



# Rochester Hills

## Minutes

### Planning Commission

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Rochester Hills, MI  
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Home Page:  
[www.rochesterhills.org](http://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*

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Tuesday, October 15, 2013

7:00 PM

1000 Rochester Hills Drive

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#### 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, Greg Hooper, C. Neall Schroeder and Emmet Yukon

**Absent** 2 - Nicholas Kaltsounis and David Reece

#### Quorum Present

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

#### APPROVAL OF MINUTES

2013-0359 September 17, 2013 Regular Meeting

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

**Aye** 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

#### COMMUNICATIONS

- A) Planning & Zoning News dated August 2013
- B) Email from Gary Grochowski dated 10/11/13 re: Rezoning Request (Agenda Item 2)
- C) Marketing items for Rezoning Request (Agenda Item 2)

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**NEW BUSINESS**

**2013-0360** Public Hearing and request for a Rezoning Recommendation - City File No. 03-016 - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone one parcel of land totaling approximately 2.52 acres, Parcel No. 15-34-352-012, located at 920 W. South Boulevard, east of Livernois, from R-2, One Family Residential to R-2, One Family Residential with FB-1, Flexible Business Overlay, AGE of Rochester Hills, Inc., Applicant

*(Reference: Staff Report prepared by James Breuckman, dated October 8, 2013, EIS and Letter of Intent from Thomas Kenny, agent, had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Thomas Kenny and Chuck Sekrenes, AGE of Rochester Hills, Inc., 1245 E. Grand Blanc Road, Grand Blanc, MI 48439.*

*Mr. Kenny introduced himself and his partner, noting that they were with a company called the Pines, which specialized in assisted living and memory care for dementia residents. He advised that they had eight locations in Swartz Creek, Lapeer, Clarkston, Fenton and Burton, Michigan. They were present to ask for the Commission's support to Rezone a piece of property currently zoned R-2 to Flexible Business Overlay. He related that they tended to be a little bit different than some of the other assisted living homes in Rochester Hills. They were smaller facilities with between 20 and 26 residents.*

*Mr. Kenny noted that they had an option to purchase the subject property just east of the corner of Livernois and South Boulevard, which was 2.5 acres and had a house on it currently. The property was directly across the street from a facility called Heartland Health Care Center. He showed some images of the subject property, including a six-foot high wall that ran north and south along the west property line. There was a Moose Lodge parking lot on the parcel to the west, north of the Lodge itself was a veterinary clinic, and there were homes to the north and east of the subject site.*

*Mr. Kenny mentioned the communication from the broker for the property, which stated that he had been unable to sell the property for a number of years. The broker felt that it was not an ideal location for a home, and it would have more value selling as senior housing. Mr. Kenny explained that the assisted living facility would give people the ability to come and go - it would be an open facility. The memory care facility would be a secured, locked facility, and the residents could not come and go. The*

*buildings they normally constructed were single-story with a home-like setting. There would be a canopy over the entrance and bay windows. The buildings he showed were vinyl-sided. Mr. Kenny concluded that he would be happy to answer any questions.*

*Chairperson Boswell asked Mr. Breuckman what uses could be allowed if an FB-1 overlay were added. Mr. Breuckman explained that it would become an optional overlay, so the residential zoning would remain in place. Flex One did not permit by right commercial or retail uses, and predominately included office and residential. Attached residential could be done, whether it was senior housing or regular housing.*

*Ms. Brnabic indicated that it looked as if the applicants might do a nice development, but unfortunately, she had some reservations about a proposed Rezoning Overlay. She questioned the need for another senior facility within Rochester Hills at this time. Currently, there was Oakmont Boulevard Senior Housing on South Boulevard east of Adams, and they were proceeding with an additional facility; American House on Adams north of South Boulevard was recently approved and expected to move forward; and Wellbridge, formerly called Avon Wellness Center on Meadowbrook near Rochester Road, had final approval and should be proceeding soon. Wellbridge was a 100-bed nursing and rehab facility. There were 12 senior facilities in the City, and two were adding to their facilities. She stated that she also had to consider the fact that approving a Rezoning to FB-1 Overlay would allow other uses such as office, research, recreational facilities and conditional uses such as bars or restaurants, although she acknowledged that those might be more difficult, because they required a special approval. She reminded that the request was for a proposed use, but not a specific use, and that the area was master planned for single-family residential.*

