter be Approved. The motion carried by the following vote:**

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, that the Rochester Hills Planning Commission hereby establishes its 2023 meeting schedule at the December 13, 2022 Regular Meeting as follows:

**ROCHESTER HILLS PLANNING COMMISSION**  
**2023 MEETING DATES\***

January 17, 2023	July 18, 2023
January 30, 2023 (Joint PC/CC Mtg)	August 13, 2023
February 21, 2023	September 19, 2023
March 21, 2023	October 17, 2023
April 18, 2023	November 14, 2023 ( <i>proposed one week earlier for Thanksgiving</i> )
May 16, 2023	December 12, 2023 ( <i>proposed one week earlier for holidays</i> )
June 20, 2023	

*\*Meetings will generally be held on the third Tuesday of the month at 7:00 p.m. unless otherwise approved. The Planning Commission reserves the right to add Special Meetings or Workshops on the first Tuesday of the month at the applicant's request and cost or as necessary. Meetings may be cancelled if no applications are received in the appropriate timeframe. Meetings will be held in the Auditorium of the City Municipal Offices at 1000 Rochester Hills Dr., Rochester Hills, MI 48309.*

**2022-0582**

Request for appointment of a Planning Commission representative to the Citizens Pathway Review Committee for a one-year term to expire December 31, 2023

*Chairperson Brnabic noted that Mr. Struzik sat on the Citizen's Pathway Committee for 2022 and has expressed that he would like to continue.*

*Mr. Hooper moved to have Mr. Struzik continue on as representative, and it was seconded by Ms. Neubauer.*

*After a voice vote, Chairperson Brnabic announced that the motion passed*



*unanimously.*

**A motion was made by Hooper, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:**

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, that the Rochester Hills Planning Commission hereby appoints Scott Struzik to serve as its representative to the Citizens Pathway Review Committee for a term to expire December 31, 2023.

*Ms. Roediger noted that the Parks and Natural Resources Master Plan is in a period for public review. She mentioned that normally the Plan comes before the Planning Commission for review; however, in order to adopt the Plan in time to be eligible for grants, Ken Elwert, Parks and Natural Resources Director, wanted to personally invite the Commissioners to review the Plan and email any comments to him directly. She stated that she would be emailing a link to the Commissioners tomorrow.*

*She pointed out that Council approved their meeting schedule for next year, and the Joint Meeting between City Council and the Planning Commission is set for January 30, 2023.*

*Chairperson Brnabic wished everyone a Merry Christmas and a Happy New Year and holidays. She expressed her appreciation to Ms. MacDonald for her efforts throughout the year and wished her a Merry Christmas.*

**NEXT MEETING DATE**

*- January 17, 2023 Regular Meeting*

**ADJOURNMENT**

*Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Denstaedt, Chairperson Brnabic adjourned the Regular Meeting at 11:20 p.m.*

\_\_\_\_\_  
*Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission*

\_\_\_\_\_  
*Marvie Neubauer, Secretary*