



Rochester Hills

Minutes

Planning Commission

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Home Page:
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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Marvie Neubauer, Scott Struzik and Ben Weaver
Youth Representative: Siddh Sheth

Tuesday, September 20, 2022

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the September 20, 2022 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 9 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Marvie Neubauer, Scott Struzik and Ben Weaver

Others Present:

Sara Roediger, Director of Planning and Economic Dev.
Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary

Chairperson Brnabic welcomed attendees to the September 20, 2022 Planning Commission meeting. She noted that if anyone would like to speak on an agenda item tonight or during Public Comment for non-agenda items to fill out a comment card, and hand that card to Ms. MacDonald. Members of public may also comment on an item by sending an email to planning@rochesterhills.org prior to the discussion of that item. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.

APPROVAL OF MINUTES

[2022-0418](#) August 16, 2022 Minutes

A motion was made by Hooper, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

COMMUNICATIONS

None.

PUBLIC COMMENT

Seeing no speakers cards submitted and no one wishing to speak, Chairperson Brnabic closed Public Comment at 7:03 p.m.

Chairperson Brnabic noted that for the first item on the agenda, the Applicant has not arrived yet; therefore she will move that item to later in the agenda and move on with the second item, Serra Ford.

NEW BUSINESS

2022-0421

Public Hearing and Request for Rezoning Recommendation - File No. JNRNB2022-0010 - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone approximately 4.7 acres of land, part of Parcel No. 15-27-477-073, for the Serra Ford auto dealership property located at 2890 S. Rochester Rd., northwest of the intersection of Rochester and Auburn roads, from B-2 General Business with an FB-3 Flexible Business Overlay to B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Joseph Serra, Serra Works of Rochester Hills, LLC, Applicant

(Staff Reports for the Rezoning and Site Plan dated 9-20-22, Applicant's letter, survey, reviewed plans, floor plans and elevations, WRC Review Letter dated 4-5-22 and Public Hearing and Tree Removal Permit notices had been placed on file and by reference became a part of the record thereof).

Present for the applicant were Joseph Serra, Serra Automotive and Serra Works of Rochester Hills, Alan Bloom, Joshua Bloom and Vic Habersmith of Bloom General Contracting, Paul Tulikangas, NFE Engineering, and Shane Burley and Adam Coppersmith, Studio Detroit Architects, Pat Parker, General Counsel and Kevin Cassidy, business partner to Mr. Serra.

Chairperson Brnabic introduced this item and noted that it is a proposed Ordinance amendment to rezone approximately 4.7 acres of land for the Serra Ford auto dealership property located at 2890 S. Rochester Road from B-2 General Business with an FB-3 Flexible Business Overlay to B-3 General Business with an FB-3 Flexible Business overlay. She asked the applicants to come up to the presenters' table.

Mr. Serra introduced his team in attendance with him this evening. He noted that Mr. Cassidy is his business partner in Rochester Hills and lives in the community. He explained that they purchased the Ford dealership just over three years ago and have enjoyed being in the community. He added that they recently purchased another dealership that Mr. Cassidy is a part of. He noted that Mr. Cassidy would be able to answer any questions regarding operations.

Ms. Roediger explained that this is a two-fold request, with the first being the rezoning, noting that as a part of the redevelopment Serra has been acquiring

some parcels including the old Rochester Lawn Service and Enterprise Car Rental. The existing dealership on the north part of the property is zoned B-3, with the FB-3 overlay across the entire parcel with the exception of the residential portion all the way to the west. She explained that all of the parcels have been combined into one parcel and the intent is to rezone the entire parcel into one consolidated zoning with the exception of the westernmost residential portion which will remain residential and remain natural. She noted that it is consistent with the Future Land Use Plan and consistent with the general commercial feeling of that entire corridor and intersection.

She explained that they are looking to demolish the existing facilities and create a new 61,000 square foot technical center with an all-encompassing showroom, offices and service building. As a part of that, they plan to do some much needed access management improvements on Auburn Road, consolidating a number of driveways to one, and getting rid of the northernmost driveway on Rochester Road to enhance traffic flow on the route. As part of a dealership, it is common to ask for modification to the parking spaces. She explained that the City's ordinance does not differentiate between parking spaces and outdoor sales spaces, and many of the spaces will be occupied by cars looking to be purchased. She stated that this is a modification that has been granted for all of the dealerships as well as some right-of-way plantings. She noted that the City is very ambitious in its landscaping within the right-of-way; however, there are lots of competing needs for that strip of land including utility easements both above and underground which sometimes cause some competing interests along Rochester Road. She commented that she believes they have done a commendable job of proposing what could go there and also beefing up plantings in other areas especially the parcel to the west which is a natural area where they will be enhancing plantings. She stated that Staff recommends approval of the rezoning and site plans.

Mr. Tulikangas stated that he is the civil engineer on the project and would provide a quick overview of the site improvements. He noted that there is a proposed lot combination to combine five existing parcels into one split-zoned parcel. He commented that there are two buildings that will be taken down along Rochester Road and four smaller buildings including a couple of sheds to be taken down along Auburn Road, all of which will be replaced with a single building. He stated that they are reconfiguring the parking area to provide 130 customer spaces including bringing all of the ADA components up to current standards; the rest of the parking spaces shown on the plan will be for inventory parking for the dealership. He noted that there are three existing approaches along Rochester Road and they worked with the City and MDOT and the existing northerly approach will be removed. The two other approaches on Rochester Road will be reconstructed and the pathway reconfigured and everything made ADA compliant. Along the south Auburn Road frontage for the site there will be one single approach that will be aligned with the property on the south side of Auburn Road, as that was an MDOT comment received.

He explained that in terms of site utilities they will be running new watermain through the site to service the building, making connection at the north side of the site and then connecting again at the south side so it will be a full complete watermain loop with hydrant coverage. In terms of stormwater detention,

everything will be brought up to the current Rochester Hills standards and three underground detention systems will cover three distinctive drainage areas and provide treatment for those on an individual basis.

Mr. Burley noted that the building is roughly 61,000 square feet. He explained that the floor design is a prototypical design from a Ford branding standpoint. He pointed out that some of the design elements are the giant curved ACM brand wall spanning across, and an icon tower. With regard to the floor plan, they have the capacity to do roughly 40 service bays and five in-house detailing stations as well as a 9- to 12-car service reception. He stated that they are planning for future growth and especially with Ford coming out with electric vehicles there will be a demand for electric vehicle chargers which they will have plenty on site. The front elevation will have a lot of glass, an aluminum composite material, which will look nicely detailed with grout and reveals. Corrugated metal panels will soften the look. He noted there will be a white roof and lots of trees and they are looking at environmentally-friendly design options they can include in the glass to cut down on the solar heat gain as well as LED lighting throughout and in the parking lot. He added that they have discussed including occupancy sensors on the parking lot lights so at night they can dim down and if someone approaches at night they can go back up. He stated that they are trying to be good neighbors and respect the light pollution that can occur on these busy roads.

He discussed phasing, noting that the existing building will remain in operation and the new structure behind will be built. Once the new structure is open they will remove the existing dealership.

Chairperson Brnabic asked if they plan to sell used cars also.

Mr. Burley responded they will.

Chairperson Brnabic stated that she is slightly awed at the number of parking spaces requested, realizing that they have a big operation. She questioned whether they plan to use this location for a lot of inventory that might be used or transferred to other dealerships.

Mr. Serra responded that all of the inventory seen and planned for is for this operation only; he commented that it is a tribute to the community that this is a top-20 Ford store in the entire United States. He stated that it will be probably top-10 when they complete the facility to meet the standards that their clients and associates deserve. He mentioned that since Mr. Cassidy took it over he has doubled or tripled the used vehicle volume. He added that they also have customer parking for service needed. He commented that quite frankly they could use even more space.

Chairperson Brnabic stated that what is being requested is more parking spaces than any other dealership in the city.

Mr. Serra responded that in the short time since Mr. Cassidy took over they are number one in the area in used cars and their retail volume might already be the largest in the area.

Dr. Bowyer stated that the building looks beautiful and commented that she buys her cars at Serra Ford as they are a Ford family. She noted that the height is like a two-story building but is only one story high.

Mr. Burley responded that the top of the arched element brand wall is approximately 30 feet and the showrooms are usually 20 to 22 foot clearance inside so it is a two-story volume. He explained that within the middle portion there is usually a second floor that houses the administrative and some employee functions and offices. He commented that they are efficient with their structure.

Dr. Bowyer commented that it looks like there are bays on every side so it looks like they will have a busy back, busy north side and busy south side. She noted that it is to the west side of the property and noted that there are residents are on that side. She asked if there will be extra plantings there to buffer from the residents.

Mr. Burley responded that there will plantings, and noted that from the back of the building to the property line is 100 feet. He commented that there is a good-sized buffer there and it is not backed right up to the residential neighborhood.

Mr. Tulikangas added that there are healthy trees in that location that will be supplemented.

Mr. Serra stated that the main shop itself will be air conditioned so the doors can stay closed. He noted that normally the shops are not air conditioned; and he stated that the decision was made in their initial planning that will make it a quieter location. He commented that he understands the importance of being a great neighbor.