*Ms. Brnabic stated that her next concern regarded the strain on the public safety system. She watched a budget meeting on August 26th when the Fire Department gave a presentation. The Chief stated that the City would seriously need to consider increasing staffing levels to maintain services currently offered to the community for a variety of things. There was already an obvious stress on the EMS system. The Chief also mentioned that the recently approved plans for Oakmont and American House would increase call volume by an estimated 400 EMS calls per year. Wellbridge, the 100-bed nursing and rehab facility, was not even included in the increased call volume. The Chief stated that the call volume had increased in 2006 due to an increase in the aging population, as well as from additional development in the City. The Fire*

*Department was experiencing a lot of back to back calls in regard to the City's mutual aid system, which was assistance from neighboring cities. Rochester Hills was far more on the taking side. In 2012, the Fire Department requested to have another community on standby 332 times. Another city had to come and take the City's EMS calls 167 times. Considering the fact that she did not believe there was a need for an additional senior facility currently and considering the other possible uses allowable in FB-1, Ms. Brnabic said that she was not sure the Rezoning request was appropriate at this point.*

*Mr. Hooper said that similar to Ms. Brnabic's points, there was another senior facility approved at the northeast corner of South Boulevard and Crooks. He asked Staff if anything had transpired with that development. Mr. Anzek replied that people were looking at it, but there was no deal. Mr. Hooper asked Mr. Kenny what differentiated his facility from the competition.*

*Mr. Kenny responded that it was a very good question. He said that it was very easy to lump all senior care together. Their facilities had nothing to do with nursing care whatsoever. A nursing or rehab facility was quite different than what they provided. They provided for seniors on the assisted side of the fence, who would otherwise be in their homes, so in terms of EMS calls, that same EMS call would come to a person's home, so it would not necessarily be additional. People in his facility were directly from the community. They were under a licensing element of either adult foster care or home for the aged. At 20 residents, they would be under adult foster care and over that, they were considered a home for the aged. On the memory care side, it was a totally different type of service. They had done some homework with their competitors in the area. There was only one memory care facility in the area, and they found that the memory care at Sunrise in Troy was full. He stated that unfortunately, it was a segment of the industry that was growing very rapidly.*

*Mr. Kenny said that through their homework, they believed that there was enough of a need in the area to warrant making a big investment. In terms of the usage, he suggested that it could have been an error on their part not to stipulate the use, but they would be more than willing to stipulate the applied use. They had no interest in office, and they would be willing to modify the application to stipulate the use as assisted living and memory care.*

*Mr. Hooper indicated that he was very familiar with those facilities. His*

*mother had dementia and Alzheimer's before she passed away, and she was in assisted living and moved to memory care. He agreed that those facilities generated a lot of emergency calls. He added that it was not a reason to deny something; it was just a fact of life. He asked the projected splits typically in the facilities between assisted living and dementia care.*

*Mr. Kenny said that the market they served was changing. In Clarkston, they had a campus-style environment, and they had 26 residents on the assisted side and 20 on the memory care side. He felt that they would have more memory care than assisted at the proposed location.*

*Mr. Hooper said that he was not sure what their market research showed, but there were several facilities in the area that served people in memory care, and there were vacancies in each one of them. Mr. Kenny maintained that it was very dynamic, and things changed all the time. They had facilities with one or two people on a waiting list and some facilities that were down two or three, and it fluctuated. At any particular point in time, there would be some availability. Mr. Hooper clarified that the facility would house about 50 people, and he asked if the facilities could reasonably fit on the 2.5 acre property. Mr. Kenny said that they were working with a company who had done some preliminary layouts for them. They felt comfortable they could fit the facilities on the property. They had found the City very supportive giving feedback as to what would look good on the property.*

*Mr. Schroeder noted that the whole medical market was radically changing. The age groups were increasing radically, and his age group was the fastest to increase exponentially. He saw a great need for the services. He liked the idea of having smaller facilities. He mentioned that his mother had been in a couple of huge places where she felt lost, and there was no personal attention. He thought it was a very good thing, and that it was very needed. He asked Mr. Kenny if he had talked with the neighbors yet.*

*Mr. Kenny said that he had not discussed anything with the neighbors. Mr. Schroeder thought that if the request passed, the first thing Mr. Kenny should do is get with the neighbors. Mr. Kenny said that he did not normally approach Planning Commissions, so he apologized if he did not say everything just right. They did take working with a community very seriously. They had a very sensitive issue in Clarkston with Deer Lake. Their property happened to be in the path of another subdivision above them that was putting all kinds of contaminants through them. His*

