



# Rochester Hills

## Minutes - Draft

### Planning Commission / City Council Joint Meeting

#### CITY COUNCIL

*David J. Blair, Susan Bowyer Ph.D., Ryan Deel, Dale A. Hetrick,  
Carol Morlan, Theresa Mungiola, and David Walker*

#### PLANNING COMMISSION

*Susan Bowyer Ph.D., Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina,  
Greg Hooper, Marvie Neubauer, Scott Struzik,  
and Ben Weaver*

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Monday, July 25, 2022

5:30 PM

1000 Rochester Hills Drive

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In accordance with the provisions of Act 267 of the Public Acts of 1976, as amended, the Open Meetings Act, notice was given that a Special Rochester Hills Joint City Council / Planning Commission Meeting would commence at 5:30 p.m. on Monday, July 25, 2022, for Discussion Regarding the Flex Business Overlay Ordinance.

### CALL TO ORDER

*President Deel called the Special Rochester Hills Joint City Council / Planning Commission Meeting to order at 5:31 p.m. Michigan Time.*

### ROLL CALL

**Present** 13 - Ryan Deel, Susan M. Bowyer, David Blair, David Blair, Dale Hetrick, Theresa Mungiola, David Walker, Deborah Brnabic, Greg Hooper, Sheila Denstaedt, Gerard Dettloff, Marvie Neubauer and Ben Weaver

**Absent** 2 - Carol Morlan and Scott Struzik

### Others Present:

*Bryan Barnett, Mayor  
Jennifer MacDonald, Planning Specialist  
Sara Roediger, Planning and Economic Development Director  
Leanne Scott, City Clerk*

### PUBLIC COMMENT

*Pamela Wallace, 168 Cloverport Ave., thanked City Council and the Planning Commission for taking the time to go through this process. She stated that she would like donation of green space considered to be added to the Community Giveback portion of the Flex Business District.*

*Andrew Krupp, 168 Cloverport Ave., thanked City Council and the Planning Commission for allowing the residents to be part of this process and provide*

*their feedback. He asked that the Planning Commission and City Council reflect to see if this process is hitting its mark and is directed to making improvements. He added that this process should protect natural features and prevent developers from finding ways around this ordinance.*

## NEW BUSINESS

2022-0337 Discussion Regarding Draft Flex Business Overlay Ordinance

**Attachments:** [GW Memo.pdf](#)  
[Summary of Proposed Changes .pdf](#)  
[10+ Acre Parcel Map.pdf](#)  
[Added & Removed Properties Map.pdf](#)  
[Draft FB Ordinance.pdf](#)  
[DRAFT 071922 PC Work Session Minutes.pdf](#)

**Sara Roediger**, Planning and Economic Development Director, explained that the meeting tonight is regarding the six-month Flex Business Moratorium. She added that in January at the joint Planning Commission / City Council meeting there were discussions and concerns about the direction of the Flex Business (FB) Zoning District. She introduced **Jill Bahm** and **Joe Tangari** from Giffels Webster to present an overview of the draft amended Flex Business (FB) Zoning District.

**Ms. Bahm** stated that they analyzed the FB District to get a better understanding of why it was created and what it really was. She added that throughout the process, the Planning Commission held public workshops to allow residents to provide their input.

She explained that approximately ten years ago, the FB District was created to accommodate a range of residential office and commercial uses. She added that the target areas were concentrated on arterial roads and major intersections. She stated that the intent was to provide optional standards that provided incentive for property owners to redevelop older commercial developments. She explained that there were three overlay districts in the newly created FB District, this permitted the underlying districts to add a few additional uses including residential. She stated that an overlay district is a development regulation that goes within a specific boundary, such as the FB District, however, the underlying districts can vary. She shared that the FB District has various underlying districts throughout. She added that the districts all use form base code and that this type of code regulates the physical form of the development. She noted that form base code does not regulate the uses that are contained within the development. She added that there is a high focus on public realm including the space in front of the development.

She shared that zoning ordinances are living documents, however, it is appropriate to amend ordinances as needed. She mentioned that both City Council and the Planning Commission had concerns about the FB District, one being that the FB District covered several smaller parcels. She added that some parcels do not make sense in the FB District today due to recent surrounding developments. She stated that they looked at all the concerns

when considering the amendments. She noted that in the proposed amendments the three FB Districts have been consolidated into one FB District. She added that they looked at the FB District parcel by parcel to make changes that were appropriate. She stated that they identified buildings with four stories to be appropriate only for larger sites with a minimum of ten acres and this would be considered a conditional use.

**Ms. Roediger** stated that there is a total of 23 properties that are over ten acres in the FB District. She stated that each parcel was evaluated and categorized as properties that are likely to be developed. She mentioned that the properties that are likely to be developed are properties that have gone to the Planning Commission or have had inquiries from developers. She noted that the Eddington properties, Bordines site, and Hampton Village are examples of larger mixed use developments that have had discussions of redevelopment. She added that the medium categorized properties are older shopping centers that may not always be there, and there needs to be accommodations for redevelopment. She shared that there are eight properties that are very likely to be developed within the next twenty years, such as the Papa Joe's site and the Serra site. She explained that while there are 23 properties, there are likely five properties that would be considered for redevelopment and they are all on Rochester Road.

**Ms. Roediger** shared that they went through each parcel in the FB District and the surrounding parcels. She stated there is a total of 33 acres being added to the FB District, but a total of 53 acres being removed from the FB District. She displayed a map that provided additional information on the parcels that were added and removed from the FB District.

**Mr. Walker** questioned the process of adding parcels and what was determined to add these parcels.

**Ms. Roediger** explained that a lot of these sites have underlying commercial zoning. She noted that these sites are in need of redevelopment, such as the site at the corner of Auburn Road and John R Road. She added that this site has several smaller parcels all with the same owner, but are zoned different. She stated that when the owner decides to redevelop he will want to include all of the parcels. She mentioned by looking at each parcel, they were able to clean up the FB District by adding and removing sites based on each current parcel. She added that most sites that were added to the FB District were added because they are surrounded by existing FB District sites or because the owner specifically asked for the FB District.

**President Deel** inquired about the Cloverport property that is zoned industrial, but surrounded by residential. He questioned if it would make more sense to re-zone this parcel residential, because it is currently landlocked as an industrial site.

**Ms. Roediger** responded that the property owners purchased that parcel with the current zoning of industrial. She added that the owner can build it residential under the current FB District. She mentioned that everyone agrees that

*industrial does not make sense for this property. She stated that with the FB District there are a lot of unknowns for this property. She added that the property backs up to part of Lifetime Fitness and could have access through Rochester Road for a potential development.*

**Mr. Hetrick** questioned if the property owner requested FB Zoning on this parcel. He also questioned if this parcel could be re-zoned residential with the FB District overlay.

**Ms. Roediger** explained that the owners did not request the FB Zoning but they were present at the meeting that discussed adding the FB Zoning to this parcel. She noted that if the preference of City Council is to not extend this parcel to the FB District, they can remove the FB Zoning District and revisit how to handle this property.

**Mr. Blair** stated adding the FB District to this parcel makes sense, however, this property should not be developed as industrial.

**Mr. Hooper** shared that he believes leaving the FB District overlay on this parcel is appropriate at this time.

**Ms. Mungoli** explained that she is concerned with the amount of traffic in this area if the underlying zoning was re-zoned. She questioned the properties that were removed at South Boulevard and Livernois and what the underlying zoning of these properties is. She added that if the FB District is removed what would the density for these properties be.

**Ms. Roediger** responded that the underlying zoning is residential, except for the corner that is zoned business. She added that the density is R3 in this area.

**Ms. Bahm** stated another change to the ordinance was updating the outdoor amenity space. She explained that with this change comes increased setbacks and the optional standards were either eliminated or required. She added that the intent is to create sustainable redevelopment with walkable properties. She noted that the street design standards tends to be more simple and only apply to properties of 10 acres or more. She stated that parking structures were also revised for properties of 10 acres or more.

**Ms. Roediger** explained that the process moving forward is to have a Public Open House to discuss the changes. She stated that over 2000 property owners will be notified about this Open House and it will include any property owner that is effected by a change to the FB District and property owners within 300 feet of those changed parcels. She stated after the Open House, this will then go before the Planning Commission and they will make a recommendation to City Council.

**Mr. Hetrick** confirmed that four story buildings are still a conditional use.

**Mr. Hooper** commended Ms. Roediger and her team for their hard work on the FB District. He added that the Planning Commission agreed on all the changes

except for two; four story buildings and art uses. He explained that the art aspect had been removed from the ordinance and he wanted to get City Council's input on this.

**Mr. Hetrick** stated that he believed that the art element was a separate issue from the FB District.

**Ms. Mungoli** questioned the setbacks for four story buildings and if there was residential surrounding the building. She questioned what the impact would be if the setback was twice the building height, even for two story buildings. She also questioned the lighting in multiple story buildings.

**Ms. Roediger** responded that the setback is from the residential property line. She stated if the setbacks were doubled from 25-feet to 50-feet that is more than ample screening. She answered that lighting is addressed in the ordinance.

**Ms. Neubauer** stated that some of the Planning Commission members believed that the four story building impact was too much for the residential. She explained that with respect to the art concerns that she loves art, however, it is a subjective matter. She added that it could become legal and costly to the City, just like it did for the City of Sterling Heights.

**Mr. Blair** commented that a new developer in the City that has to meet certain standards could chose art as a cost effective way to maximize their investment. He added that he loves art, but he would not make art its own standard for developers.

**Mayor Barnett** added that art is important and there are many communities that do well displaying art. He stated that the City should not be afraid of adding art into the community. He noted that people have always been passionate about art throughout history and the City should embrace art.

**Mr. Detloff** explained that he has worked at a lot of communities where art has been done well and not so well. He added that the communities that do it well have developed standards. He stated that there is a way to be open-minded and smart about adding art to the City.

**Mr. Blair** commented that this would be private art, therefore, the City should not be held responsible. He questioned if a business owner wanted to add art to their property would they be able to.

**President Deel** stated that any business owner can add art to their business as long as it meets the City's standards, but the City does not have to require art as a FB District standard.

**Chairperson Brnabic** stated that art is subjective and that the Planning Commission does not have the ability to set standards for art.

**Mr. Hetrick** shared that he would suggest to omit murals from the art options.

**Mayor Barnett** stated that there are many ways to display art and that murals are not the problem. He suggested including the language in the ordinance that the City embraces art.

**Ms. Roediger** stated that on August 6, 2022 there will be an Open House to get the public's input and then a Public Hearing on August 16, 2022 at the Planning Commission Meeting.

**Vice President Bowyer** added that she would like the art aspect to be separate from the FB District. She stated that she is not in agreement with adding art and does not want it mixed in with the FB District.

Discussed.

## ANY OTHER BUSINESS

### NEXT MEETING DATE

City Council Regular Meeting - August 15, 2022 - 7:00 p.m.

Planning Commission Meeting - August 16, 2022 - 7:00 p.m.

### ADJOURNMENT

*There being no further business before Council, it was moved by Bowyer and seconded by Hetrick to adjourn the meeting at 6:45 p.m.*

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*RYAN DEEL, President  
Rochester Hills City Council*

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*Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission*

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*LEANNE SCOTT, MMC, Clerk  
City of Rochester Hills*

*Approved as presented at the (insert date, or dates) Regular City Council Meeting.*