



Rochester Hills

Minutes

Planning Commission

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

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

Tuesday, October 4, 2011

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Nicholas Kaltsounis, David Reece and C. Neall Schroeder

Absent 2 - Greg Hooper and Emmet Yukon

Quorum present

Also present: Ed Anzek, Director of Planning and Economic Development
James Breuckman, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2011-0428 September 6, 2011 Regular Meeting

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

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

Absent 2 - Hooper and Yukon

COMMUNICATIONS

There were no Communications presented.

NEW BUSINESS

2011-0429 Request for Conditional Land Use Approval - File No. 11-010 - Pam's Day Care, a proposed child care facility for up to 12 children at 3057 Midvale, Rochester Hills, MI 48309, located south of Auburn and west of Crooks, Parcel No. 15-32-202-033, Pamela Prange, Applicant

(Reference: Staff Report, prepared by James Breuckman, dated October 4, 2011 and associated documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Pamela Prange, 3057 Midvale, Rochester Hills, MI 48309.

Ms. Prange introduced herself, and stated that she was present to request approval for a day care for up to 12 children. She advised that she cared for six children now, and that she wanted to expand her business and utilize her home. She believed she had gotten everything taken care of to this point; she was waiting for approval from the City and for the State to come to her home and make sure everything was in order.

Mr. Breuckman advised that the request was for a group child day care home, as qualified under the Ordinance, for between six and 12 children, which required a Conditional Land Use Approval. He noted that the property was zoned R-4. The Staff Report outlined the considerations in the Ordinance, and he felt that given the location, it seemed well suited for a day care. There was a business to the north, a large residential parcel across the street to the west, the American House to the east, and a home to the south. Also, in the applicant's favor, was the fact that she had been running a day care for a number of years, and it was an expansion of an existing use, so there was some level of comfort that the day care would be operated in a good manner. He referred to the potential motion in the packet, and said he would be happy to answer any questions.

Mr. Hetrick pointed out the separation requirements, and noted that the American House was behind the home. He asked if that facility would fall under the requirements. Mr. Breuckman advised that the American House was not a State licensed residential facility, and it was not in the same category as day cares. State licensed residential facilities were those that could operate in a home, and the American House was a much larger operation.

Mr. Schroeder asked if the neighbor to the south was in concurrence, and Ms. Prange said that her neighbor had lost her home and did not live there any longer.

Chairperson Boswell opened the Public Hearing at 7:06 p.m. Seeing no one come forward, he closed the Public Hearing.

Hearing no further discussion, Mr. Kaltsounis moved the following motion:

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 11-010 (Pam's Day Care), the Planning Commission **recommends** to City Council **approval** of the **Conditional Land Use**, based on plans and information dated received by the Planning Department on September 9, 2011, with the following findings.

Findings:

1. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

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

Absent 2 - Hooper and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously.

2011-0431 Request for density discussion for a 7.3-acre parcel on Dequindre, abutting Rochester Corporate Limit - File No. 05-042. Project originally received

Tentative Preliminary Plan Approval for ten site condo units in November 2006 and was known as Little Winkler Estates, Parcel Nos. 15-01-277-015 and 15-01-278-006, Damian Kassab, Little Winkler, LLC, Applicant.

(Reference: Memo, prepared by Ed Anzek, dated September 27, 2011 and Site Plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Vito Terracciano of Arteva Homes, no address on record.