*company put together a nice forebay system and they filtered everything. They worked with the neighbors and invested about \$35,000.00 to make sure that Deer Lake was a better place. They wanted to be good neighbors. He mentioned that he lived in Troy, and he understood the need to be part of a community, and they would do whatever they could to satisfy the neighbors and screen the buildings properly.*

*Mr. Schroeder mentioned that he had been involved with Heartland in Troy, and he could not believe how fast they filled. They had to do a second phase right away. Mr. Kenny thought that the proposed site would be very complimentary to Heartland. Heartland reported that they were able to get about 90% of their patients into home care. The other 10% discharged would oftentimes be placed into assisted living or memory care facilities. After 60 or 90 days Medicare would not pay anymore, so facilities like his would play a role in working with Heartland.*

*Mr. Dettloff asked Mr. Kenny if their market research was done independently or in house. He asked what process they used to determine the need, and whether they worked with Oakland County or any other agencies on aging.*

*Mr. Kenny advised that they worked internally. They had a marketing person in house to make sure they would not build a multi-million dollar facility that could not support itself. He said that every one of their facilities had done fine and been well received by communities. He acknowledged that the facilities took almost a year to fill. People transitioned into the need. Their philosophy had been to build a smaller facility that had more of a home-like feel. He agreed with Mr. Schroeder that people did get lost in larger groups. He said that it was interesting to see how people in their 80's and 90's still, like high school, ended up having friends that they wanted to stay with every day. They had particular tables to sit at with particular people. In a larger facility, someone could get lost with care providers, but with his facility, people knew their care provider intimately. They employed 15-20 people per facility. There were 2-3 people on staff at all times, and they had a full-time cook, as well. He maintained that it really felt like home. In terms of direct marketing or statistical numbers, he did not have that. He reiterated that they had an internal marketing person that did the homework and gave them written background on the bigger providers in the area. That person canvassed six different facilities and surveyed them in terms of what they offered, to make sure his company could find their own niche.*

*Mr. Dettloff thought it would be an enhancement for the corner. He agreed with Mr. Schroeder and mentioned a term he had heard over the last several years called "silver tsunami." He knew that Oakland County was really trying to get its arms around the aging population, to make sure they were prepared from a quality of life standpoint to have as many amenities for seniors as possible. He knew the numbers for the other facilities in the City, and he wanted to make sure there was not overkill, but he believed there were stats to back up Mr. Kenny's claims. Mr. Kenny related that the people that did nursing and rehab had nothing to do with their business - there was a completely different need component.*

*Mr. Hetrick joked that he must be part of the "silver tsunami." He said that with regard to Mr. Kenny's business model, it was clear to him that Mr. Kenny had good knowledge of the market and competition, and Mr. Hetrick had no issue regarding the competitive situation. If the number of units they proposed fit into the picture, he thought that would be great. The only suggestion he had, given that one of his colleagues on the Commission liked to discuss siding, was that they considered using more brick. He felt that the more brick they used, the better, from Rochester Hills' perspective. He recommended that they consider the business case for that. He asked Mr. Breuckman if he said that using R-2 would be an unacceptable way to go forward, or if they had to approve FB-1 for the project to go forward. It appeared to him that R-2 would still work.*

*Mr. Breuckman advised that R-2 only permitted single-family residential. Mr. Hetrick asked if there would be one person per unit. Mr. Kenny agreed that it was one per unit. Mr. Hetrick clarified that the units functioned like individual homes. Mr. Kenny said they would almost be like an apartment. Mr. Hetrick summarized that FB-1 was necessary because there would be multiple units. Mr. Breuckman brought up the building design, which he said could not really be considered during a rezoning request, and said that the FB-1 district had some pretty stringent materials standards and design requirements. How much vinyl could be used was limited, so FB-1 would generate good-looking buildings. Mr. Kenny mentioned that Clarkston had the same requirements. Mr. Hetrick asked Mr. Kenny if he was the developer of the property. Mr. Kenny said that he and Chuck were two of the owner/operators.*

*Mr. Yukon asked how many locations Mr. Kenny had currently. Mr. Kenny said that they had eight until last week and now had six. They recently sold two locations because they were not allowed to have the campus environment. The first two buildings they bought were in Fenton and Swartz Creek, and both were assisted living. In 2001, there were*