Mr. Tulikangas added that there are only two openings from the shop to the back side.

Dr. Bowyer stated that she loves that all the trees have been placed in the parking lot; she mentioned that trees might lead to a lot of cleanup on the cars and wanted to make sure that they did not want to take the trees down in the future.

Mr. Burley responded that it is the proper selection of the right species, keeping them small and choosing plantings with no berries. He stated that he thinks it is important and the landscape architect has done a good job and is very cognizant over what type of facility this is.

Dr. Bowyer commented that she is glad that they are getting rid of the older tired-looking buildings. She questioned whether the used cars will be kept separate from the new cars in the facility.

One of the team members in the audience responded that they will be housed in the same location toward the front.

Mr. Hooper commented that he and his wife have purchased a dozen vehicles from Huntington Ford, now Serra Ford over the years, however, he would not see this as a conflict of interest. He noted that he read in the paper regarding Jim Farley requiring Ford dealerships to have an electric charging ultimate dealership membership, and he asked whether they could expound on this idea.

Mr. Serra responded that Mr. Cassidy just attended the Ford meeting where Mr. Farley explained the new program for the future; and every Ford dealership will have an option where they sign up for the full electrification package. He stated that their location will definitely be a part of this as this is one of the top premier Ford stores in the nation and they will participate 100 percent in all of those new endeavors. He commented that he believes the program will shift a bit before coming to fruition as it is still early.

Mr. Hooper questioned whether there were any thoughts to add a Lincoln dealership.

Mr. Serra responded that they would love to have it but it is not available, nor is it a part of any discussion.

Mr. Hooper commented that it would be awesome if the property could be squared off with the Thai restaurant as that building is in poor condition.

Mr. Serra responded that he does not want to comment at this time and is trying to just be a good neighbor. He commented that he did not like their current dealer facility when they purchased it three years ago, and stated that it is not good for their associates or clients. He stated that Ford is not asking them to do this. He stated that Ford had zero requirements and would allow them to continue with the current facility; however, he did not think that it was the right thing to do.

Mr. Hooper stated that setting the building back and improving the access will help as trying to make a left-hand turn out of there is dangerous.

Mr. Serra stated that Mr. Burley and his team did a wonderful job laying it out. He commented that unfortunately because of the size of the lot, they have to stay in operation and Bloom Construction will have to do the construction with the dealership in front.

Mr. Dettloff thanked Mr. Serra for his commitment to the community. He concurred that the design looks great. He thanked them for their recent purchase of the Shelton-Buick-GMC dealership. He noted that he had his car serviced at Serra recently and he commented that the employees were so happy with the change in management.

Mr. Serra credited Mr. Cassidy noting that he is the operational person. He commented that he got the same reaction from the associates as to the direction and support Mr. Cassidy is giving them.

Ms. Neubauer stated that she really likes how everything looks and that they

are invested in ensuring they are a good neighbor in supplementing with additional trees for more buffering. She commented that it is smart to air condition the service bays to create that noise barrier. She stated that if the community is unhappy with you it is not good business. She concurred with Dr. Bowyer regarding the trees in the parking lot and stated that it will be a safety feature for the cars zipping around the lot. She stated that it will be a huge improvement.

Mr. Serra commented that if the trees drop on the cars in the parking lot, the landscape architect will be the one to clean them.

Mr. Struzik stated that he would echo comments that have been said and agrees with Mr. Serra's assessment of the current property. It will be a significant investment and improvement for that corner and in the community. He commented that he walked through the dealership property today to look at the current condition, and asked about the far west masonry wall noting it has razor wire at the top. He questioned whether the razor wire is necessary and if it would stay as-is.

Mr. Tulikangas responded that their plans are to maintain that wall. He commented that he wasn't aware that there was razor wire on it and stated that it could easily be removed.

Mr. Struzik noted that the site is so open and there is access from so many ways and the wire is not something he is used to seeing in the community. He asked if it could be removed. He stated that he liked the fact that some of the high quality trees on the west side of the site are being kept. He noted that he likes that the buffer to the residents to the west as well as the noise has already been addressed. He commented that there will be more completed sidewalk on Auburn Road with this proposal as well as less driveways on both Auburn and Rochester.

Ms. Denstaedt stated that this is a much-needed change on that corner especially on the Auburn Road side. She questioned the hours of operation and asked what the busiest times will be as the corner is very congested. She asked what the timeframe would be for its completion.

Mr. Cassidy responded that their current operation which they foresee will stay the same is 7 a.m.-7 p.m. Monday-Thursday, 7 a.m.-6 p.m. on Friday, and 9 a.m.-3 p.m. on Saturday. He commented that lunch times and early evenings are the busiest times.

One of the team members in the audience responded that it would be approximately two years for completion depending upon weather and the supply chain.

Mr. Weaver commented that the wall is difficult to find on the plans and commented that it does not look like it goes all the way down to Auburn Road. He asked if they were planning to extend the wall down to Auburn to match the existing.

Mr. Tulikangas responded that he believes the wall goes just to the north side of the residential parcel that is going to be maintained as residential. He stated that they plan to maintain the entire wall and no extension is proposed. He commented that he could add some verbiage to that effect in the construction documents.

Mr. Weaver stated that he is less concerned about the wire with all the other improvements. He asked if that would be open to allow the neighbors to walk back and forth and window-shop or would it be walled off again.

Mr. Tulikangas responded that the wall is to remain where it is but it will go only about halfway down the parcel.

Mr. Weaver questioned whether the existing trees were intended to be kept and why they didn't look at doing some detention in that area.

Mr. Tulikangas responded that they did look at doing some surface detention there but it didn't work out with the grading on the parcel.

Mr. Weaver noted that the restaurant was mentioned, and he asked if they had seen the plans.

One of the team members in the audience noted that he had spoken to the restaurant owner and they have secured a signed agreement with him at the request of the Road Commission. The property owner, who isn't the operator of the restaurant, is very excited about it and he does not see any issues at all. He commented that he believes the opportunity may come up for a property acquisition at some point.

Mr. Weaver noted that there are some trees on the plan that will produce berries or fruit and he pointed out that there are some crabapples on Rochester Road. He commented that on the plan it appears that they are planted a little closer to the parking area than on the rendering. He stated that it is a great plan and a great looking building.

Mr. Gallina stated that much of what he was thinking was offered by his fellow commissioners, and he said that he was excited as he looked through the plans. He stated that he has frequented Huntington Ford and when the switch came over, he would offer that the commitment was really impressive to him. As a customer, the functionality will be fantastic and it makes sense to him that it could go from a top-20 to a top-10 dealership. He noted that as a community it is great to see that when things are built or rebuilt things are considered for the residents. He commented that the setback will be better as right now the dealership is very close to the road. He mentioned that he saw two different dealerships up north that have similar branding. He stated it will be good for the community.

Mr. Dettloff questioned how many more jobs will be created with the expanded development.

One of the team members responded that it would be as many new jobs as they

could get.

Chairperson Brnabic noted that the rezoning requires a public hearing and opened the Public Hearing at 7:40 p.m. Seeing no one wishing to speak, she closed the Public Hearing.

Mr. Hooper moved the motion in the packet to recommend to City Council approval of the rezoning request. It was seconded by Ms. Neubauer.

After calling for a roll call vote, Chairperson Brnabic announced that the motion passed unanimously and congratulated the applicants.

Ms. Roediger noted that the rezoning item would move to the October 10, 2022 City Council Meeting for first reading.

Mr. Hooper moved the motion in the packet for the Tree Removal Permit, which was seconded by Ms. Neubauer.

After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

Mr. Hooper moved the motion in the packet for site plan approval, and added a third condition of removing the barbed wire on the west screen wall and anywhere else it currently exists on the property. The motion was seconded by Ms. Neubauer.

After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously, and congratulated the applicant for their site plan approval.

Mr. Serra thanked the Commission for their support.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. JNRNB2021-0034 (Serra Ford Rezoning, 2890 S. Rochester Rd.) the Planning Commission recommends approval to City Council of the proposed rezoning of an approximate 4.7 acre portion of Parcel No. 15-27-477-073 from B-2 General Business District/FB-3 Flex Business Overlay to B-3 Shopping Center Business District with FB-3 Flex Business Overlay with following findings:

Findings for Approval

1. The B-3/FB-3 Zoning Districts are appropriate zoning districts at this location as they are compatible with the goals and objectives of the Master Land Use Plan to service residents of the community and the region.
2. Approval of the proposed rezoning will allow for a use that will complement the existing surrounding land uses and will be a logical extension of and improvement to the existing

auto dealership site.

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.

2022-0423

Request for Approval of a Tree Removal Permit - File No. JNRNB2022-0010 - for removal and replacement of 30 trees for the Serra Ford auto dealership on approximately seven acres located northwest of the intersection of Rochester and Auburn roads, from B-2 General Business with an FB-3 Flexible Business Overlay to B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Joseph Serra, Serra Works of Rochester Hills, LLC, Applicant

A motion was made by Hooper, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. JNRNB2021-0034 (Serra Ford) the Planning Commission grants a Tree Removal Permit, based on plans received by the Planning Department on June 15, 2022 with the following findings and subject to the following conditions:

Findings

- 1, The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.
2. The applicant is proposing to remove thirty (30) regulated trees and no specimen trees, with twenty seven (27) replacement trees required, and with twenty seven (27) replacement trees proposed to be installed.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.

No payment to the City's tree fund is required.

2022-0422

Request for Site Plan Approval - File No. JNRNB2022-0010 - a new auto dealership located on approximately seven acres located northwest of Rochester and Auburn roads, Parcel No. 15-27-477-073, currently zoned B-2 General Business with an FB-3 Flexible Business Overlay with requested rezoning of B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Joseph Serra, Serra Works of Rochester Hills, LLC, Applicant

A motion was made by Hooper, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. JNRNB2021-0034 (Serra Ford) the Planning Commission approves the Site Plan, based on plans received by the Planning Department on June 15, 2022 with the following findings and subject to the following conditions:

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, with the exception of the modifications requested, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Rochester Rd. and Auburn Rd. with reductions in access points along both roads, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. 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.
5. The applicant has demonstrated that a modification to allow for the site plan exceeding the permitted maximum number of parking spaces, with 205 spaces required and 513 spaces approved, is appropriate based on the fact that vast majority of the number of spaces proposed in excess of the Zoning Ordinance are specifically for the display/storage of vehicles for sale and not typical parking spaces necessary for the operation of the business.
6. The applicant has demonstrated that a modification to not meet the right-of-way landscape requirements, that includes eighteen (18) canopy trees and eleven (11) ornamental trees along Rochester Rd. and eleven (11) canopy trees and six (6) ornamental trees along Auburn Rd., is appropriate due to the location of the existing underground utilities, limited road and pathway sight distance clearances on Rochester Rd. and due to the location of existing overhead and underground utilities, and limited road and pathway sight clearances on Auburn Rd. To offset the requested modification, the applicant has provided a variety of ornamental grasses and shrubs with some trees along the parking lot as a replacement.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape bond in the amount of \$126,375, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. Remove the barbed wire on the west screen wall and anywhere else it currently exists on the property.

2022-0419

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2022-0006 - to allow alcoholic beverage sales for on-premises consumption at Oceania Inn, 37 S. Livernois Rd., located southeast of Livernois and Walton, zoned B-3 Shopping Center Business District with FB-3 Flex Business Overlay District, Parcel No. 15-15-101-026, Wai Po Leung, Oceania Inn Inc., Applicant

(Staff Report dated 9/14/22, Floor Plan, EIS, Applicant's Letter and Public Hearing Notice had been placed on file and by reference became a part of the record thereof).

Chairperson Brnabic introduced this item, noting that it was a request for recommendation for approval of a conditional use to allow alcoholic beverage sales for on-premises consumption at Oceania Inn, 37 S. Livernois Road zoned B-3 Shopping Center with an FB-3 Flex Business Overlay. She noted that the applicant is not in attendance this evening.

Ms. Roediger noted that all on-site consumption of alcohol are conditional uses within the City of Rochester Hills. She explained that Oceania Inn has been a long-standing restaurant that exists at the shopping center at Walton and Adams and they are relocating to the former Panera Bread, which moved to the front of that shopping center along Livernois. She stated that she did not think there was much change to their plans for operation. Unfortunately they are not here this evening, but they are still going to be going forward with the Liquor Committee. She commented that from a land use standpoint, the question is whether this is an appropriate use of the land at the shopping center. She noted that a public hearing notice was mailed and nothing was received from the public. She stated that the Planning Commission has the opportunity to proceed without the applicant; however, if there are any questions, she could not answer them on their behalf other than zoning or land use questions.

Chairperson Brnabic opened the public hearing at 7:47 p.m. and noted that there were no speaker cards or hands raised. Seeing no public comment, she closed the public hearing.

Mr. Hooper stated that he had no issue with transferring the license from another location to the former Panera Bread. He commented that the location is appropriate for a restaurant and has been a restaurant before, they are transferring their license from their current location, and are not requesting a new license or quota license. He moved the motion in the packet to recommend approval of a conditional use. The motion was seconded by Ms. Neubauer.

After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

Ms. Roediger noted that this item would also go to City Council on October 10, 2022.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. PCU2022-0006 (Oceania Inn), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents received by the Planning Department on August 25, 2022 and September 2, 2022 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The building has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.

2022-0393

Discussion of Rezoning of Parcels #15-15-429-026, #15-15-429-027 and #15-15-405-004 from industrial to single family residential

(Roediger memo of 9-14-22, Agenda Summary of 8-29-22, and Council resolution of 9-12-22 had been placed on file and by reference became a part of the record thereof).

Chairperson Brnabic introduced the discussion of rezoning of parcels #15-15-429-026, #15-15-429-027 and #15-15-405-004 from industrial to single family residential.

Ms. Roediger explained that this agenda item was being presented at the direction of City Council. She said that these properties were discussed quite a bit during the Flex Business moratorium, and City Council discussed that these parcels should be considered for rezoning to residential to be consistent with future land use in the area. She stated that there were discussions of what type of industrial development could go there when there is no frontage or access through another industrial parcel. She explained that to the west Parcel -004 is part of a larger city owned greenspace; and there is no intention to develop that property so it doesn't make sense for the parcels to have industrial zoning. Staff also think the -034 and -035 parcels should be included which she referred to on the map. Otherwise there would be a little island of industrial left which wouldn't make sense. She said that she had spoken with both of the property owners to let them know of the direction from City Council. She said depending on the direction from the Planning Commission, a public hearing could be set for the October meeting. Such a rezoning would be consistent with the Master Plan, provides more options for actual use of the property, and would be the most harmonious use that could be developed. She said that property owners for all of these properties are present this evening.

Chairperson Brnabic asked Mr. Harris, the owner of the Rochester Road parcel where Gold Star Restaurant is located, if he would like to speak.

Mr. Harris said that the information they had showed their parcel -035 to be rezoned as residential; and this states different. He said they would have been vehemently opposed to residential zoning but they approve of rezoning to B-2. He explained that as long as it stays consistent they are fine with that. He commented that dropping down to residential zoning would not make sense for them and their 50 year ownership of the property. He said he would be happy to answer any questions.

Chairperson Brnabic asked if the situation had been clarified to their satisfaction. She asked Ms. Roediger if she spoke to the owners of the other three parcels that are zoned Industrial.

Ms. Roediger responded that she did.

Matt Abell with Channel Partners stated they found out on Friday this was happening, which didn't give them time to figure anything out. He said they purchased the property in May on the advisement of the City on what they could do there, for self storage. He said they had asked about residential, and they were told because of the zoning they would have to do something like self storage. He explained that they purchased the property at a price point for self storage and not for single family residential development.

Richard Stephens stated that they relied on the meetings held with the architect and the City, and they were advised that they would have ingress and egress off of Cloverport for that site. He said that they were told that the property was zoned Industrial and that by right they could build a self storage facility. He said that they were also were looking at a possible multifamily development. He said they were advised to go with the self storage since it was already zoned that way and they wouldn't have to get a rezoning. He said they purchased the property with the zoning that was there and with advice from the City. He said they are taken aback that they are here now. He said they have spent considerable money moving this project forward with the additional site plan they have supplied to the City. He said they are not asking for a zoning change and they are not requesting it. He said they want to be a good neighbor, and he understands people don't want a self storage facility. He said the first site plan had more parking on the parcel on Cloverport, and the city asked for the parking to be moved over. He said they accommodated that and it was a verbal approval. He said it's not that they can't have a dialogue, it is a financial situation since they purchased the land planning on the zoning and the project with a certain magnitude and a certain return.

Chairperson Brnabic asked if the owner would like to see the property remain industrial.

Mr. Stephens said that they would like the property remain the zoning that it is, since they just found out about this, they would like to ask for some time to see what is appropriate.

Ms. Roediger said that she would like to respond regarding the conversations with the developer. She stated that there was always a large disclaimer for this specific property that access was an issue. She said she talked to the City Attorney about it and had a few meetings, and any comments provided were always subject to access being provided to the property. She explained that because of the adjacent zoning, access to an industrial property cannot be made by crossing a non-industrial land. She said staff did not provide a verbal approval for the project, and staff was always clear that access was an issue. She said the rezoning discussion would address the issue with the lack of access for the industrial properties.

Mr. Abell asked if it would work if they had access to Rochester Rd.

Ms. Roediger responded that the properties on Rochester Rd. are zoned B-2 and are not Industrial either, and it is not permitted to jump through other zoning districts to get to an Industrial property. She reiterated that it was always very clear that access is an issue for this property, and has been with every conversation about development for the property.

Mr. Stephens stated that this was not the communication he had with the previous Planning Manager. He commented that staff didn't speak to the City Attorney until after the concept meeting. He said that he did not mean to be offensive, he was just going off the communication he received which he received in writing from his architect.

Ms. Roediger reiterated that there was no City approval provided for moving forward with this project.

Mr. Stephens said that it was his communication.

Mr. Abell asked how the Lifetime Fitness was approved because they go through the B-2 zoning to industrial zoning.

Ms. Roediger responded that they have access from Avon, and that a health club is permitted in B-2 zoning.

Ms. Neubauer said that she understands the applicant would like more time, and stated that this is just a discussion item today and no decision would be made today. She explained that she does recall discussing the property at previous meetings that Mr. Abell was present at, if she was remembering correctly. She noted that the limited access was discussed numerous times, and that this parcel already had an issue. She said consent or approval comes from the Planning Commission and not from city staff, and all of the proper procedures must be followed. She said that she didn't take offense but wanted to provide clarity, City staff cannot provide implied or actual approval. She said the commissioners discussed access to this parcel several times at the recent worksessions, and the minutes are publicly available. She said that frankly the negotiations over the property are not the concern of the City, the Commission's concern is the zoning, the access, what is best for the city, and making sure that developments are properly suited. She suggested that the property owner

review the meeting minutes to see the record created about the difficulties for access for this parcel.

Mr. Struzik stated that if access is provided off Cloverport, self storage will have less traffic, whereas residential development will lead to more traffic. However he said that he would rather be looking at more residences in his back yard if he lived on Cloverport. He said that one thing that weighs into the conversation is what is harmonious for the area; he is sympathetic to both the residents and the people who purchased the property for development which in this case are conflicting needs. He explained that he rode his bike there a few times, and asked whether there is there an opportunity to bring the hill down and to pave the road, since the front yards of the houses have very small setbacks. He said there are some Cloverport residents at the meeting and he wants to hear what they have to say.

Ms. Roediger responded that Cloverport is a public dirt road and there would be topography concerns. It would have to be graded, any pathways would have to meet ADA requirements, and there would certainly be some challenges.

Dr. Bowyer said that when the Commission reviewed that property, they noted the same owner owns the one parcel that is half residential and half industrial, and the commissioners thought it makes more sense to make it all residential so that it could be easily accessed. She stated that also with the steep slopes on the property it would not be able to be all developed, but maybe there could be bigger houses and the fact that houses are selling for high prices would offset the costs. She noted that when the commissioners looked at the three businesses that about the property on Rochester Rd., all of those are extremely small and it may be unlikely to get land to be sold so that it could be rezoned to Industrial. She said people want to live in such a location and a residential development would be more harmonious with the Cloverport residences. She apologized that the owner only received notice of this discussion on Friday. She commented that she would be really supportive of making this property residential. She said that access has always been an issue with this parcel.

Chairperson Brnabic asked for public comment at 8:12 p.m.

Pamela Wallace, 168 Cloverport, said that there is some back history to the industrial property and access has been an issue. She explained that during the Flex Business Overlay moratorium the Cloverport residents met with Mr. Abell and another gentleman in December, and they were aware there were access issues at that time, and they were aware that the property had been nominated for greenspace. Ms. Wallace said the residents have been in constant conversation with the Planning Department and with the property owners. She said that the city cannot control if someone bought the property that they know is landlocked. She commented that they were fully aware of the issues since the property didn't sell until May, and they stepped in with their eyes wide open. She said the residents are concerned about a bait and switch since multifamily housing has also been proposed, and the property is not suited for that either. She said there could be 60, 80 or 100 homes if they were going to do an R-4 development, and she hopes the R-4 will be firmly planted.

Mr. Stephens said that is incorrect and that they were not aware of an access issue. He said they were in conversations with the City and the City did not speak to their attorney until after. He said they learned more information when they went to the moratorium meeting, and there is not a bait and switch going on.

Chairperson Brnabic questioned whether the owner purchased the property in May.

Mr. Stephens said that was correct.

Ms. Neubauer said this is a discussion item and it is not personal. She said the commissioners' interest is to do what's best for the city. She said that if the property were to be rezoned to R-4 it would not be so horrible. She suggested the owner could do really well with an R-4 development and the owner should take the time to consider that. She reiterated this is just a discussion item, and noted being a good neighbor is very important in Rochester Hills. She said there is no point in building a business and have everyone boycott you. She said the Commission had a huge turnout from the community for the worksession discussions, and noted residents are very active and care a lot about the city.

Chairperson Brnabic asked the owners to confirm if they attended a Flex Business worksession.

Mr. Abell said that when buying a property you can't go before the City, and they considered the City discussions to be a verbal approval. He said that when you buy a property you expect the zoning will stay the same. He said they did not consider single family homes when looking at development options. He said that the residents on Cloverport have not asked for architectural renderings of their proposed building and said they won't even be able to see it.

Ms. Neubauer commented that at this point, whether they don't understand, this is where the Commission is now. She said that they are all business people and unforeseen things happen. She said they could make a residential development profitable. She said developers will always have someone mad at them but don't let it be the neighbors. She suggested they could find a way to make it profitable and to communicate with neighbors.

Mr. Abell asked whether rezoning to R-5 would be a possibility.

Ms. Roediger said that could be something to look into, it would allow for smaller lots and multiple family development.

Mr. Abell asked how Pulte got away with their development off of Avon Rd.

Ms. Roediger said that is a PUD on a campus, and that property was always intended for multiple family residential development. She explained that the PUD was established many years ago. She asked the commissioners if there is there direction to set a public hearing to continue to discuss this topic.

Dr. Bowyer said that Council would not entertain multiple family residential there.

She asked whether the property owner could they explore a PUD.

Ms. Roediger replied that a PUD can go anywhere but there needs to be substantial public benefit from the development.

Chairperson Brnabic said that this topic is not ready to schedule a public hearing, and that there needs to be more discussion with the developers, the Commission, City Council and the residents to find something satisfactory for everyone involved.

Andy Krupp, 168 Cloverport, noted that this came from a City Council proposal and the residents had nothing to do with it. He said they are not in support of a multifamily development due to the large amount of traffic that would be coming out on to the dirt road. He said they would be tolerant of a single family development.

Ms. Neubauer asked the owner how much time they would need to prepare for a public hearing.

Mr. Abell responded that they would need 60 days.

The commissioners agreed that is fair.

Mr. Struzik said that more discussion is needed before the public hearing. He noted that Ms. Wallace didn't say she meant it was a planned bait and switch for R-4 zoning; he thought she was just expressing her worries.

Chairperson Brnabic concluded that it appears there is agreement that parcels 15-15-429-035, Gold Star, would like to remain B-2. She said that she wanted to clarify there is total agreement so that the owner is confident with what is being proposed. The commissioners agreed. Chairperson Brnabic said that hopefully this will work out to everyone's satisfaction.

Discussed

ANY OTHER BUSINESS

Mr. Roediger introduced Chris McLeod, Planning Manager, and explained he has come to Rochester Hills from Sterling Heights. She noted he is a great fit for the community he was recruited for the position. She said he will elevate the Planning Department and be the main point of contact moving forward.

The commissioners welcomed Mr. McLeod.

Mr. McLeod thanked the commissioners for the opportunity to serve the City of Rochester Hills. He stated that it is a privilege and he looks forward to getting to know the commissioners and working with them.

Chairperson Brnabic noted the next meeting date is October 18, 2022 at 5:30 for a worksession.

Mr. Roediger noted staff will be presenting the consolidation of some of the B and O districts, and cleaning up of the ordinance. She noted that Huntington Bank at the old Burger King will be on the October agenda and providing a lot of upgrades.

Ms. Roediger provided an update on previously approved projects including The Gerald in the Brooklands and the Eastern Ave. parking lots. She said the restaurant is dealing with an issue with fire suppression.

Chairperson Brnabic said that she noted The Gerald provided a picture of the development and asked if they are moving forward. She asked about the Mexican restaurant.

Mr. Weaver commented that the developer is looking for a spring date for construction.

Ms. Roediger explained that the City had their kickoff for the Gateway and streetscape plan which is headed by OHM, and Mr. Weaver will be managing that so he will be recusing himself from those discussions. She said she hopes to have a member or two from the Planning Commission join that committee and help guide those discussions. She explained the Gateway plan concerns branding for the city, with signage, landscaping and designs at various entrances to the city.

Mr. Struzik said that he wouldn't mind being involved. Ms. Denstaedt and Mr. Dettloff also volunteered.

Chairperson Brnabic noted there were three volunteers. She said she remembered the plan from twenty years ago, and originally in the CIP a million dollars was noted for that. They were looking for grants or other sources. She said she didn't realize that it has been sitting for twenty years and has not moved forward.

Ms. Roediger said there will just be a placeholder in the budget at first, until a plan can be developed and pricing can be determined.

Mr. Weaver explained the City's rebranding doesn't mesh with the previous plan, so they want to bring those items together now, and review some opportunities for streetscaping cohesiveness. He said it will be planning heavy and research driven at first. He said there will be 4-5 steering committee meetings, perhaps starting next month.

NEXT MEETING DATE

- October 18, 2022 Work Session at 5:30 p.m.
- October 18, 2022 Regular Meeting at 7:00 p.m.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Ms. Neubauer, seconded by Mr. Struzik, Chairperson Brnabic

adjourned the Regular Meeting at 8:36 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Jennifer MacDonald, Recording Secretary