Mr. Anzek stated that he and Mr. Breuckman were contacted several weeks ago by Mr. Vito Terracciano, a home builder who had been actively working on the Summit at Kings Cove. He took over the development from the bank and had been very successful - the project was almost sold out. Mr. Terracciano had talked to Mr. Anzek about other sites in town, including the project known as Little Winkler Estates, a ten-unit development on Dequindre approved in 2006. It was a seven-acre tract of land, and there were two homes at the end which would share a private drive with the Little Winkler development. Mr. Damian Kassab, who could not be present, owned the Little Winkler property. He came to the City to talk about reactivating the development, and it was discovered that the approval had not been extended and had expired. Staff realized that subsequent to the expiration, when the City adopted a new Zoning Ordinance, that the property had been Rezoned to RE, Residential Estate, a new zoning designation which required a minimum of one-acre lots. He recalled that it had been put in place for mostly the northeastern properties in the City. The City had wanted to try to establish some means of protecting the larger lot developments in those areas. The subject property was previously zoned R-1 and had reached Preliminary Approval for ten units, but in applying the new zoning standards, with one acre lots, the development could perhaps get only five lots. That was not necessarily a bad thing, but the land surrounding the development would leave it a little out of context. The property to the north, Winkler Estates, had an average lot size of 20,000 square feet. To the east in Shelby Township, the lots averaged 12,000 square feet and the homes in Rochester, to the south, averaged 14,000 square feet.

Mr. Anzek said that Staff was raising the question about the appropriate density for the subject property. They felt it would be more appropriate as R-1, as previously zoned, rather than its new designation of RE. If the Planning Commission agreed, Staff would initiate a Rezoning to R-1 to create a more appropriate scale for the property in question. He indicated that R-1 developments did not have small lots; Little Winkler proposed 22,500 square-foot average lot sizes (half-acre).

Chairperson Boswell asked if the Planning Commission changed Winkler Mill Estates (directly north of Little Winkler) from R-1 to RE, and Mr. Anzek said it remained as R-1. Chairperson Boswell asked why the Planning Commission changed the Little Winkler parcels to RE. Mr. Anzek thought that at the time, they might have thought it was vested, or it might not have been thought through long enough. There were over 200 parcels rezoned to RE. Each owner received a letter from the City, and he and Mr. Breuckman met with owners on several evenings about the pros and cons of rezoning. The people that came seem satisfied.

Mr. Kaltsounis said that he would support changing the property back to R-1, because it would be more harmonious with the surrounding environment. He agreed if there were only five lots, that it would stick out like a sore thumb. He pointed out the properties to the north, south, and east, and said he felt that it justified Rezoning to R-1 and keeping the development at ten lots. He said he would leave it up to Staff as to what tools should be used, and Mr. Anzek felt that a straight Rezoning would be best, so it would match the property to the north. Mr. Kaltsounis did think a precedent might be set with this decision, but looking at the surrounding environment, he felt it could be justified in this case. Mr. Anzek agreed, and said that was why they were pointing it out. They felt that in this situation, surrounded on three sides with smaller parcels, that it would be defensible. He mentioned that to the west, there was another six-acre parcel where an applicant wanted to put in ten homes.

Chairperson Boswell asked the Commissioners if there was anyone who disagreed, and no one offered that they did. Mr. Anzek stated that Staff would advertise a Rezoning initiated by the City for the subject property. He did not feel it was the developer's fault because it expired, but because the City Rezoned it to Residential Estate.

Mr. Dettloff asked if Mr. Kassab had lost the property, and Mr. Anzek advised that he had not. He said that Mr. Kassab thought he was vested by getting the Preliminary Approval. He was not aware he was required to get Extensions. Mr. Reece asked if the applicant was noticed when the City decided to Rezone the property. Mr. Anzek said that he was on the mailing list, and he did not show up for any meetings, but if he thought he was vested, Mr. Anzek said he could see why he might not show up. Mr. Reece asked if there was any discussion with the two neighbors to the west. Mr. Anzek said that he had not talked with them; he wanted to first find out what the Planning Commission thought about changing the zoning.

Mr. Schroeder asked Mr. Anzek if he would like a motion. Mr. Anzek did not think it was necessary. Mr. Dettloff asked if Mr. Terracciano and Mr. Kassab would be partners. Mr. Anzek explained that the Site Condo process would have to start from the beginning, so the Planning Commission would see it at that time. He reminded that there were new engineering standards. Mr. Dettloff noted that he lived in Kings Cove and he attested to the fact, and said that the Association was pleased, that Mr. Terracciano was doing a good job with the Summit.

Discussed

- 2011-0381** Discussion regarding a proposed Zoning Ordinance text amendment to allow gas stations in B-3 Zoning Districts as Conditional Uses; Meijer, Inc., Applicant (*Reference: Memo, prepared by James Breuckman, dated September 28, 2011 and letter from Roger DeHoek of Meijer, Inc. had been placed on file and by reference became part of the record hereof.*)

No one came forward representing the applicant.

Mr. Breuckman pointed out that it was becoming common for a Meijer or Kroger or Costco store to have accessory gas stations. Staff was approached by Meijer, specifically, about having a gas station at the Rochester and Auburn location. The City's Zoning Ordinance only permitted gas stations in the B-5 district, so they could not support the request or a Rezoning for an outlot along Rochester Rd. Meijer subsequently petitioned City Council to consider amending the Zoning Ordinance to allow gas stations in the B-3 district. Council reviewed that request in September 2011 and was amenable to it and sent the matter to the Planning Commission to consider an amendment. The memo in the packet listed some starting thoughts, and he wanted to have a discussion to get initial input and see how they felt about a few key considerations before Staff put anything on paper. The first question was whether they should even consider such an amendment.

Mr. Anzek reminded that the City Council put a heavy reliance on the Planning Commission for many types of land use concerns. Staff wanted the Planning Commission to determine whether it could be an asset to the community.

Mr. Breuckman indicated that he had identified five things the City could regulate. The biggest was whether gas stations should be an accessory use or a principal permitted use. Allowing them as a principal use in the

B-3 district could open the entire district to the potential for having gas stations. On the other hand, labeling them as accessory uses would tie the gas station to another principal permitted use, and there would have to be a relationship. He felt that would be a little tricky, because Kroger could build a gas station and leave, and then there would be an empty store and a gas station on a site. He did not think they wanted to tie it to a particular use, but he felt that the gas station should be subordinate to another principal use on the site. That would limit the parcels they could be on, although looking at Rochester Road, where most of the B-3 zoning was located, there were not that many.

Mr. Breuckman said that they could also consider minimum lot area as a way to determine where those types of uses could go. They could limit access requirements from a secondary access road, which could be a design standard that would limit the impact. There were also setback and building design requirements to consider.

Mr. Anzek said that as with any similar request, they should try to think of the worst case scenario and where things could go wrong. If they were interested in pursuing it, as businesses grew and evolved over the next half century, there were a lot of considerations. Whatever they did, it had to be inclusive. If it only fit one site, they would put themselves in jeopardy. They had to find enough reasonable uses. Meijer had a perimeter road and more than adequate parking, so they could afford to lose parking. There were questions about some of the smaller parcels and if they could put in a gas station and still be able to maintain the minimum parking standards. They could possibly buy property next door to add parking. He would like to know if the Commissioners were supportive, what they needed to watch out for, and things like that. They were just beginning the discussion and would not want to rush through an ordinance only to have to change it in three months when it failed.

Mr. Kaltsounis claimed that it bothered him a little bit. He believed that every gas station outside a store had been either done by a consent judgment or through a PUD. He felt that it would open a whole realm of possibilities. There would be Kroger Gas, Target Gas, Best Buy Gas, etc. He felt it would open a floodgate. If they were to consider it, he would definitely not allow any extra curb cuts. He did not like going by a store and seeing a huge canopy in front of it. He would like to have it tree lined if he had to see it. He added that he was not too wild about the idea.

Mr. Schroeder also had reservations. He stated that it should be a subordinate use with limitations, such as area and access, compatible

design requirements with the surrounding buildings, parking, etc. He could see that there would be more requests and they would have to consider it. He cautioned that they should take a long hard look at it.