*really no dementia service care facilities. The first two were on property that did not allow them to construct the second part of their campus, which was part of their business model (memory care). Mr. Yukon asked if each location was independently managed, which was confirmed. Mr. Yukon asked if they had an overarching management structure and clarified that they would oversee all of them. Mr. Kenny replied that there were six partners, and one was an RN. She was responsible for those care limits, and she made sure they had the right type of nursing relationships at each location. Every location required different things; in Clarkston, it was very important to have a nurse on staff. In some of the other locations, the residents did not really care about that. There were costs associated with different things, and it allowed them to provide services at a lower cost if there was not an RN on staff. They had one partner that oversaw up to four locations and two operating partners. The proposed facilities would present a new opportunity for someone to come in and oversee them. They were thinking about combining that person with Clarkston. Clarkston was a similar community to Rochester Hills, and the service requirements would be similar. There were higher expectations and nicer facilities were required. The operations managers had site managers on site all the time, and there were staff that worked with the residents daily. There was also one activities director for every one or two locations.*

*Mr. Yukon asked Mr. Kenny if he saw any challenges based on the size of the parcel. Mr. Kenny thought initially that they might have challenges with some of the utilities, but they found out they would be okay. The other challenge was making sure they could meet fire access requirements. Rochester Hills required sidewalks around all buildings, which was a little tricky for them. They needed a way to make everything look attractive. He was not sure what would be involved with making sure the neighbors were happy, but they wanted to make sure they had the screening they needed. He assured that the facilities would not be loud with people running around. It would be very quiet, and there would not be as much traffic as people might think. They had been in the business for 12 or 13 years, and the amount of traffic in and out was not that busy. People stayed with them from one to five years. Mr. Yukon recalled that Mr. Kenny said that he saw the facilities as transitions from the Heartland Health Care Center. Mr. Kenny said that when Heartland discharged people, they had an obligation to make sure that the environment they were discharging into would be safe, compatible and progressive. A lot of people came out of a rehab facility who were not making enough progress to go home, but they could not go home because they would not get the care they needed. That was where they came in. That transitional*



*timeframe could be six months to a year where someone needed some type of assistance. Some people called that respite care, but he said that it was assisted living because people tended to be with them for months, not days.*

*Mr. Schroeder agreed that brick in the architecture would be very important. He asked Mr. Kenny if he was in Independence or Clarkston, and Mr. Kenny answered Independence Township, with Clarkston mailing. He explained that they took a furniture store and converted it into an assisted living facility. He pointed out the location and told the members to feel free to stop by.*

*Mr. Dettloff asked if the proposed facility would have all the amenities the one in Clarkston had (as shown in the brochure Mr. Kenny handed out). Mr. Dettloff wondered if it would be too small to accommodate some of those things. Mr. Kenny advised that the one in Clarkston was 19,000 square feet, and the proposed facilities would be 14-15,000 square feet each. He indicated that they would have to make some decisions about which amenities they could offer. He agreed it would not have all of the same amenities.*

*Mr. Yukon referred to page four of the Staff Report and read: "The applicant's Environmental Impact Statement states that very little traffic is experienced by their facilities." Mr. Yukon noted, however, that under Findings for Denial in the motion, number two read: "Approval of the FB-1 overlay zoning would increase the potential for development with higher trip generation rates in the area." He asked Mr. Breuckman to clarify.*

*Mr. Breuckman said that the particular use being described would likely not increase trip generation. That was not necessarily the use the City would get, so there was the potential that if an office building came in, it would increase trip generation above what it was currently. He did not know if that would materially impact the function of South Boulevard, and they would have to look at it at that point in time.*

*Mr. Kenny added that they had another location they were studying to determine what would work there. They had to do a traffic study, and the use was currently office. He said that going from office to what they were proposing would drop traffic by 85%. There were 27,000 cars a day in that location, and he thought that South Boulevard had two-thirds of that. Mr. Yukon mentioned that Mr. Kenny had stated that he would stipulate the use for the site. Mr. Kenny said that he did not know if that was an*

*oversight on their part, and he was not sure where he could have done that. He maintained that he would be glad to stipulate it, and that a conditional approval would be fine with them.*

*Chairperson Boswell stated that a Rezoning request required a Public Hearing, and he then opened the Public Hearing at 7:45 p.m. Seeing no one come forward, he closed the Public Hearing.*

*Hearing no further discussion, Mr. Schroeder moved the following motion, seconded by Mr. Hetrick:*

***MOTION*** by Schroeder, seconded by Hetrick, in the matter of City File No. 13-016 (920 W. South Blvd. Rezoning) the Planning Commission **recommends approval** to City Council of the proposed rezoning of parcel no. 15-34-352-012 to add an FB-1, Flexible Business Overlay in addition to the R-2 One Family Residential underlying zoning, which will remain, with the following three (3) findings.

*Findings for Approval*

- 1. FB-1 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan.*
- 2. Approval of the proposed rezoning will allow for uses that are consistent and compatible with existing uses to the west and south.*
- 3. The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.*

*Mr. Yukon asked if the Commissioners should add a stipulation about use to the motion.*

*Mr. Anzek advised that the meeting was advertised for a Rezoning to include the FB-1 overlay. If they wished to change that, it would have to be re-advertised. If they wished to pursue a Conditional Rezoning, the applicant would have to initiate it and bring conditions forward. Those conditions could not be negotiated, and they would have to be acceptable to the Planning Commission.*

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

**Aye** 6 - Boswell, Dettloff, Hetrick, Hooper, Schroeder and Yukon

**Nay** 1 - Brnabic

**Absent** 2 - Kaltsounis and Reece

*Chairperson Boswell stated for the record that the motion had passed. Mr. Breuckman informed the applicants that the matter would next go to City Council, and he would prepare for the October 28, 2013 agenda.*

**2000-1724** Request for Revised Site Plan Approval - file No. 79-951.6 - Islamic Mosque, a 53,526 square-foot addition to the existing mosque on 11.48 acres, located on the south side of Auburn, east of Livernois, Parcel Nos. 15-34-101-045, -009, -010 and -011, zoned R-4, One Family Residential, Islamic Association of Greater Detroit, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated October 11, 2011 and Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Dr. Ghaus Malik, Islamic Association of Greater Detroit, 879 W. Auburn Rd., Rochester Hills, MI 48307 and Ghassan Abdelnour, GAV Associates, 31471 Northwestern Hwy, Suite 2, Farmington Hills, MI 48334.*

*Mr. Breuckman stated that the plans were technically compliant, and in terms of compliance with the zoning requirements, there were no outstanding conditions. There were some comments in the department memos, all of which the applicant had committed to addressing. None of the comments would substantially change the plans, and they were minor details. Fire's comments were about ensuring that there was a sufficient turning radius at one of the driveways, and there was room to increase the radius if necessary. The Forestry comments dealt mostly with the species and location of trees, and the trees would have to be converted to ornamental trees or be removed, and a payment would be made into the Tree Fund. Mr. Breuckman said that he would be happy to answer any questions.*

*Dr. Malik commented that they had been good neighbors of the City since 1979. He expressed his appreciation to all of the City Staff who had been so cordial and worked with them to find out what necessary changes were needed. He indicated that they had always made a commitment to being compliant with the rules and regulations.*

*Mr. Schroeder said that his only concern was the traffic. He asked Dr. Malik if they still furnished an officer at the driveway. Dr. Malik agreed that they still did. He mentioned that they had three officers for a holiday service. The City's Traffic department recommended, even though they were proposing a new, larger entrance, adding a new entrance from Livernois, which they had included in the plans. They had completed a traffic study, and they would continue to work with the City to produce additional lanes, or whatever was necessary, because they were very interested in safety for their members and for the public.*

*Mr. Schroeder asked if an officer would be necessary on Livernois. Dr. Malik did not believe so. He said that the main traffic would be on Auburn. The Livernois access would be secondary. Mr. Schroeder asked if they would consider having one if they saw a need. Dr. Malik responded that they absolutely would.*

*Mr. Abdelnour pointed out that the site currently had one entrance/exit. They would make it bigger and provide another one on Auburn and one on Livernois, so they would have three. They were providing a lot of parking (429 spaces) in the back, so people could come in quickly without lining up along the road, leading to better circulation.*

*Mr. Abdelnour showed a rendering of the current building. He explained that it would be redone to have split face and smooth face block and a lot of limestone. They would keep that theme with the new addition. With the material they were using, they would try to make it so it did not look like an addition. He thought that it would look very presentable. He also thanked the City and all the departments for their help through the process, which had taken about two years. He wanted to make sure all the requirements had been met before they came before the Planning Commission.*

*Mr. Yukon asked Dr. Malik the anticipated timeframe for construction. Dr. Malik said that they expected it to be done within 18-24 months after approval. They would work on the addition first, along with the parking area, and then do the renovations, which he indicated were minor. Mr. Yukon hoped they would take traffic into consideration during construction. Dr. Malik said that they absolutely would follow all recommendations. Mr. Yukon observed that it would be a big project with a lot of activity on the site. Mr. Abdelnour said that they would open the entrance to Livernois to give some relief. He assured that they would work with the City.*

*Mr. Hooper believed that the existing facility had a minaret, and he asked*

*the height of it. Dr. Malik said that there was not one there now. Mr. Abdelnour said that the new building would match the height of the existing building. Mr. Hooper said that there would be two new domes and two new minarets, and the plans showed the minarets to be about 75 feet and about 95 feet back from the property line. He asked Mr. Breuckman if there were, similar to a church, setback requirements for the architectural features.*

*Mr. Breuckam said that places of worship were allowed those features, and the requirement was one extra foot of setback to the feature for every foot that it exceeded the maximum building height in the district. In this case, if the maximum building height was 30 feet, and the setback was 35 feet, the 95 feet shown on the plans meant that the feature could go up an extra 60 feet. They could go up to 95 feet. Some things in the Building Code were triggered if something was above 75 feet. Mr. Hooper remarked that he thought there must have been some purpose in having a 74-foot, 11-inch minaret.*

*Mr. Hooper recalled that quite a few years ago, the Planning Commission came across issues regarding stormwater leaving the site. He asked if the pond shown on the plan was existing. Dr. Malik agreed, and said that it would be enlarged. Mr. Hooper clarified that there were no longer issues with stormwater leaving the site. Dr. Malik related that there were not, and he noted that the initial pond was a retention pond. They did an expansion backward from the building in 1982. In about 2000, they expanded part of the building and added parking and relocated the pond. It was recommended at that time that they changed it from a retention to a detention pond, which created some of the flow of water down stream. It was not a major leakage, but some folks had concerns. Mr. Hooper corrected that it was the other way around; it went from a detention to a retention pond. He explained that detention would not allow anything to leave a pond. Dr. Malik thought that retention was to hold water and detention was to let it slowly seep out. Mr. Hooper advised that it was the other way around. Mr. Hooper explained that it was labeled as a detention pond on the plans, which meant that nothing would leave - it would stay or evaporate.*

*Mr. Hooper mentioned bell ringing, and he asked if they would have a bell or loud speaker that sounded at certain times. Dr. Malik stated that there would not be any ringing or speakers, and it was a commitment they made in 1980.*

*Mr. Anzek gave a little more history on the pond. In early 2000s, there*

was a problem with seepage out of the detention facility. At that time, it was going to be fixed when the Pine Woods project was built. He pointed out the topo on the proposed detention system, and said that they would take the emergency overflow back to the original surface drainage swale that ran naturally through the adjacent properties to return it to what it should have been. There had not been any concerns or complaints for the past seven or eight years.

Hearing no further discussion, Mr. Schroeder moved the following motion, seconded by Mr. Yukon:

**MOTION** by Schroeder, seconded by Yukon, in the matter of City File No. 79-951.6 (Islamic Mosque Addition), the Planning Commission **approves the site plan**, based on plans dated received by the Planning Department on September 11, 2013, with the following five (5) findings and subject to the following three (3) conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The reduced side yard parking setback is justified based on existing conditions on neighboring sites.
3. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Condition

1. Provide a landscape bond for replacement trees in the amount of \$101,350 prior to issuance of a land improvement permit for this development.

2. *Submittal of an irrigation plan and associated cost.*
3. *Address all applicable comments from the City Building, Engineering, Fire, and Forestry departments and outside agency review letters.*

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

**Aye** 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

*Chairperson Boswell stated that the motion had passed, and he wished the gentlemen good luck.*

**2013-0342**

Public Hearing and Request for Recommendation of an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills. Sections include 138-4.300 Table of Permitted Uses by District; 138-4.430 Outdoor Storage; 138-4.445, Dry Cleaners; 138-5.100 Schedule of Regulations; 138-5.101.B Established Building Line; 138-5.101.Q Outdoor Use Areas in the I (Industrial) District; 138-5.101.W Reduced Minimum Lot Width and Area in the R-4 District; 138-12.303 Stormwater Management Pond Landscaping; 1388-12.203 Plant Material Spacing; and 138-12.302 Loading, Storage and Service Area Screening, and to repeal conflicting Ordinances and prescribe a penalty for violations.

*(Reference: Memo prepared by James Breuckman, dated October 11, 2013 and Zoning Ordinance Amendments had been placed on file and by reference became part of the record thereof.)*

*Mr. Breuckman referred to the proposed Zoning Ordinance Amendments the Commissioners had been given, which they had discussed at the last meeting. He noted that they were in the same form with a couple of exceptions. He worked on outdoor storage screening language Mr. Hooper had suggested, and he added language for Dry Cleaners standards, to ensure they had proper protections in place. In terms of screening, on page one, item B1, the language now read "Any storage shall be screened from public view from a public street and from adjoining residential properties by an enclosure consisting of a wall, opaque fence or opaque evergreen landscape screen not less than the height of the equipment, vehicles and all materials to be stored." Under item C, Walls and Fences, he said that they really did not want walls or fences higher than eight feet in height. He read a portion of C: "If screening higher than 8 feet is required to conceal the material or*

vehicles being stored, the screening shall consist of evergreen screening sufficient to form an opaque screen equal to the height of the material or equipment within 5 years of planting.” He suggested that five years could be changed to three, noting that they did need some time to allow for growth. He added that transplanted trees took about three years to start growing again.

Mr. Breuckman next referred to the Dry Cleaner standards on page four. Dry Cleaners were added as a specific use within the Use Table. The districts that Dry Cleaners were permitted in showed some “odd” formatting that he said he would fix before it went forward. Dry Cleaners were still permitted in the B-1 through B-3 districts. The specific standards were under Section 11, which added Section 138-4.445: “Dry cleaning chemicals shall be self-contained within the machines that use them. Floors shall be sealed with a chemical-proof material or industrial-grade epoxy coating and shaped to form a basin to contain any chemicals and to prevent them from leaching into the ground or otherwise escaping the premises.” He noted that he had consulted with ASTI, the City’s environmental consultant, regarding the standards. He learned that the vast majority of dry cleaners now had self-contained machines where the chemicals were kept, but he felt that it was good to have a secondary containment. He asked if there were any questions.

Mr. Hooper thanked Mr. Breuckman for adding the language for outdoor storage screening. He would recommend less than five years for the screening to grow, and thought three years was appropriate. He pointed out the error message for Section 138-4.430 D Dumpster and Trash Storage, which Mr. Breuckman advised he was aware needed correction.

Mr. Hetrick said that three years was good for him, too. Chairperson Boswell asked if anyone objected to changing the timeframe for screening to grow to within three years, and heard no objections.

Chairperson Boswell opened the Public Hearing at 8:14 p.m. Seeing no one come forward, he closed the Public Hearing. He asked if there was any further discussion. Hearing none, Mr. Schroeder moved the following motion, seconded by Mr. Hetrick:

**MOTION** by Schroeder, seconded by Hetrick, the Rochester Hills Planning Commission hereby recommends to City Council approval of an Ordinance to amend sections of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan as discussed at the Public Hearing held on October 15, 2013, including



*sections 138-4.300 Table of Permitted Uses by District; 138-4.430 Outdoor Storage; 138-4.445 Dry Cleaners; 138-5.100 Schedule of Regulations; 138-5.,101B Established Building Line; 138-5.101Q Outdoor Use Areas in the I (Industrial) District; 138-5.101W Reduced Minimum Lot Width and Area on the R-4 District; 138-2.303 Stormwater Management Pond Landscaping; 138-10.311 Dumpster and Trash Storage Screening; 138-12.302 Loading, Storage and Service Area Screening; and 138-12.203 Plant Material Spacing and to repeal conflicting Ordinances and prescribe a penalty for violations.*

**A motion was made by Schroeder, seconded by Hetrick, 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, Hooper, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

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

## **DISCUSSION**

**2008-0053** Architectural Design Standards - James Breuckman, Manager of Planning

**Postponed**

## **ANY OTHER BUSINESS**

*Mr. Schroeder asked when Tienken east of Rochester would open. Mr. Anzek believed that it would be October 19, 2013. Mr. Schroeder said that he missed the car wash on the other side of Rochester, and he asked if it was going to relocate. Mr. Anzek said that he had not heard; it was a total take, and he felt that it might be hard to find another B-5 site in town. Mr. Breuckman said that he had several conversations at the counter with people who were interested in buying that site and continuing the auto wash use. Mr. Schroeder wondered about fitting an auto wash on that property. Mr. Breuckman thought that it would be possible, although the building would probably have to be moved.*

*Mr. Anzek mentioned that applicants for the Avon Country Market went to City Council the previous night regarding a Consent Judgment. He and Mr. Breuckman requested that Council set a Public Hearing for October 28 regarding a resolution for developing the site. He briefed the Planning*

*Commission on what was being considered.*

*Mr. Anzek related that the issue dated back to 1982, when the City first denied the owners the right to expand the building, because it was a pre-existing, non-conforming use. The owners took the matter to court and through negotiations, there was an agreed upon Consent Judgment that entitled them to fix the property, eliminate the apartment that was on the second floor and renovate. As time went on, money was a problem. They re-approached the City Council in the early 1990s and requested to be able to knock down and rebuild rather than renovate the building. Council was agreeable to that under the terms of the Consent Judgment. The matter was taken up again in 1999 with City Council. Mr. Anzek began with the City in 2000, and it became his bi-annual project. Every two years, the owners, the Essas, came in with revised plans and they and Staff would work out details for weeks, and then the Essas left and never came back for another two years.*

*Mr. Anzek noted that recently, the Essa's property had been closed. In the last year-and-a-half, the shelves had been empty. The Allen brothers, owners of property across the street, want to eliminate the eyesore, and they would like to knock down and rebuild a retail facility. Staff had been working with the Allen team, and helped come up with a plan that was similar to the Essa's. Council agreed to set the Public Hearing for October 28, and he and Mr. Breuckman wanted to show the Planning Commission what they had worked out with the applicant's architect. The Allen's purchase was dependent on the Consent Judgment being approved by both parties and entered in Court.*

*Mr. Breuckman pointed out the proposed and the existing development. He noted the location of the existing building, which sat in the right-of-way, and advised that the new building would be moved out of the right-of-way. Mr. Breuckman showed where the pathways ended, and they did not continue to the corner to connect. He showed the landscape plan and mentioned that the building would have separation from the neighbors to the north and west, and it would be placed to help with circulation through the site. Staff felt it was the best solution for traffic because the driveways would be moved from the corner also. Mr. Breuckman showed the south elevation facing Avon and the east elevation facing John R. The proposal was for two lease spaces, one larger than the other, and the building would be 4,116 square feet. Regarding screening, there was a decorative fence proposed along the west and north property lines with supplemental landscaping. Mr. Breuckman advised that the only applicable deviation from an Ordinance standard was that the building*

*was being pushed towards the street, but it would be permitted in a Flexible Business Overlay district.*

*Mr. Anzek stated that Staff was going to ask the applicants to install a bike rack especially with the pathway being connected. He felt that the proposal would be a nice way to clean up an "eyesore" and create a nice business. The Allen brothers' vision for the rental space in the back was for a neighborhood barber or beauty shop. He asked if there were any thoughts or questions.*

*Mr. Schroeder remarked that the City spent years trying to get the easement for a bike path. Mr. Hetrick thought that it would be a significant improvement, and Mr. Schroeder agreed it would really clean up the area. Mr. Anzek said that it was the only corner at the intersection that did not have curb and gutter. Mr. Schroeder asked if the developer would install that or if the City would have to. Mr. Anzek advised that the developer would do it and also add some taper lanes. Mr. Schroeder confirmed that there would be no left turns onto Avon.*

*Mr. Hetrick asked if Staff knew what the other business might be. Mr. Anzek said that they were pursuing a convenience food store. He was not sure if the applicants knew that an apartment complex was going in on John R, and he mentioned that a developer (Lombardo) was planning to construct \$400,000.00 homes further south on John R, so he thought the location was good for a food store.*

*Mr. Anzek felt that there were a lot of plusses in bringing the building out. He observed that the back of those types of facilities tended to become dumping grounds. Mr. Schroeder asked if they had taken care of the site distance for the corner. Mr. Anzek remarked that they had taken care of it numerous times, and now they had to do it for the pathways also.*

## **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for November 19, 2013.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Yukon, Chairperson Boswell adjourned the Regular Meeting at 8:30 p.m.

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William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary