



# 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*

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Tuesday, December 6, 2011

7:00 PM

1000 Rochester Hills Drive

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#### CALL TO ORDER

Chairperson William Boswell called the Regular Meeting to order at 7:02 p.m. in the Auditorium.

#### ROLL CALL

**Present** 8 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece and Emmet Yukon

**Absent** 1 - C. Neall Schroeder

Quorum present

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

#### APPROVAL OF MINUTES

2011-0494 November 1, 2011 Special Meeting

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

**Aye** 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Yukon

**Absent** 1 - Schroeder

#### COMMUNICATIONS

- A) Planning & Zoning News dated October 2011
- B) Memo from Ed Anzek, dated 12/6/11 re: proposed meeting schedule for 2012
- C) Colored Map of the B-3 zoning districts
- D) Memo from S. Cope dated 12/01/11 re: City Hall Entrance Sign

## NEW BUSINESS

*Mr. Anzek had requested an addition to the Agenda - a discussion about the City Hall entrance sign.*

*Mr. Cope came forward to discuss the new entrance sign for City Hall. He explained that the overall sign will be 15 x 7 feet with an 8 x 3-foot message board. The sign will be constructed of natural limestone, with cherry wood along the top. The message board will be aluminum, with electronic messages controlled by software. The location of the sign will be very close to the current sign, about four feet away. Mr. Cope showed a picture of a sign in that location for perspective for people driving by. He noted that the electronic message portion of the sign was ordered about a month ago, and that it would be delivered on December 15th. He added that the logo portion was currently under fabrication, and that tomorrow, the contractor would dig the footings for the sign. Things were moving fairly quickly, and he was hopeful that the sign would be completed before Christmas time. He stated that he wanted to give a brief update of what was happening with the sign, and said that the City was excited to have the message board with the ability to provide communications to residents. Examples of what would be shown on the message board, rather than using a banner as in the past: A Homeowner's Association Leadership Forum; Planning Commission and City Council meetings, and various other Board meetings. He asked if there were any questions.*

*Chairperson Boswell opened the discussion to public comments.*

**Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307.** *Mr. Beaton stated that he was honored to be in front of the Planning Commission, which he said was a board of architects and designers who would definitely understand the aesthetics of the sign. He noted that he had been in the advertising business for 30 years, and he was not trying to pat himself on the back, he was just present as a resident of Rochester Hills. He mentioned that he had been in the Cleo show in New York five times, recognized for his graphic design abilities, so he had expertise in that area. From a marketing standpoint, the first quagmire for the City would be that they had two*

*different theme lines and logos. (The sign in front of the Chase Bank at Crooks and South Boulevard was pointed out as one display). Eventually, as they progressed, he hoped that one of them would be replaced with something that more reflected the City's brand. His other concern was that the sign was ugly. He did not think the sign represented the City well. He maintained that 70% of the taxes in the City were residential, and that there were beautiful homes, and he always considered Rochester Hills as an upscale residential community. He showed a photo of Bloomfield Hills' sign as a comparison, and said that it was night and day. He felt that someone could really tell that it was classy, and he said that he did not want to offend, but the proposed sign had no class. Bloomfield Hills had 100,000 people a day driving by its sign on Telegraph Rd., and he did not believe they had any desire to add a message board on their sign. The Rochester Hills City Administration kept stating that the City needed a message board, but he claimed that 70% of the residents of Rochester Hills never drove on Avon and would never see the sign. He felt it was a bad advertising judgment, and that it was not a good expense. He noted Bloomfield Township's sign, which was black and gold, and he thought it was an upscale sign. He pointed out the sign at Cranbrook, which he said was the top school in North America for a Master's degree in Architecture. He stated that the sign was very clean and classy, and he thought a sign like that would look much better in front of Rochester Hills' City Hall. He thought that would reflect who the citizens were and reflect the home values. He noted Birmingham's sign, which he stated had great colors and a nice look. He maintained that there were serious design flaws in the proposed sign. It would be very difficult to read it from a car - especially the word Rochester. The logo was a beautifully designed new brand which was not boxed in. He said that the City spent a lot of money on the logo with a very reputable design firm, Skidmore, and the last thing Skidmore told Rochester Hills was to not put the logo in a box. It was supposed to breathe and have white space around it, but he observed that the first thing the City did was put it in a box.*

*Mr. Beaton put up some drawings he did that he proposed for the sign. He stated that there was a phenomenal opportunity for the City to spend its money correctly and to come up with a classy-looking sign. His sign mimicked Cranbrook's; it was a beautiful stone sign and the logo could be etched in the sign. It was very easy to read, and the sign would welcome people. He felt that the Innovative by*

*Nature tagline was a theme line, which he suggested was more for a brochure to solicit new business and not for welcome signs. He said that the City should welcome people coming to the community - welcome to shop, welcome to use the parks, etc. That was what Birmingham did, and that was what Rochester Hills could do. He did not know if the Planning Commission had any power or what process the City was in, but he suggested that perhaps the message board could be sold on e-bay or it could be used as a temporary sign for fireworks, for example. He said they could put "this big TV set" on something portable, to be used when it was needed. It did not have to be out all the time. The message board cost about \$20,000.00. There were complaints all over the City from churches who had smaller electronic message boards. The first time the board was fired up, the Mayor's office would be flooded with phone calls, and the City would have to turn it off. He claimed that was a horrible waste of \$20,000.00. He said he was sorry he was so emotional about it, but it was what he did for a living, and he loved Rochester Hills. He did not want to see a sign that looked like it should be in front of a strip club. He said that the Planning Commission was a great group and did a fantastic job with the sound walls on M-59. He could not imagine what they would have looked like without the Commission's input. They were simple and beautiful. If they had painted the tree brown with a blue sky behind it on every single wall, it would have looked terrible. He thought that was what they were doing again with the sign. He offered his services free of charge, and asked the Commissioners to please consider a much more upscale look for the residents of Rochester Hills and thanked them for their time.*

*Mr. Schroeder entered 7:17 p.m.*

**Gary Uhl, 3508 Wedgewood Dr., Rochester Hills, MI 48309.** *Mr. Uhl advised that he was the President of the Bridgewood Farms Homeowner's Association, which was nowhere near the sign. He offered that he was only speaking on his behalf, and he noted that a couple of years ago, his Homeowner's Association needed to replace the sign at the entry to his subdivision. From his experience, the Building Department took the Sign Ordinance to heart, particularly its intent to reduce the impact of signs on their residential community. They had to submit designs to get permits and get the contractor*

registered. The Department was diligent in their review, application of the Ordinance and inspections. It seemed to him that what was happening with the new sign was a blatant disregard of the Ordinance and the process it set forth. It was just because the City wanted to do something, instead of a business or development. He felt that set a dangerous precedent. The message board on the proposed sign would appear to violate the Sign Ordinance on at least three counts: Size, brightness and its ability to make words and figures move. The sign itself exceeded the seven-foot limit. That was not the most onerous part to him. The City wanted to put it on a park in the middle of a residential area. He asked if the City explained the eyesore to the neighbors and asked what they thought, since it would be seen for a mile, according to the builder. He was in total agreement that the sign should be replaced with something more subdued, such as Mr. Beaton's design, and in keeping with both the intent and letter of the Sign Ordinance. He asked the Commission to please not set a dangerous precedent and to send it back to the drawing board.

Seeing no other cards submitted, Chairperson Boswell closed public comments.

Chairperson Boswell asked Mr. Cope if the new sign met the Sign Ordinance. Mr. Cope stated that it did for the electronic messaging board size and also for the height of the sign, which was seven-feet, as required by the Ordinance. The use of the electronic message board would be in compliance with the Ordinance also. That indicated that there could not be changes in the messages any quicker than every ten seconds. He noted that the brightness of the sign was automatically regulated for day and night, and Staff could dim or brighten it at either time based on the software.

Mr. Kaltsounis asked how many "steps out of the barn the horse was." Mr. Cope said that it was under construction now. The electronic message board would be delivered in a week. Mr. Kaltsounis referred to the sign at the Rochester Hills Baptist Church, which was a smaller, brown sign. A lot of the letters washed away. They had yellow lettering on brown, and people could not really see the Rochester Hills portion. He recommended that perhaps the timing could be changed to 30 seconds rather than ten, so there would not constantly be flashing. He also recommended that they used earth-tone colors rather than red, white or blue, etc.

*Mr. Cope agreed. He said that the colors shown (blue and yellow) were added by the sign contractor as examples, and they would not necessarily be chosen. The City would have control over the colors.*

*Mr. Reece asked the required process for approving a sign. Mr. Anzek responded that the Sign Ordinance was a stand-alone Ordinance. The Planning Commission was charged with the enforcement of the Zoning Ordinance, and the Building Department interpreted and enforced the Sign Ordinance. Mr. Reece presumed that the sign was only being brought forward for informational purposes or a courtesy more than anything else.*

*Mr. Anzek said that was correct; several City Council meetings ago, it was suggested by Mr. Beaton that the matter be presented to the Planning Commission, and Mr. Hooper, Council President, agreed to that. This was the first opportunity to get it on a meeting.*

*Mr. Reece indicated that Mr. Beaton had a couple of valid points, but there were some distinctions. The sign was not a demarcation of entrance to the City. Some of the examples Mr. Beaton had shown were more entry way signs into communities and not specifically designated for a City Hall- type purpose. When Mr. Beaton compared and contrasted the entrance sign by the Chase Bank, he thought that was valid, because the logos and text were different. There was an issue to him with the continuity of having a municipality with different messages and designs. They had talked about street lighting, and they strived to get some continuity in what they were doing with that. The sign in front of the Chase Bank was more in line with the theme Mr. Beaton had shown. The City Hall sign was a different type of design and style, and he asked what drove it and who designed it.*

*Mr. Cope said that there was a Committee of the Administration that came up with the design. They put it out to the sign contractors to come up with some thoughts on a design, and the City Staff reviewed those and made other comments and worked with the contractors to come up with the design. The thought was to include both the natural aspects of things and the innovative aspects with the electronic message board and the limestone and the logo.*

*Mr. Reece said that it sounded like, as Mr. Kaltsounis had said, the horse was pretty much out of the barn. Mr. Cope agreed that it was as far as it could go without being put up. Mr. Reece confirmed with Mr. Cope that it was in full compliance with the City's Sign Ordinance.*

*Ms. Brnabic asked who designed the sign in front of the Chase on Crooks. She remembered that Chase offered to provide a sign that would be considered a gateway to the City, and she asked if Chase had designed it with the City's involvement.*

*Mr. Anzek explained that in 1998, during the Master Land Use Plan Update, there was a section that identified the support and promotion of gateway signs to the City. In 2001, it was in the Capital Improvement Plan to develop gateway signs. The City hired Don Westphal and Associates as the designer. They worked with City Council's Community Development and Viability Committee. There were 20 people on it, and surveys were conducted with the residents to identify what they thought of the City. The sign at Chase was designed as a gateway sign. When they tried to budget and have them built, there was strong opposition toward spending City money, and they had been since seeking private dollars. Chase paid for the sign, which was the horizontal-type. They also had vertical signs for narrower right-of-ways at certain entry points. There was money in an escrow account for one, but it had never been built, because the vertical sign was very hard to read. The City realized that there was a need to update the sign to incorporate the brand. The branding effort was more about economic development and was paid for by LDFA monies as a way to market the City. He added that they were pleased with the new brand, which had been incorporated into letterhead and business cards to promote the City.*

*Mr. Hetrick said that in terms of making design changes now, he wondered what would happen if the Planning Commission suggested such.*

*Mr. Cope reiterated that the sign was now under construction, and any changes would cost extra money that was not available. Mr. Hetrick suggested, if they could, losing the "Innovative by Nature" or making it smaller and making Rochester Hills larger. To him, the City should want to talk about Rochester Hills, not the tagline. He*

*understood it would cost more to change the design, but he did not really feel that they needed the tag line on the sign. He asked if it was part of the branding.*

*Mr. Anzek said that it was part of the branding package. The actual brand was the tree with the hill and cloud and Rochester Hills underneath it. The Innovative by Nature was the tagline, which had been trademarked. They did not have to be put together to be used. Mr. Hetrick suggested that if it were possible and not exceedingly expensive, he thought it would be better to show Rochester Hills in a bigger font and eliminate the tagline.*

*Mr. Kaltsounis said that he was never a fan of the blue sign at Chase. He liked the new brand, but the blue sign reminded him of being on the Autobahn. It was too much and did not bode well with him, but he did like the new direction.*

*Mr. Dettloff referred to the rendering Mr. Cope showed on Avon and asked if the sign would have the ability to do graphics as well as letters. Mr. Cope agreed that there was the ability to do graphics. Mr. Dettloff asked if the cost would be included, which Mr. Cope confirmed. Mr. Dettloff asked if that was controlled through computer software, and Mr. Cope said it was radio controlled through software in the municipal offices. Mr. Dettloff clarified that the sign would be used just for City events, not for any other type of advertising. Mr. Cope said that was not the intention, and nothing was discussed in that regard.*

*Mr. Reece clarified that the rendering Mr. Cope showed on Avon was not the actual sign the City was getting. Mr. Cope said it was not; it was just shown for placement and was not the actual design the City chose.*

*Chairperson Boswell thanked Mr. Cope for bringing the information forward and thanked Mr. Beaton and Mr. Uhl for speaking.*

**2010-0106** Discuss Revised PUD - City File #04-037 - Oakville Estates Apartment (formerly Oakville Estates PUD), located east of John R, north of School Road

*(Reference: Memo prepared by Ed Anzek, dated December 1, 2011 had been placed on file and by reference became part of the record thereof.)*



*Present for the applicant was Louie Chirco, MJC Companies, 46600 Romeo Plank, Suite 5, Macomb, MI 48044 and Shamik Tripathi, President of Land Development Consulting Services, Inc., 46600 Romeo Plank, Suite 2, Macomb, MI 48044.*

*Mr. Anzek noted that the applicants had contacted the City a couple of months ago. Mr. Chirco had advised that he was entering into an arrangement to take control of the project the City knew as Oakville Estates PUD, approved in June 2007. It was a PUD targeted for empty nesters on the northeast corner of School and John R. There were a lot of different designs about the detention and roadway width and how the units would fit. He asked Mr. Chirco to show the plan for Oakville Estates, which was a mix of duplexes, triplexes and quads. There were one-story townhomes with garages facing the front that took up almost the entire 25 acres of the site. The area to the northeast was a regulated wetland and was proposed for a park amenity for the residents. There was a pathway through the development, and retention was on the south end on School Rd. As the economy hit, the applicant, Mr. Greg Cueter, lost control, and it went back to the bank. Several people had looked at buying portions of it or individual parcels. They were told about the PUD and that before anything could be approved, the PUD would have to be eliminated. Mr. Chirco now owned the entire development and was looking to do a different concept. Mr. Breuckman and Mr. Anzek had met with Mr. Chirco several times and told him what they thought were better ways to deal with the design. They asked Mr. Chirco to come before the Commission to get input regarding their proposal.*

*Mr. Chirco showed an aerial of the land from 2010. There were presently five abandoned houses on the property they were talking about tearing down. There were three houses in the middle that were torn down and filled in. He pointed out some large stands of trees. North of the property was an industrial building and a storage facility. To the east were various dumps, including the Highland Park dump. To the west there were seven homeowners on large parcels of land, and none of the houses were within 100 feet of the proposal's buildable area. They originally came up with a layout for a 12-plex building and came to the City. The concerns were that the road would be a racetrack, and Mr. Anzek said they needed to break up the roads to slow the traffic. The second drawing came in with*

*minimal changes, and they added a traffic circle, but Mr. Anzek said they needed more than that and suggested moving the buildings apart and creating some boulevards, giving the streets some scenic appeal and adding trees. They came back with a design whereby the traffic would be slowed down every 200-300 feet. They thought it looked too linear and had too much uniformity. They came back with three more designs, and the final one seemed to be everyone's favorite. There were islands about 65 feet wide and large green spaces, which Mr. Breuckman had suggested. There would be parallel parking in front of the buildings, which appealed to the City. They wanted to keep the stands of pines to the north intact, so the islands on the north were not as wide. They spent a lot of time maneuvering the buildings in such a manner to maintain large groups of trees.*

*Mr. Chirco showed the first PUD again, and said that the buildings took up literally most of the buildable space on the property. Virtually all of the trees would need to come down in order to put in the buildings and decks. There would not be much room after grading to maintain any of the trees on the site. They wanted to keep the site as natural as possible. The trees would also create a nice buffer from the industrial to the north. He mentioned that the buildings they were proposing could be viewed adjacent to the Oynx Ice Rink in Rochester, which they built in 2003. They were 12-plex buildings also, and they had built and sold over 1,500 units in the past 15 years. It was great condo for empty nesters and single moms and dads. It had a one-car garage, and 1,300 to 1,500 square feet. It was all inclusive and sold very well. They started building the units in 1985 in Clinton Township, and they presently lease about 600 of them. They were originally designed as apartments, and they started selling them as condos, and they became very popular. Over the past five years, the economy took a dive and financing dried up for that type of unit. It was still somewhat difficult, because banks did not want to lend in condo projects that did not have a certain percentage occupied. He noted that one of the reasons they pursued the subject parcel was because it is in Rochester Hills, which is a very desirable place to be. Secondly, they had a 286-unit condo project started on Dequindre and Hamlin, Ashford Crossing, for which they had sold about 85 units. Due to the fact that sales dried so much, they chose to start renting the units. They found a great demand for renters there, and they were in the process of finishing the project as an apartment complex. That project was about 2 ½*

*miles away from the proposed project. The other project had one-car garages, two bedrooms and two bathrooms that rented for about \$1,150.00. The project they were proposing was even more upscale with two-car garages, which was rarer. They felt that there was enough demand to support the project. They felt that they were proposing a very positive transitional use. It was quite possible that some day, when things turned around, they could sell the units.*

*Ms. Brnabic had viewed Mr. Chirco's development on Parkdale, and she asked if he was considering an almost identical development with the exception of the two car garages. Mr. Tripathi agreed. Mr. Chirco said they were able to widen the area where the garages would be, and the unit above the garage would be a little larger. Ms. Brnabic said that she definitely liked the idea of a garage versus a carport. Mr. Chirco agreed that automobiles were very expensive, and that would give people the opportunity to park vehicles inside. Ms. Brnabic said it appeared that there were some additional parking spaces other than the garages, and she asked if that was the standard.*

*Mr. Chirco explained that they added guest parking. Behind the two-car garages, there were two additional spaces. Mr. Anzek had suggested parallel parking in front, which would add parking. They would add other parking, because it was unrealistic to think everyone coming to a party could park on the street by someone's house. Ms. Brnabic said that she liked that aspect of the development. Mr. Chirco added that it helped with snow removal, and he suggested that when they did the layout, they could find areas to add parking. Ms. Brnabic had noticed that there was a lot of brick for the architecture, and that there was a lot of siding on the sides of the building. Mr. Chirco agreed that fronts of the buildings were virtually all brick.*

*Ms. Brnabic asked the estimated rental cost. Mr. Chirco said that it would be around \$1,300 a month. Ms. Brnabic wondered if that was practical in the current economy. Mr. Chirco answered that there were a number of people with bad credit, and some people found it easier to rent. They sold a lot of units to snowbirds who also went to Florida each year. The primary purchasers of their units would be the primary renters - single moms and dads; newly married couples; older folks who did not want to maintain a home any more; and people who wanted a quality project to lease. He felt there would be a lot more renters in the future.*

*Ms. Brnabic observed that it was a nice-looking development. She asked Mr. Anzek if the PUD would run with the land as an overlay. Mr. Anzek agreed, and stated that a PUD was a contractual agreement between the City and the applicant. The former applicant lost control of the property, and it went to the assignees. Staff felt the best approach was to develop it as an amended PUD. If they did a straight Rezoning to Multiple Family, they could not control the site design as well as with a PUD. Mr. Anzek noted that Mr. Breuckman and he had visited some of Mr. Chirco's other sites, and they liked the on-street parking, because it truly functioned as a traffic calming device and as a way of bringing the scale of the units into more of a neighborhood feel. They liked wide boulevards, and they used Great Oaks Boulevard across from Crittenton Hospital as an example. Kids might play Frisbee out there. There was a large desire to respect the trees by moving the buildings. He thought that the units were attractive, and that there was a need for them. Mr. Chirco had assured from day one that he would rather sell than rent. There was a lot more open space on the site than what was previously approved, and they would pursue the amended PUD to ensure they got a nice development.*

*Mr. Yukon complimented Mr. Chirco on his development. He realized that it was in the early stages, yet Mr. Chirco had taken a lot of time and effort. Mr. Yukon had served on the Commission for a couple of years, and it was the first time that a project had come before them in this format that really caught his attention so early in the process. He liked the architecture, the layout and the boulevard idea. He asked Mr. Chirco if there would be sidewalks for a walkable community. Mr. Chirco pointed out the sidewalks. Mr. Yukon was pleased they were going to preserve as many trees as possible, and he added that he liked the design.*

*Mr. Kaltsounis said that he liked the project, but he was concerned about the density. He asked how many units and was told 168. Mr. Kaltsounis indicated that they would be going from 122 to 168 units. He recalled their conversations previously about density. He asked if he would get to his garage through the outside or inside if he lived in the middle of one of the buildings. Mr. Chirco stated that they would all have individual entrances. Someone would walk from the garage right into a unit, and there would be sidewalks leading to the front*

*entrances for guests.*

*Mr. Kaltsounis asked where his guests would park their cars if he had a party with 15 cars and the neighbors' spots were filled. Mr. Chirco said there would be four spaces at the garages, and there would be parking in front and throughout. He could perhaps add some parking on the ends of the buildings. Mr. Kaltsounis reminded Mr. Chirco that it was important to talk with the neighbors, adding that a lot of them came to the meetings when the first PUD went through.*

*Mr. Chirco said that regarding density, it had to be managed and nicely done. They needed to generate enough income to take care of the property properly. It would also look better for the City. There were 25 acres to manage, and they needed so many units. He noted that the better maintained developments typically had more units, and he mentioned Cider Mill Village which had 388 units and several others with over 400 units. They needed a minimum number of units to hire a decent management team to sustain the project, including taking care of the larger roadway.*

*Chairperson Boswell said that he was concerned about the density initially, but when he looked at the layout, it showed a lot more open space. The other PUD had no open space except for the northwest corner where they could not put anything. Mr. Chirco added that the first project had decks very close to each other.*

*Mr. Reece commended Mr. Chirco because, as Mr. Yukon had indicated, he also thought he had done a great job. The Commissioners saw a lot of people who did not want to put in a lot of effort but wanted a rubber-stamp approval. Mr. Reece lived in a similar community, and he suggested that maximizing parking would be the biggest challenge. He thought two-car garages and two-car driveways were a tremendous improvement. He would also recommend integrating three-bedroom units into a few of the buildings, because there was a strong need for that. He clarified that there would not be association fees, unless they were converted to condos. He asked if there were plans for a pool, clubhouse or tennis courts or anything within the community the residents could use.*

*Mr. Chirco said that there would be a trail for a walkable community, and they denoted a portion for a play area. They had space*

*underneath the power lines to put something. He mentioned that he lived in downtown Rochester, and there were many gyms and things in town for people to use. He did not think there was a necessity for a three-month pool for what it would cost to maintain, when people could go down the road a mile and join a pool club. Mr. Reece thought that Mr. Chirco would be able to rent the units fairly quickly. People were finding it hard to get loans, and they did not have 20% to put down on a house. Renting used to be associated as taboo, but in today's world, he felt the need and demand for it would continue to grow. While it was denser than what was previously approved, he agreed with the comments that the development had the look and feel of something much less dense. If the graphic was correct, a lot more trees would be saved than previously. He thought they were off to a great start.*

*Mr. Schroeder concurred with his colleagues that it was a great development, and there were a lot of good thoughts that went into it. He asked if there would be basements in the units, and Mr. Chirco confirmed that there would not be. Mr. Schroeder asked if he had any intention of doing LEED building. Mr. Chirco said that they had not investigated it but thus far, they had not found it to be cost effective.*

*Ms. Brnabic asked if they would be willing to add some park benches, since they were going to add a play area. Mr. Chirco agreed they would have a lot of space for them. Ms. Brnabic thought it would be a nice amenity, and she was glad they were agreeable to that. Mr. Chirco said that as they worked through the design process, common sense would tell them they should add park benches.*

*Mr. Hooper indicated that he missed the ranch condos. He thought there was a definite need. In the first PUD, there were going to be ranch condos for sale, but the proposal before them was for apartments. He was unsure if an area that was all single-family homes was the right place for apartments. He stated that it was his initial thought. He believed that there was a market for ranch condos for empty nesters or single parents, and he could still see that concept in this location. He acknowledged that it was all in how something was done; if they had three-bedrooms and it was more upscale, it would become a different market than just another 168*

apartments.

*Mr. Chirco felt that the key was that the ranch condo project took up all the acreage, and it was not very appealing from a road standpoint. People would have to look at 122 garages, and every building looked identical. It was very contiguous in appearance. Mr. Hooper said that he liked what was proposed for green space and maintaining trees; he was just looking at the concept of another 168 apartments.*

*Mr. Dettloff asked if all the environmental work Mr. Cueter did would still apply to the new development, or if Mr. Chirco would have to do new soil borings. Mr. Chirco related that they had to do a Phase I and a Phase II assessment. There were four new gas monitoring wells that they monitored every three months. Thus far, the readings had been very minute, and it had not reached anywhere close to a dangerous nature. Mr. Dettloff asked who did the monitoring, and Mr. Chirco informed that it was the engineering firm he chose to do the Phase I and II assessments. They would do that once every quarter for a year, and then they could get an approval. He was not an expert, but he did not see a problem. Mr. Dettloff asked if it would continue to be monitored once the development was built. Mr. Chirco said that at some point, it would not need to be any longer. There would be an issue if they were using well water, but they would be using City water. There were precautions laid out now, and they did not feel that the dump would be an issue. He was doing a site in Shelby Township that was adjacent to a former dump, and there were no issues there. He was mentioning that to let them know that they had gone through that type of thing before, and they knew what they were doing. Mr. Dettloff said that Mr. Chirco had a good track record in the City, and he appreciated the fact that he still looked at Rochester Hills in a favorable light for new developments. Mr. Chirco agreed it was a nice town, and he reiterated that there was a lot of demand for people who wanted to live in Rochester Hills.*

*Chairperson Boswell summed up that by and large, there was a quite favorable response from the Planning Commission. Mr. Chirco thanked the Commissioners for entertaining his proposal, and Chairperson Boswell concluded that they looked forward to seeing him again soon.*

**Discussed**

**UNFINISHED BUSINESS**

2011-0381 Discussion regarding a proposed Zoning Ordinance text amendment to allow gas stations in B-3 Zoning Districts as Conditional Uses

*(Reference: Memo and proposed Ordinance Amendment prepared by James Breuckman, dated December 1, 2011 had been placed on file and by reference became part of the record thereof.)*

*Mr. Breuckman referred to the second draft that he had prepared of regulations for accessory gas stations in the B-3 district. He had submitted a colored map, which showed all the sites zoned B-3 in the City, with those larger than ten acres and those less than ten acres in different colors. If they decided to require a ten-acre minimum lot area, the map showed at which sites it would be possible and at which sites it would not. There were only a few regulations changed from last month. He referred to the setback from a residential district, item 4c, and he had added that any accessory gas station building or canopy must be set back a minimum of 200 feet from a residential district. They used the Meijer site, which had trucks parked in the parking lot as a guideline for measuring. He had tested it on all the other sites as well. It was fairly common that on a B-3 site, the building was 200 feet away from residential districts once parking and loading areas were accounted. He had also added item 4e that, "The application for the accessory gas station shall demonstrate that the principal use will still meet the minimum parking requirements." He explained that it would implicitly have to be done, but it was done explicitly and put in the standards so that it never got missed. They would still require a 15-foot setback from the front lot line when a reverse station layout was used (the building in front and canopy in back), although a range from 10-20 feet would be appropriate. The remaining question was about the building size.*

*Mr. Hooper noted the 200-foot setback from a residential district. He asked about looking at larger setbacks to determine at what point the distance required would become unreasonable and something could not be built at all.*

*Mr. Breuckman responded that for sites around ten acres, the setback could be 250 feet, but anything more than that would rule out those sites. If they required a 15 to 20-acre minimum lot area, there would only be about three or four sites that would qualify. He*



*suggested that he could do some more exploration. Mr. Hooper said he was just looking for the sweet spot, or how high it could be and not be exclusionary. Regarding the building size, they had talked about a maximum of 2,000 square feet, and whether it would be a kiosk or a convenience store. He mentioned that he did not see anything in the amendment about lighting. He noted the Sunoco gas station on Rochester Rd. by M-59, and he said that it could be seen from three miles away because it was so lit.*

*Mr. Breuckman said that when the Zoning Ordinance was updated in 2009, they added explicit standards for gas station canopies that were not there when the Sunoco was built. There were footcandle limitations for under canopies. Mr. Hooper asked if that was appropriate to put in the amendment. Mr. Breuckman suggested that they could include a cross reference. It would help someone reading the Ordinance for the first time. Mr. Hooper stated that he would like to see it added.*

*Mr. Reece recalled that about a month ago, Shelby Township turned down a Kroger application at 25 Mile Rd. and Dequindre. He asked Mr. Breuckman if he had any detail about that. It was similar to what they were talking about, and it met with significant furor in the community. Mr. Breuckman said he did not have any information, but he would try to find out more about it. Mr. Reece said there was a comment from a gentleman who owned another gas station across the street, who said that Kroger gas would be unfair to him and take away his business. Mr. Reece said he was surprised that it had been turned down as it had. He thought that Mr. Hooper had a good point about the residential setback. There was obviously a law of diminishing returns, but they had previously discussed that a gas station would be allowed to be operational conducive to the principal use's operating hours. The gas station could be open 24 hours a day, and if there was a gas station within 200 feet of a residential area, he felt that could be problematic. He would like to see that pushed to the point where it could not be pushed any more, and 200 feet was not quite enough to him. The last issue was whether it should be a convenience store or a kiosk, and his opinion was that it should be a kiosk. If there were a majority who wanted a convenience store, then 2,000 square feet would be more appropriate.*

*Mr. Hetrick said that he favored a convenience store. Because the*

*buildings would front the canopies, he did not think it would make a lot of sense to have a small building to try to hide them. If they wanted the canopies behind the building and the building to provide some type of cover, then a 2,000 square-foot convenience building would be preferable to him.*

*Mr. Kaltsounis said that he still felt the same - that it would be opening a can of worms. If he voted no, it was because he did not feel the sites were good places for gas stations, and they needed to focus on the properties they already had. He would be in favor of kiosks to lessen the impact. He mentioned allowing 17 ½ feet for the canopies. He had looked on the internet, and a standard truck height was 13 ½ feet. He asked if they wanted to invite semi-trucks into the filling stations on these B-3 sites.*

*Mr. Breuckman replied that the 17 ½-foot number was in the Ordinance currently in the Schedule of Regulations for the B-5 district, so he used what was already allowed. If it were a gas station it was treated the same in terms of canopy design. In terms of height, there were still fuel trucks that had to deliver fuel, and might need to get under the canopy. Mr. Kaltsounis said that he understood what was allowed in B-5, but he did not think fuel trucks typically went under the canopies. Also, he said that they were talking about B-3, not B-5, so they would be putting something different into an area that typically did not have it.*

*Mr. Breuckman added that 17 ½ feet was the height limit. There would also be two feet underneath and the suppression equipment would hang down, so there was some head room needed. Mr. Kaltsounis said that the question went back to whether they needed trucks under the canopies. Mr. Breuckman reminded that a Winnebago could be 12 feet tall. Mr. Kaltsounis agreed, but he said that he stood by his question about whether they were opening a can of worms.*

*Ms. Brnabic said they had some discussion about using a double front face for a store versus a kiosk. She wondered if Staff did not have time to come up with any visual examples of what that might look like yet. She thought it was Mr. Anzek's suggestion about the possibility of having a double front for a building.*

*Mr. Anzek replied that they did talk about something specific to the Meijer location, and their proposal appeared to have a front from Rochester and also from the canopies behind it. Ms. Brnabic said that she would prefer a kiosk, but if something had two fronts, she thought that might be a good suggestion. She wondered if it would only apply to Meijer or if it could apply to other locations. Mr. Anzek believed they might make it an optional way of redeveloping many of the B-5 gas station sites. Their discussion was about an accessory use to a B-3 principal use, and Mr. Breuckman was going to add something about double fronts in the update.*

*Chairperson Boswell pointed out that the Ordinance said, "The facades facing the pump islands or the public streets must be 60% transparent," so he believed that meant that it would have two fronts. Mr. Hetrick added that it would be for someone choosing to face the street, which seemed to be favored. Mr. Anzek felt it was a good way of dealing with it. He added that hopefully, they could guarantee it would be a well designed building. Mr. Breuckman said that the level of detail for design standards was actually higher than what they typically had in the Ordinance. It really did not say anything about the building design initially.*

*Ms. Brnabic mentioned that in the proposed Ordinance, there was a slight warning issued to be careful about limiting the size of the convenience store, due to the fact that in the B-3 district, convenience stores were standard. She questioned whether they could consider that not every B-3 site would be entitled to a gas station with the convenience store. Mr. Breuckman said that if someone wanted to do a convenience store in a B-3 district, it was permitted by right, as long as the setbacks were met. A gas station had the potential for a much higher impact than just a convenience store; that was why it would be a Conditional Land Use. That was the justification of why they would further limit the sites that could have a gas station versus what could have a convenience store. If someone wanted to put in a gas station and convenience store, they would have no restriction on the size of the building in B-3.*

*Ms. Brnabic agreed, but she wondered if they could limit the size of the convenience store. Mr. Breuckman said that they could. He did not know if it was necessarily the best practice.*

Chairperson Boswell asked Mr. Winn, who had turned in a card to speak, to come forward.

**Lyle Winn, Anderson, Eckstein and Westrick, 51301 Shoenherr, Shelby Township, MI 48315.** Mr. Winn noted that he had been at previous meetings, observing on behalf of Meijer. He indicated that the Commissioners had been very open and honest about how they might or might not proceed. Meijer had been playing with different layouts and how things would fit on the site at Auburn and Rochester. One thing that caught their attention was the canopy height. The current height allowed was very similar to other ordinances in other communities. As time moved on, standards did change and evolve, and they noticed that typical of canopies today with newer construction, the clear height from the pavement to the canopy was more along the lines of 15 ½ or 16 feet. The fascia was about three feet high. Some canopies with architectural features, such as sloped roofs, extended another three feet. Some of those did achieve 22 feet to the top peak. He measured canopies in another city, and they were 16 feet high with a three-foot fascia and three feet to the peak. Some were set back from the roadway quite a bit and did not look as intrusive. If that type of standard was applied to retrofit some of the gas station sites in the City, it would look overwhelming and not fit the site. He thought that with larger acreage sites with 50 to 60-foot setbacks, the height would blend in better and not look as out of place. They hoped the City could include some modifications to the height allowed, or give some consideration to height differences when someone wanted to add architectural treatments. He brought up brick columns on canopies. He thought that was a good idea, but there was a situation for the columns closer to the building. There were some building requirements that the site vision from the cashier to the pumps had to be kept as clear as possible. The columns closer to the building were 12 x 12 foot steel columns. If they added brick, they would start to get much larger and block vision. He asked them to keep in mind that the columns closer to the building might need a little different consideration regarding the brick to keep the vision line open.

Chairperson Boswell asked the Commissioners what they felt about adding height to the canopies for decorative features.

Mr. Schroeder thought it could be beneficial. Mr. Hetrick thought that

*for the peak, it would be fine. He thought the Speedway on Tienken and Rochester had a peak. Mr. Anzek advised that it was flat. Mr. Breuckman said that where they defined building height in the Ordinance, if there was a flat roof, the height would be to the eave, but if there was a pitched roof, it would be to mid-point. That would be an incentive, and if someone did something decorative, and not just a flat top, additional height would be allowed.*

*Chairperson Boswell said they still had to discuss allowing a kiosk versus a 2,000 square-foot convenience store. He felt that if a building had two fronts and the building blocked the canopies, he thought 2,000 square feet made more sense. It gave an opportunity to build in a way that would look better.*

*Mr. Breuckman considered that they might need a basis for comparison in deciding the size of the building. They probably needed to do a study and find buildings of increasing size and take some pictures for the Commissioners to review and see the reality of a 500 square-foot versus a 2,500 square-foot building, for example. Other than that, they really were just making up a number.*

*Mr. Hetrick asked if there was a minimum or maximum size the City required if someone wanted to build a 7-Eleven in the B-3 district. Mr. Breuckman said there was not - the setbacks just had to be met. Mr. Hetrick asked if it was possible to make the convenience store size based upon those parameters versus square footage. Mr. Breuckman said that they were driven by that currently, but for a ten-acre parcel, there would not be many realistic limitations on how big the building could be. Mr. Hetrick assumed that they would need to put some type of limitation on the square footage.*

*Chairperson Boswell remarked that they would "kick the can" a little longer and if Staff submitted examples of various building sizes, it could be brought back to the January meeting. Mr. Hetrick believed that building size and the height of canopies was really all they had left to review. Mr. Breuckman added that he would put something together for residential district setbacks also.*

**Discussed**

- 2011-0365** Request for Zoning Ordinance Amendments Recommendations and Public Hearing - Amendments to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, including Sections 138-11.300, 138-4.300,

138-4.438, 138-11.304, 138-11.307, 138-5.100, Table 6, 138-5.100, footnotes B, J and N, 138-4.404, 138-6.400, Section 12 Article 6, Chapter 4, 138-4.300, 138-3.104.C, and 138-8.603 and to repeal conflicting Ordinances and prescribe a penalty for violations

*Mr. Breuckman advised that there were just a few changes from last month. He pointed out the handicap accessible parking, which was the biggest set of changes. He added language for the front building-rear canopy option for gas station sites in the B-5 district. He added a new item about established building line setback requirements. It was in the old Ordinance, but the language was difficult and they added some changes in the new Ordinance but had left out a provision that allowed some flexibility for additions to houses. He had included a chart that showed barrier-free spaces required under the ADA standards and the City's proposed new standards. The City's would now require more spaces when a site had 60 spaces or more. He mentioned that he had done some digging about the history of the B-5 district and how gas stations got to be the way they were. Up until 1975, a gas station was allowed in multiple zoning districts, and the setbacks were different. In 1975, B-4 and B-5 districts were adopted with those new setback standards.*

*Mr. Breuckman referred to page two of the Ordinance draft, and said that in terms of the barrier-free space layout in the ADA design standards, there was an optional way of doing handicap accessible parking called the Universal Design Option. Typically, a regular accessible space had to be eight feet wide with a five-foot wide access aisle next to it. A certain number of van accessible spaces had to be provided also. The van spaces had to be 11 feet wide with a five-foot wide aisle. Universal Design said that all handicap accessible parking spaces had to be 11 feet wide with a five-foot wide access aisle. The City's regular parking spaces are ten feet wide, and that would add an additional foot and an access aisle on one side. If the access aisle was on the driver's side, the passenger did not have the striped access aisle. If there was an 11-foot wide space and a typical car was six feet wide, the driver could hug one of the stripes, which would give a lot of additional space within the parking space to provide for access for the passenger. The other benefit was that no van accessible spaces had to be designated because they would all be van accessible. That would require extra space, so he added in where the Planning Commission could permit the eight-foot wide handicap spaces if the applicants could*

*demonstrate that there was a hardship, and they did not have the space in their parking lot. He asked if that met with everyone's approval and comfort and did not hear anyone in disagreement.*

*Mr. Breuckman referred to page four, under Section 7, footnote (b). This regarded the established building line and where there was a regular disposition of houses along a street with a 60-foot setback or all were within a few feet, and it would be greater or less than what the Ordinance required. The old Ordinance said that the setback would be the average setback of those dwellings minus ten feet, which allowed for a reasonable projection if someone wanted to add onto a house. The City had received a couple of requests from people wanting to put on an addition that had to be turned down, even though it was just a question of two or three feet. They would like people to be able to reinvest in their houses, so they were proposing to add the ten feet back in to the established building line calculation.*

*Mr. Hetrick asked about the math, and if it meant it would be 200 feet minus ten feet. Mr. Breuckman said that he would re-write it a little bit. They would look at the parcel they were dealing with and at the parcels within 200 feet on either side of it, and they would take the average setback for each one of the parcels. For example, if there were homes set back 50, 49, 51 and 52 feet, they would add those together and divide by the number of lots, and the resulting number would become the setback requirement. Taking ten feet would mean taking the setbacks of the lots and subtracting ten feet from each and getting the average for those numbers or 60 feet, whichever was less. If all the homes were set back 100 feet from the road, they would be using a reasonable number.*

*Mr. Breuckman next discussed the front building-rear canopy gas station situation. Section 138-4.404 was the gas station design standards and what all gas stations had to meet. Currently, there were items A-F. He was proposing to create a new item A and take A to F and turn them into items 1-6. Section 8(A) 1-6 would be the existing language. He added a new item B, which was for front building-rear canopy gas stations. All the standards were what they had been looking at with the B-3 district amendment, which they had reviewed quite a bit. It was for gas stations in the B-5 district, and there was not a store size issue. He added the cross reference to page 7, and recalled that it had been discussed last month. He*

*mentioned that everything had been reviewed by Mr. Staran, and he was comfortable with the language. He would be providing a letter in that regard prior to the Public Hearing.*

*Mr. Kaltsounis asked if car washes at gas stations should be considered. Mr. Breuckman said that car washes were permitted in the B-5 district currently. He pointed out that the Table of Uses showed car washes as a permitted use in B-5, and he added that they could be done together.*

*Chairperson Boswell asked if everyone was comfortable with the new language, and hearing no comments, advised that the Public Hearing would be held in January.*

**Discussed**

## **ANY OTHER BUSINESS**

- 2011-0493** Request for Adoption of Amended Planning Commission By-Laws per the Michigan Planning Enabling Act, Public Act 33 of 2008 as amended, which required City Council to repeal and adopt an Ordinance to provide for the powers and duties of the Planning Commission

*Chairperson Boswell reported that the State Law had been changed, so the Commission needed to amend its By-Laws. He noted that now the Secretary had to be a member of the Planning Commission, but he wondered if Staff could continue what they were doing, which Mr. Anzek confirmed, and said Staff would still provide resources and do the Minutes. Chairperson Boswell read that the Commission must hold a meeting every month; he questioned whether that should be "schedule" a meeting rather than "hold" a meeting every month. Mr. Anzek indicated that he was not an Attorney, but it was his understanding that when the meeting schedule was published, they met that requirement. If there were no agenda items, the Commission could cancel a meeting. Mr. Reece clarified that a cancellation notice would be posted, which Mr. Anzek confirmed. He said that it could be a semantic issue, and he would ask Mr. Staran.*

*Chairperson Boswell noted the change to plat reviews, and that a Public Hearing was now required. Mr. Anzek agreed, and he said he*



*needed clarification from Mr. Staran whether or not it had to be done at each step of the plat process or if one at the initial stage would suffice. He added that every adjacent property owner would get a notice as well. Chairperson Boswell questioned sending only to people abutting the property, commenting that people down the street could also be interested. Mr. Anzek agreed, but said that was what the law required.*

*Chairperson Boswell asked the reason for allowing a member of the Planning Commission to be a non-resident. Mr. Anzek was not sure, but he believed it was not a mandate, but an option. Mr. Reece asked about someone maintaining a residence in Rochester Hills but also having a primary residence in another city. Mr. Anzek thought it would entitle someone to remain as a member. Mr. Breuckman thought that applied to towns with major employers who were stakeholders in the community. Mr. Reece suggested that it might be a tax advantage for someone to have a primary residence in another town or city while maintaining a home in Rochester Hills.*

*Mr. Kaltsounis asked when they would vote for the position of Secretary. Mr. Anzek replied that it would be at the first meeting in April 2012. Hearing no further discussion, Mr. Kaltsounis moved the following:*

***MOTION*** by Kaltsounis, seconded by Reece, the Rochester Hills Planning Commission hereby approves the following Resolution to adopt the amended By-Laws:

***Whereas***, the City of Rochester Hills Planning Commission was formerly established when Avon Township became the City of Rochester Hills in 1984, in accordance with provisions of the Michigan Planning Enabling Act, Public Act 285 of 1931; and ***Whereas***, the Planning Commission adopted By-laws for the transaction of business and for the purposes of setting forth the operational structure of the Commission and to provide for the governance of its activities under the Act; and

***Whereas***, on March 13, 2008, the Governor signed Senate Bill 206 that unified the three current planning acts for municipalities, townships and counties into a single Michigan Planning Enabling Act (Michigan Public Act 33 of 2008) to repeal the previous Municipal

*Planning Acts (PA 285 of 1931, PA 282 of 1945 and PA 168 of 1959) and to create a more uniform process for Planning Commission rules and regulations; and*

***Whereas***, to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 the By-laws must be amended to be consistent with the Act.

***Resolved***, that the Rochester Hills Planning Commission hereby approves and adopts the amended By-laws to be in compliance with Public Act 33 of 2008 at its Regular Meeting held on December 6, 2011.

***Be It Further Resolved***, that this Resolution shall be in full force and effect from April 1, 2012.

*Mr. Hetrick asked if there was still a concern about Section 1 and the language about the Commission holding one meeting a month. Mr. Anzek felt that the Resolution could be adopted, and if it had to be changed, it would be brought back to the Commission.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

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

### **ANY FURTHER BUSINESS**

*Mr. Anzek changed the footnote about reserving the right to schedule additional meetings from Staff to the Planning Commission.*

*Mr. Hooper had suggested moving the July 3 meeting because of the holiday, and it was scheduled for July 17th.*

***MOTION*** by Schroeder, seconded by Yukon, the Rochester Hills Planning Commission hereby establishes its 2012 meeting schedule at the December 6, 2011 Regular Meeting as follows:

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ROCHESTER HILLS PLANNING COMMISSION

2012 MEETING DATES

January 3, 2012

February 7, 2012

March 6, 2012

April 3, 2012

May 1, 2012

June 5, 2012

July 17, 2012

August Meeting Cancelled - Primaries

September 4, 2012

October 2, 2012

November Meeting Cancelled - Elections

December 4, 2012

**Voice Vote:**

Ayes: All

Nays: None

Absent: None

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

Mr. Beaton asked for another moment to speak. He wanted to publicly thank President Hooper for bringing the municipal sign design to the Planning Commission. In the future, because they were the board of experts in design and aesthetics, he wondered if the Planning Commission could review any municipal improvements at an earlier state. He was not sure if a Resolution had to be made at the Council or Planning Commission level, but he said he would sincerely appreciate the opinions of the Commissioners for anything the City might be doing - whether it was a park, a new clubhouse, a baseball field or a sign. He thought that the Commissioners should have the right to examine those types of plans, as they did with the private community.

Chairperson Boswell surmised that it would be a Council initiative.

Chairperson Boswell showed the Certificate of Recognition he had received for his twenty-year membership in the Michigan Association

*of Planning.*

*Mr. Schroeder mentioned that the sound walls on M-59 looked very nice. The limited logo size looked nice, and the fact that they were put only on the ends also looked good.*

*Mr. Kaltsounis asked about the eye doctor's office on John R (Nakkash) and how it was going. He said it looked like it started and stopped and started and stopped. Mr. Anzek agreed it had been going slowly, but he noted that last week, they had a special pour of pervious concrete and the Engineering Staff observed it. They were moving forward with a small crew.*

#### **NEXT MEETING DATE**

The Chair reminded Commissioners that the next regular meeting was scheduled for January 3, 2012.

#### **ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and upon motion by Kaltsounis, the Chair adjourned the regular meeting at 9:20 p.m, Michigan time.

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William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Maureen Gentry, Recording Secretary