Mr. Anzek agreed the City would be pressured more in the future. Kroger was now starting to add 100,000 square-foot prototypes that carried furniture and sold appliances. They were big in other states, and were getting bigger, and they wanted to add gas to compete with Meijer and Costco. They had to determine how to make it right. He said he could picture Meijer, with a perimeter drive, having the gas station facing Rochester and being serviced from the perimeter road. People inside the complex would see the front door of the gas station but people from the road would see the back of it. He presumed there would be a convenience store, and they would have to determine how that should be oriented. Or, it might have to be a design standard where they would require the pumps toward the road. He reminded that they could not be singularly focused on Meijer; they had to look at it from a fairness point.

Mr. Schroeder said that it would be preferable to have it inside the perimeter road, but he did not realistically think that was what the applicants would want. Mr. Schroeder asked the zoning of the Meijer on Adams. Mr. Anzek said it was zoned by Consent Judgment, and it included gas stations. Wal-Mart could add gas stations.

Mr. Reece agreed with Mr. Schroeder; he thought they would get pressured to allow it. The question was how they would want to do it that made the most sense. They had to decide if it would be like a Costco station, where there was strictly gas sold and no convenience portion. There was an evolution of the business model and to stay in front of it, they had to consider it, even if they did not like it.

Mr. Anzek agreed. He had been to a Kroger that had a kiosk-type set up. There was not a convenience store, but just a person taking money for gas. He thought that they could perhaps limit the size of the convenience portion. Mr. Reece said that was how Costco did it. There was no retail business other than selling gas. He said he would be more inclined to support something like that than another convenience store in a gas station.

Mr. Hetrick noted the Kroger in Shelby Township on 23 Mile, and said that it did not have a convenience store, but it looked pretty nice architecturally. He felt that was important. Putting something on Meijer was one thing, but if Target wanted to do it, he thought that it might not

look so pretty. He asked about subordinate use and if the gas station would have to tie to a company. Mr. Breuckman said that the City could not really limit ownership through the Zoning Ordinance, so the gas station would have to be on the site as another permitted use. There could be a Kroger that went out of business, for example, and they would have created a situation where the gas station could not be used. They had to think carefully about that. The ownership of the gas station could be by a different entity, but it would be on the same site as another principal permitted use. They would have to ensure that the design standards tied everything. Mr. Hetrick said that with the Kroger he mentioned, the gas was actually across the street from the Kroger building.

Mr. Hetrick said he echoed his fellow Commissioners regarding access requirements. He thought it could be done without having to change curb cuts. He mentioned that he traveled to Grand Rapids quite a bit, and there was a Meijer that had a similar situation to what would be proposed for the Auburn site. It was a little off the main route and behind a series of buildings, so some of the canopies were covered. He indicated that it was really not that bad. They also had a convenience store, and it was not large. He felt that the architectural features were important, and also restricting how someone entered the station. He considered the Target location and thought that architecturally, a gas station could be really unattractive on the main road.

Mr. Anzek said he would like some information from the Commissioners as to the architecture and what made things stand out. He noted the Speedway at Rochester and Tienken. When they went through the PUD for Papa Joe's, they spent a lot of time on that. The intent was to get an all brick exterior. The Speedway was a slightly different color than the Rite Aid or Walgreen to the east, and Speedway was required to brick the columns for the canopies. He wondered if that was appealing to the Commissioners or if there was a better way. If they were not going to have a structure, it would be hard to architecturally match a brick building unless they found a place to put the brick. Mr. Hetrick thought that brick was harmonious and it looked nicer than typical aluminum columns. He did not think the Meijer on Adams would be a fit for some of the main thoroughfares in the City.

Mr. Schroeder mentioned a gas station in East Lansing that had a decorative brick wall around the outside and none of the pumps or even the gas station could be seen.

Mr. Dettloff believed that Meijer were good corporate citizens in the City, and he would like to support them. He asked if the gas station would be independently operated or operated through Meijer. Mr. Breuckman understood that it would be corporate operated. Mr. Dettloff asked if the City had control over whether they could just sell gas and not allow a convenience store. Mr. Breuckman said that through design standards, they could limit the size of a building. Mr. Dettloff said that there was a Meijer on Coolidge and it was on the larger size. He did not think he would want to see that kind of look in Rochester Hills. As a way to support the companies, he felt the Commissioners would be open-minded. Mr. Breuckman was sure Meijer had a proto-type, and he did not think the Meijer gas stations were particularly attractive. They might advocate for something different with the size of their convenience store, but they had that right. Staff would bring forward limitations on the building size.

Mr. Anzek said that unlike Meijer, Kroger had an affiliation with Shell. People could take Kroger points to a Shell station and get discounts in some places. Mr. Anzek brought up lighting levels, and said they would have to determine how bright it should be under the canopies. They might limit the height of the canopies, because some places would like to treat them as signs. He questioned if there should be signs allowed on canopies.

Mr. Dettloff asked if Meijer had indicated a timeframe for adding a gas station or if it was just preliminary. Mr. Anzek said that he first discussed it with Mr. DeHoek of Meijer about six months ago. Meijer put out an RFP for an engineering consulting firm to assist them, and they submitted a letter to Council, but they had not discussed timing.

Mr. Reece noticed in the letter to Council that Meijer had written about a gas station/convenience store, so it was his expectation that they wanted a convenience store. If they could make a buck off selling something there, they would. As far as the Speedway at Rochester and Tienken, which he frequented, and he also frequented the Marathon across the street, the Speedway was so busy and cars came and went, and he did not think the average resident realized there was brick on the building or canopy. On the other hand, the Marathon station seemed to spend a fair amount of money each year on landscaping. They had a water feature in front and a lot of flowers to dress up the store to make it look as nondescript as possible. He suggested that might be another approach they could look at. It would depend on the location, and he thought they would have to treat each one on a stand alone basis. While the Meijer might work well on Rochester, another site might not work as well. He

thought they could regulate architectural elements to the building on a case-by-case basis. He thought the Planning Commission had done a good job with that over the years. They had looked at each issue and imposed desires from an architectural perspective on an individual basis.

Mr. Anzek said that Mr. Reece brought up a good point about the landscaping. Meijer had presented a concept of where they would like to place a gas station, and he hoped it would not eliminate any trees in the grass band that ran from the south to north driveway along Rochester Rd. Those trees were classics, and there were not too many of that size on Rochester. The way that Meijer laid out the plans, trees would be lost from tank and pump fields. Mr. Reece thought the location made sense because there were two curb cuts already on Rochester Rd.

Ms. Brnabic stated that she would not like to see convenience stores in the standard. They were considering permitting gas stations in a B-3 district, which were not currently, so it would be revamping the Ordinance. She agreed with Mr. Breuckman that the current Meijer gas stations were not very attractive. She felt that they could require a set of standards for aesthetics or an architectural look if they were going to start permitting this use in B-3. The Commissioners did look at every development on an individual basis to an extent, but they did have to follow the guidelines, so in this case, she would not want the guidelines too open. She definitely thought there should be architectural standards in place. She agreed about on-site circulation and not allowing additional curb cuts for something located on the road. Even though a lot of Meijer customers would use the gas station, it would pull in traffic from others if it was at the right location, because people did not need a Meijer card to use a Meijer gas station.

Mr. Anzek said they probably sold the gas for a nickel to ten cents cheaper than the competitors, so it would be attractive for that reason.

Ms. Brnabic raised the issue of requiring larger parcels, and she asked for some further information in that regard.

Mr. Anzek said that would definitely be something Staff could look into and do some testing. If they looked at a ten-acre minimum parcel and someone had 9.8 acres, but it worked better with the perimeter road, they would have to consider parking, flow and safety. Several of the Commissioners raised questions about access and movement and whether it should be a conditional use. That would put it into a discretionary area and would tie it to health, safety and other parameters.

Those were things he and Mr. Breuckman had not started because if the Commission did not like the idea at all, there would be no sense in doing a lot of work on standards and regulations. They wanted to make sure they had a framework to be able to come back with some alternative drafts.

Ms. Brnabic agreed. She said that she did not have a problem considering it, but she reiterated that she would like to see some guidelines along with it.

Chairperson Boswell summarized that everyone wished to see it as a conditional accessory or subordinate use. They would like to see limited access, and he was quite sure everyone would like to see gas only.

Mr. Reece asked about hours of operation. Mr. Anzek did not think the City could restrict them because there was nothing in the Ordinance about it. Meijer was a 24/7 operation. He recalled that City Council imposed restricted hours for Wal-Mart, and Wal-Mart prevailed in court to be open 24 hours.

Mr. Anzek felt that Staff had enough information to work on an amendment. He thought that the key to making a successful regulation was that the site had to have a perimeter road - an internal circulation route clearly defined. Meijer, Lowe's, Hampton Plaza, and Home Depot all had one, for example. Chairperson Boswell had mentioned signage, and Mr. Breuckman assured that it would be a consideration.

Recommended for Approval to the Planning Commission

UNFINISHED BUSINESS

- 2011-0365** Discuss potential Zoning Ordinance Amendments - James Breuckman, Manager of Planning
(Reference: Memo, prepared by James Breuckman, dated September 6, 2011 and proposed amendments had been placed on file and by reference became part of the record hereof.)

Mr. Breuckman recalled that at the last Planning Commission meeting, he had introduced a list of potential Zoning Ordinance amendments. He felt that the amendment for handicap accessible parking represented the most significant change, so he wished to put that at the end. He said that it would be helpful to Staff to get an indication whether they should start preparing language for each. As a starting point, he had offered suggestions as to what they might modify.

Mr. Breuckman first brought up drive-thru requirements, an issue that arose because there were currently two separate standards for drive-thrus, and he felt that for fairness, they should be consistent. He asked the Commissioners if they thought it was an amendment worth pursuing.

Mr. Schroeder stated that if it was a concern to Staff, it should be a concern to the Commissioners, and they should all be considered. Mr. Anzek noted that Staff had received several inquiries regarding facilities that were not in use or had been abandoned, and they could not be brought into use because of some of the constraints. Drive-in restaurants now required a 150-foot wide minimum lot, but businesses were starting to build smaller facilities. He recalled McDonald's, which was just approved, and noted that the building was narrower than previously. The Taco Bell recently rebuilt was a narrower building, but it had three serving lines. They were going more to the mobility of the operation than inviting customers to eat inside. He mentioned Rally's and the Star Bucks at Papa Joe's, and said that neither would work with the current standards. Star Bucks was allowed through a PUD. The 150-foot wide lot was counterproductive to redevelopment for certain sites in town. The Commission would still get to review drive-thrus, because they were Conditional Uses, but the standards got in the way of getting some good redevelopment in the City.

Mr. Hetrick stated that from his perspective, if something helped redevelopment and created opportunity for business growth and was harmonious with the surroundings, he felt they should make things easier. Mr. Anzek indicated that some restaurants and retail stores, such as Meijer, were becoming smaller, and the City needed to accommodate and incentivize redevelopment.

Mr. Kaltsounis mentioned alternative parking lot surfacing, and said that he was not a fan of crushed limestone. He thought it would be hard to maintain, and suggested that maintaining asphalt would be better. Regarding parking lot striping requirements, he thought they would spend too much time debating which was employee and which was customer parking. He would recommend keeping double striping the way it was.

Ms. Brnabic questioned why it was that way. Currently, they offered a width reduction to nine feet for employee parking. If they narrowed the space striping, employees would be bumping into each other's cars and denting doors. If it were a one or the other option, that might be alright, but because they offered nine feet as an option, she thought it would be

too much to also reduce the line spacing. She felt that employees would start having problems with each other because there would not be enough space, and she thought there should be an option to choose one or the other.

Chairperson Boswell referred to parking lot surfacing, and said he thought there must be a way that the Planning Commission could set aside the concrete, asphalt or brick pavers under certain circumstances.

Mr. Breuckman agreed, and said he felt that it should be at the Planning Commission's discretion. He could check with the Engineering Department for recommendations for a good surface. Mr. Kaltsounis asked if that was done for Lowe's, where it was initially a rock-type surface. He recalled that the lot was quite a mess at first and then they paved it. Mr. Reece asked if it was done that way because of the time of the year when the asphalt plants were closed. Mr. Kaltsounis agreed that was probably the case. Mr. Reece thought that for crushed limestone lots, particularly for LEED building and someone wanting to achieve certification, the owner should be incentivized by the City to look at something like that. If it were a Meijer or Lowe's parking lot, they would have to be careful where they treaded. In specific instances, like the Tea Room and for someone looking for LEED points, he thought they could consider limestone. Mr. Breuckman agreed, and said those were the situations he had in mind to be able to allow it. Mr. Anzek agreed with Mr. Reece that it was evolving all the time. Previous parking lots were being considered to let the rainwater through.

Mr. Anzek referred to double versus single striping and recalled a development that proposed double striping. Former Chairperson Eric Kaiser was adamant that there be single striping. It was his opinion that double striping was a waste of paint and environmentally not necessary. Mr. Anzek thought the option was valid for double or single striping as long as they got the proper width. The intent for going to nine feet for employees was that they came in the morning and left and night. There was not a lot of in and out traffic and for every ten spaces a lot currently had, they could pick up another space without adding impervious stormwater problems. The industrial parks were moving to more intense employee-based operations, and it was hard to pick up parking because the previous Ordinance required one space per 500 square feet, and it now required one space per 300.

Mr. Kaltsounis asked if the parking was based on the square footage of a store and how many customers it had. He thought there should

technically be no employee parking. Mr. Anzek said that employees were not taken into account for retail except in the back of the store. It was an option for the industrial parks with employee-intensive operations.

Mr. Hetrick asked if there was a way to make single stripe parking according to industrial or office use. That way they would not have to spend a lot of time determining which was which. If it was retail, it could be double, and if it was office or industrial, it could be single. Mr. Breuckman noted that the proposed language said that customer and client spaces in business or office districts had to be double striped, but employee spaces in any other district could be single. They started to go down the road by district. Mr. Breuckman said that it was a requirement that came up for things that did not necessarily go to the Planning Commission, for example, people wanting to reoccupy a building and needing to restripe the parking lot. They were things Staff looked at administratively. Mr. Hetrick referred to limited use for alternative parking lot surfaces, and thought it made sense. Lowe's and others that wanted to use other than concrete or asphalt would be eliminated from the discussion.

Mr. Hetrick referred to the miscellaneous correction page - nonconforming structures - and thought it did not make sense. The word extend would be changed to extent, which was just a typo.

Chairperson Boswell noted the B-5 district setback chart, and said it was amazing that every B-5 district was nonconforming somewhere. Mr. Breuckman said he had not updated it, but there was another column that should show the year a gas station was built. He looked at all the old Zoning Ordinances and figured out when everything changed that created that situation, and it was in 1977. Chairperson Boswell thought that changing certain setback requirements would help, because some were too restrictive. He asked if anyone had further comments.

Mr. Kaltsounis remarked that the Speedway on Livernois and Auburn would appreciate it. Mr. Anzek agreed that was a tough site for anything. There was a pretty significant Variance for that site now, but it was still very difficult to put a working building on it. The owner needed to buy some more land from the apartment complex in the back.

Mr. Anzek agreed with Chairperson Boswell that the B-5 chart on nonconformance was an eye-opener. They had to explore how not to become an obstacle for people renovating, upgrading and reinvesting in the community. It was not all about taxes, but if there was an opportunity, they should try to help. Chairperson Boswell commented that there were

a lot of gas stations in town that could use a little revamping. Mr. Anzek agreed, and said that if there was a disincentive to fix them, they would continue to decline, and they would see added blight.

Mr. Breuckman moved next to handicap accessible parking. Chairperson Boswell asked if Mr. Breuckman had been investigating it, which he had. Ms. Brnabic noted that she had given out a recommendation (photo) of handicap parking spaces she would like to see implemented. There had been concerns about the lack of handicap spaces, and she felt that they should require more than what the ADA laws required, which she felt would be more adequate. She did not get the impression the Commissioners had a problem with her suggestion, which would require more room between spaces. She would like to see it for current redevelopments restriping lots as well as new developments. She mentioned incentives for adding additional handicap parking, and she was favorable to that. They had earlier discussed that within the City, there was ample space in a lot of the parking lots. She acknowledged that there would be some exceptions with smaller parcels, but she felt they could deal with those on a case-by-case basis.

Chairperson Boswell said that the only thing that worried him about requiring more spaces were the small parcels. They would not want to disincentivize certain businesses that needed nine spaces but only had room for what was currently required, for example. If the City required more handicap parking, that business would have to take a regular space out, and they would not meet the parking requirements. Ms. Brnabic questioned whether they could deal with that conditionally.

Mr. Breuckman said that one way to handle it would be that the smaller business would just have to follow the ADA parking table requirements. They could leave some of those businesses room to just follow the ADA requirements. If a business had less than 25 spaces, it would have to follow those standards, so places like convenience stores and gas stations and places more constrained would not have to provide additional spaces. With the larger, more intensive uses that had excess parking, they could "up" the requirements somewhat. There was already an expectation that the loss of a few spaces for a large parking field would not be felt the same. He said he also shared the concern; if a facility lost 10% of parking spaces because of the proposed requirement, it could be significant.

Ms. Brnabic felt that it could be covered if businesses with 25 spaces or less had to follow the current table. She felt it could be worked out, and

Chairperson Boswell agreed. Mr. Hetrick said that he would be in favor of a tiered approach. It would be consistent with things such as drive-thrus, where businesses on smaller lots should not be constrained because of parking.

Mr. Anzek also thought it could work well. They could leave the lower ends alone, but where there was surplus parking and high turnover, they could add handicap spaces. Chairperson Boswell stated that the larger developments in the City definitely had ample parking.

Mr. Breuckman concluded that Staff would prepare language for the amendments. He brought up Ms. Brnabic's concern about the access aisles on both sides of a handicap space. Ms. Brnabic agreed that she would like to see access on both the driver and passenger side of each parking space. Mr. Breuckman asked Ms. Brnabic where the photo she had forwarded was taken, and she advised that it was at an IHOP by Lakeside Mall. She really liked the way they designed the parking lot. They had all the things she would like to see - handicap access, some spaces with four feet of access on each side of a vehicle and a large space for vans and bigger vehicles. She felt it was a good example of what she was seeking for handicap parking. Chairperson Boswell concluded the discussion.

Discussed

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

The agenda had listed the next meeting as December 6, 2011. Mr. Anzek advised that, since the elections would not be held the first Tuesday in November, there would be a Planning Commission meeting on November 1st. There were several pending items for the agenda, including the Rezoning for the Little Winkler parcels. He recalled that the Planning Commission meetings were typically cancelled in November for the elections, but this year they were the second Tuesday in November (the 8th).

Mr. Reece asked if it was possible to include the map showing the densities of the surrounding parcels with the Rezoning notices. It was discussed that the map would be available to review in the Planning Department and on the City's website, and a link to the website would be

added to the notices. Mr. Reece thought that would be a good idea, because the map had made a big difference in the way he viewed the situation.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Kaltsounis, Chairperson Boswell adjourned the Regular Meeting at 8:25 p.m., Michigan time.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary