

and aesthetic standards expected by the Rochester Hills community.

3. The proposal will not have a positive impact on the community since the chosen location within an existing parking lot could lead to potential traffic conflicts and restriction of access to adjoining businesses. This may be detrimental to both the customers of those businesses and the businesses themselves if they suffer a loss of customers.

4. The proposed development is not served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal. There are significant concerns with regard to circulation and the potential for cars in excess of the planned drive-through queue which may interfere significantly with customer access to surrounding businesses and create traffic hazards for both drivers and pedestrians. Specifically, if cars in the drive-through queue "spill out" outside of the site plan shown to the south, they would be directly interfering with access and circulation of that two-way drive which may cause traffic conflicts, accidents, and difficulties in accessing adjoining businesses.

5. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare. The potential for an excess of cars in the drive-through queue may be detrimental to existing land uses by restricting access to nearby businesses or by creating traffic hazards for patrons of surrounding businesses, including drivers and any pedestrians. Surrounding businesses may be negatively harmed financially if they suffer a loss of business due to frustration of potential customers who experience such difficulties with access.

6. The proposal may create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community, if circulation conflicts cause traffic accidents which require emergency response.

2021-0473

Request for Site Plan Approval - City File No. 21-022 - City File No. 21-022 - Biggby - to add a modular coffee drive-through with landscaping within an outlet within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

**See discussion in Legislative File 2021-0472.**

**Postponed**

2021-0569

Request for approval of a Tree Removal Permit - City File No. 21-022 - for the removal and replacement of one regulated tree for Biggby, a modular coffee drive-through with landscaping within an outlet within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn, zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

**See discussion in Legislative File 2021-0472.**

**Postponed**

2021-0571

Ordinance Amendment Discussion

*In attendance were Jill Bahm and Joe Tangari, Giffels-Webster.*

*Ms. Kapelanski stated that at the last meeting, the Commission discussed extensively some ordinance amendments. She explained that this is a continuation of that discussion, most specifically on home occupation. She commented that revisions to the other sections were fairly minor and they will incorporate those into a public hearing draft which will likely come before the Commission in February. She stated that staff wanted to bring this particular item of home occupation before the Commission this evening because staff felt that it needed additional discussion and clarification that the Commission was okay with moving that forward along with the other package of amendments. She noted that language has been added to address the neighborhood parking impacts and the number of employees was removed as well. She requested the Commission to voice any additional questions, concerns or changes. She stated that staff will have the whole amendment package for the February meeting.*

*Dr. Bowyer noted the section that discussed odor and stated that she asked for it to be changed from a seven to a four, and pointed out that it's still a seven. She asked if there was a reason why that didn't get changed.*

*Ms. Kapelanski responded that this will be incorporated into the whole package of amendments. She stated that the only thing that has been changed for tonight's discussion is the home occupation, and the rest of the comments were all noted and the changes that do not need additional clarification will be taken care of when the whole revised package is brought back.*

*Chairperson Brnabic noted that the amendments will be brought back in February with all changes.*

*Ms. Kapelanski confirmed this, and stated that tonight's discussion was to check back with the Commission on home occupation changes.*

*Chairperson Brnabic questioned whether the recommendation for the maximum parapet height would be four feet.*

*Ms. Kapelanski responded that it is likely to be four feet but she stated she does want to look back at some of the past projects in recent history and confirm that this will be accurate.*

*Mr. Gaber stated that he was trying to recall the home occupation changes made and noted that a two employee limit was noted previously and that was removed. He asked which of the criteria would show there was a nuisance or be intrusive to the neighbors if someone had too many employees, and he asked how that would be enforced if someone were to have for instance six employees on site.*

*Ms. Kapelanski responded that the thought behind that was that if too many employees does become a nuisance, and it becomes a problem where there is too much noise, whatever the effect might be from too many employees, the City would enforce the nuisance ordinance and it would not necessarily be enforceable by the number of employees. She explained that for example*

*someone could have three employees and they are very quiet office type work and they are coming and going and no one really notices, while someone else is doing something such as carpentry out of their garage and they have five employees that are all running saws at the same time. She noted that this would be a much different impact than some quiet work inside the house. She explained that the City would enforce the noise ordinance in that instance.*

*Mr. Gaber stated that it would not be any of the ordinance criteria that would enforce that condition, and it would be the nuisance criteria.*

*Ms. Kapelanski confirmed that was correct.*

*Mr. Gaber questioned item number three, stating that he knows he struggled with the reference that the home occupation shall be served by limited traffic other than domestic trips and routine deliveries. He commented that the word limited is ambiguous and as a result will be hard to enforce. He referenced parking on the property and not on the street, noting that the language states that parking should be only in garages and on paved surfaces, and parking related to the home occupation shall only occur on the site of the home occupation. He questioned whether it would make sense to make it clear that there is no street parking so there is no ambiguity.*

*Ms. Kapelanski stated that this could be added; and noted that the thought behind that was that people are allowed to park their cars on the public street as it is available for parking for those residences. She stated that it would be tough in the staff's opinion to say that someone could have three cars that could all park on the street while their employees could park in their driveway. She commented that it would not be addressing the problem by saying that they would have to park in the driveway, and stated that they are trying to measure the home occupation impacts by how they affect the area and not based on the number of employees or number of cars present at a business because of those employees.*

*Mr. Gaber stated that if five cars are parked in front of a house every day and if it is on a curve, and people are parked on the other side of the street as well, he would question that this also creates a problem potentially and stated that there is nothing in the ordinance to prohibit that from happening.*

*Ms. Roediger stated that this was discussed at length and Giffels Webster staff was consulted to find the best way to address this exact concern for employees parking up and down streets every Monday through Friday on the side streets. She stated that this is why the language reads "parking related to the home occupation shall occur on the site of the home occupation". She stated that if they are parking on the street it is a public right of way and is not on the site. She stated that this was the intention and commented that she would be hesitant to state that they are not allowed in public parking, and noted that anyone can park in a public street at any point. She stated that the ordinance states that home occupation traffic must be located on the site, and commented that this is how the concern is addressed without prohibiting public parking.*

*Mr. Gaber suggested that be clarified to read something such as on the site*

where the home is located.

Ms. Roediger stated that this is what Code enforcement could point to if there are a number of cars littering a site because of a home occupation. She commented that the language could perhaps be tightened a little bit and staff would look for a way to do it legally.

Mr. Struzik expressed appreciation for the new document that incorporated the feedback from the last meeting. He stated that he likes that signs are not permitted and stated that this is not what should be in residential areas. He stated that he has the same concerns Mr. Gaber has regarding parking being contained within the private property. He commented that he does feel that the ordinance as it is written here does address that. He asked if there was perhaps a way to tighten up the language a bit to cover Mr. Gaber's concern. He stated that he feels that the language is sufficient but if it can be improved that would be better, noting that one thing that he does not want to see is a street with a lot of cars on it due to a home occupation as it brings danger to children and people who are walking or bicycling on streets with no sidewalks.

Mr. Hooper suggested that removing two words from number three, resulting in the following starting in the second line: "Parking related to the home occupation shall occur on the site of the home occupation only in garages or on paved surfaces".

Ms. Roediger stated that if there are no other comments, the plan is to schedule the public hearing for February. She noted that everything else was fairly black and white and those changes were made.

**Discussed**

**NEW BUSINESS**

2022-0007 Annual Master Plan Implementation Progress Report

Ms. Kapelanski noted that the progress report is an annual requirement of the Redevelopment Ready Certification. She explained that each year the City is required to report on its Master Plan Implementation progress. She stated that there were a couple of things to highlight from this year's report. She noted that there will be a Parks Plan and a Streetscape Plan upcoming this year. The Parks Plan will be kicking off shortly. The other highlight she wanted to point out, and thank the Planning Commission for its input on, is the completion of the Thoroughfare Master Plan last year. She stated that this was the big item that was checked off from last year's implementation.

**Discussed**

**ANY OTHER BUSINESS**

Chairperson Brnabic questioned what the subject matter would be covered in the Joint Planning Commission-City Council meeting.