



Rochester Hills

Minutes

Planning Commission

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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: Caroline Bull

Tuesday, June 14, 2022

5:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the Special Worksession to order at 5:30 p.m. and welcomed attendees, stating that the worksession will continue the discussion regarding revisions to the FB Overlay district.

ROLL CALL

Present 6 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Greg Hooper and Marvie Neubauer
Excused 3 - Anthony Gallina, Scott Struzik and Ben Weaver

Others Present:

Sara Roediger, Planning and Economic Development Director
Kristen Kapelanski, Planning Manager
Jennifer MacDonald, Recording Secretary

Also in attendance from Giffels Webster were Jill Bahm and Joe Tangari.

PUBLIC COMMENT

There was no public comment regarding non-agenda items.

DISCUSSION

[2022-0209](#)

Zoning Ordinance Amendments Work Session - Giffels Webster

Ms. Roediger stated that at previous meetings the discussion centered upon a review of the city geographically section by section and parcel by parcel, and tonight's discussion will focus on setbacks, public amenity spaces, design elements and street design. She showed maps of parcels in the city with at least 10 acres. She asked for any public comment regarding these items.

A representative from Cloverport asked when there will be a vote and asked if homeowners will have a vote on individual properties.

Chairperson Brnabic responded that the Planning Commission will make a recommendation to City Council; however, she noted that they are open to listening to residents' input. She asked any public speakers to state their

names for the recording of the meeting minutes.

Lindsay (last name unknown), a resident, questioned if the map being shown is the City's future land use map.

Ms. Roediger responded that the map shown is only for study and discussion purposes.

Michael Balian introduced himself as an attorney representing a number of Cloverport residents. He expressed that their concern is the residential parcel on their street being allowed as access to an industrial parcel, and asked what other location that this situation exists in the City.

Ms. Roediger responded that the commissioners have already agreed to recommend removal of the FB overlay from that particular parcel which would have allowed access to the industrial parcel. She pointed out that this particular industrial parcel had been zoned as such since the 1960s, and that is why it has been discussed to add an FB overlay to the industrial parcel which would allow for other types of development than industrial.

A resident said that it was previously mentioned that issue would be going to the City's attorney.

Ms. Roediger responded that the reason to consult the City Attorney regarding this matter was to determine how that parcel can be accessed since the owner has a legal right to develop it.

Ms. Neubauer stated that the commissioners agree with the residents; however they need to ensure that any changes made do not constitute a taking for this property, or would put the city in a position of liability. She stated that they defer to the City Attorney for guidance on that.

The resident stated that some neighbors misunderstood that.

Dr. Bowyer stated that the proposed FB ordinance amendments will go to City Council as well, and residents will be able to attend and provide public comment at that time. She pointed out that if the FB overlay is added to that industrial parcel, then it would open up the possibility that it could be developed residentially.

Resident Pam Wallace commented that there are a lot of people here who are not from Cloverport so they must have other topics to discuss.

Resident Karen Bohm stated that she is from the Spring Hill subdivision and asked about the potential development of Oakland University property with apartments, noting that many of the residents are concerned.

Ms. Roediger stressed that this is a worksession for the FB overlay moratorium and stated that the Oakland University property is a separate issue, noting that it is zoned Special Purpose. She noted that property is under jurisdiction of the State of Michigan, and she explained that the City is only able to input regarding

the infrastructure's capacity. She pointed out that this property is completely unrelated to the FB overlay.

A resident asked when developers come in, whether the City is able to make sure they are held to the ordinances.

Ms. Roediger responded that was correct; however, they would have the ability to apply to the Zoning Board of Appeals for any variance from the ordinances.

Ms. Neubauer said that the Planning Commission has nothing to do with the OU property and cannot control its development because it is the jurisdiction of the State of Michigan. She stated that the commissioners all want to preserve green space in the City, however that is not necessarily a well-defined term. She said the way to best preserve green space is to purchase it, and hold it or donate it to the City for preservation. She said it is a property rights issue and a constitutional issue and there is nothing that the City can do.

Ms. Roediger redirected the conversation back to the topic of the FB overlay district.

A resident commented that only Rochester and one other city have flex business districts.

Ms. Bahm responded that this is a very common zoning tool that communities use to put an overlay on top of underlying zoning, and it allows for a consistent set of setbacks and other standards to provide the type of development the community would like to see. She explained that when the FB overlay was created, the City wanted to see more compact development and resulting walkable spaces, particularly along corridors, and reap benefits that would not be the result under traditional zoning. She commented that now that the ordinance has been used for ten years, some concerns have arisen. She stated that discussions during the moratorium have led to the commissioners deciding to shrink some of the districts and institute minimum property sizes. She noted that there is only another hour for this discussion prior to the regular Planning Commission meeting, and asked residents wanting to make general public comments to do so at the regular meeting.

Chairperson Brnabic noted that people have the ability to request meeting minutes, which would allow them to see how the discussion of these items has progressed.

A resident questioned whether the FB overlay is being added to the industrial parcel south of Cloverport now.

Dr. Bowyer explained that it is not happening right now; however, it will be a part of the Planning Commission's recommendation to City Council.

Ms. Roediger explained that this should happen in about two months, and mentioned that there will be a public meeting where people can provide comments.

Ms. Roediger specified that one new provision under discussion is having a two-acre minimum property size to use the FB overlay, noting that there currently is no minimum property size. Developers will be able to do two story developments by right. She added that a new provision will require three acres for three story developments on Rochester Rd. only, and four acres for three stories everywhere else. She presented a list of 10 acre parcels in the city with the FB overlay and the likelihood that they would be developed or redeveloped.

Chairperson Brnabic noted there were a few areas of the city previously reviewed where she wouldn't want more than two stories.

Ms. Roediger noted some of those parcels discussed were at Auburn Rd. and South Blvd.; and as there were not a lot of large parcels there, they might not meet the proposed minimum size requirements.

Ms. Bahm noted four acres will be required under this proposal for three stories.

Ms. Roediger stated that realistically some of the more likely 10 acre parcels for redevelopment include the Bordine's property, the Ferber property, and the Hampton-Winchester property. She noted there are eight parcels that are highly unlikely to redevelop.

Resident Claire Levy said that she owns a ten acre honey farm across from Bill Fox Chevrolet. She stated that she would like to keep the property as green space, mentioned that she has been researching grants, and stated that she would also like to keep the FB overlay on it.

Ms. Roediger responded that there are no plans to remove the overlay from that property. She mentioned that another component of the recommendation is to establish greater setbacks from residential properties.

Chairperson Brnabic commented that with a four story development 150 ft. abutting residential homes is not enough of a setback. She said Bebb Oaks was 160 ft. and she stated that this was not enough.

Ms. Roediger presented maps showing the proposed 150 ft. setback from residential properties on various FB zoned parcels. She said some current developments would not have been possible with a 200 ft. setback, for example Priya since there is residential on all sides.

Ms. Neubauer asked which properties could do four stories and what could be the maximum setback from residential properties still allow the properties to be usable.

Ms. Bahm said that 150 ft. would be 2.5 times the building height of a four story building, and commented that this is a significant setback.

Mr. Hooper commented that currently a three story house can be constructed with a 35-foot rear setback.

Ms. Neubauer said that is different than a multi-tenant building and asked if

there is a way to figure out the maximum setback that could be required.

Ms. Roediger noted that the Legacy apartments have the largest rear setback, and pointed out that the property is under a consent judgment.

Ms. Kapelanski suggested that it may be difficult to determine the greatest setback that could be required on multiple properties without actually going through a design process.

Ms. Roediger commented that the same idea would be accomplished with a maximum setback from the street.

Chairperson Brnabic said they never expected four story developments to abut residential properties.

Mr. Hooper said that was discussed at the time.

Chairperson Brnabic stated that with the PUD on Tienken, the property had a natural mature berm of trees which was 60 ft., and taller than the building. She stated that now commissioners are struggling with this. She noted that with the hotel behind Bolyard, she would not want that in her backyard and does not think that any resident should expect that to be in their backyard. She said if those buildings had been pushed to the front of the property she would not be struggling with this.

Ms. Roediger stated that this concern can be addressed by adding the new requirement for the building to be closer to the road.

Ms. Neubauer said that closer to the road is fine. She commented that with regard to Bebb Oak, the commissioners did not anticipate the density that a developer could fit onto a property, circumventing the intent of the ordinance. She said the language needs to be tightened so there are no loopholes. She stated that even if four stories are allowed, the density must be addressed.

Chairperson Brnabic stated that she figured when the ordinance was written that with a four story building the retail would be on the bottom floor with apartments on top; however, with Bebb Oak they were able to design four story apartments, and a separate retail building to meet the ordinance, and then put a drive through in the center of it. She said she would not like to see that type of design again.

Ms. Roediger noted that a lot of those loopholes were because of the design criteria, and staff is proposing to get rid of the criteria because it is overcomplicated.

Ms. Neubauer asked what the city could do if a developer proposed 200 apartment units that were 500 sq. ft. each. She said concerns are traffic and accidents, especially on Rochester Road, as well as height and density. She commented that she is not against builders making a profit, and she is a business owner too; however, she is against having a lot of people packed into an area.

Ms. Kapelanski asked what is the specific concern is with the number of units, questioning whether it is more the size of the units and not the height of the building. She suggested that the ability for the City to achieve affordable housing is to allow for some density. She noted that a consequence of a cap on density is that housing and land prices will increase. She stated that this is a question for the commission as to what they are comfortable with.

Ms. Bahm stated that as part of the Master Plan discussion in 2018, staff heard consistently from residents that their top three concerns were traffic, housing, and deer. She explained that as a result, staff looked at how to develop walkable communities by offering goods and services, offices and housing all together. She noted that the city has an amazing trail running through it, and stated that it could be viewed as a transportation alternative. She said that allowing this concentration in already developed areas of the city would take the pressure off of other areas if people are able to walk.

Ms. Neubauer stated that this is not what is being heard from residents. She commented that they don't want these type of developments or building heights.

Ms. Bahm stated that during the Master Plan discussions residents expressed that they wanted developments to address housing needs and traffic issues.

Ms. Neubauer said Rochester Hills is surrounded by other cities and suggested that we can look at what changes they have made. She commented that if residents are fighting for green space, they don't want four story buildings. She asked what the walkability really is with a development like Bebb Oak since there is not a school nearby, and people are not going to walk across the street to shop at Target or Lowe's.

Dr. Bowyer said that City Council doesn't want four stories and that it should be made a conditional use.

Ms. Kapelanski said to take four stories off the table will have other effects.

Ms. Roediger noted that four stories will be made a conditional use, and that will be the plan, even with ten acres. She said that the city traditionally has provided single family neighborhoods, and that's why people move here. However there are limited choices when people want to downsize, or for young professionals, or people with no children, and older adults. Demographically, the family forming years are shrinking. People are living longer but only have their children with them for a relatively short portion of time. She stated that there are other stages of life that people don't want a four bedroom colonial home or large gardens to tend. She commented that from a Planning standpoint, the intent is to provide alternatives.

Ms. Neubauer pointed out that there are several multifamily and senior living developments already, noting that they are not four stories. She stated that she is hung up on four stories and on the density.

Mr. Hooper questioned what the setback is for the Zeenat building, and

commented it cannot be more than 75 feet. He pointed out that is a downtown look and it was a huge investment for the city. He asked what the City spent all of those tax dollars for if such development would not be allowed now.

Chairperson Brnabic noted that the commissioners had a hard time with three stories in the Brooklands, and explained that this is how we wound up with the top floor step back because people were concerned.

A resident asked why the City cannot just wait to deal with those issues, people are not having trouble selling their homes and are staying in the city. She said there are already apartment complexes and asked why more are needed.

Ms. Bahm stated that we need to plan for the future now, as people are living longer and having fewer children. Once those children are grown, they may feel that they have to move away if they don't have options. The city should plan for those changes and not just say that's for another community to tackle.

A resident asked how many Planning Commissioners live on Rochester Rd. and said people living there will be overly burdened.

Ms. Neubauer commented that other communities have tackled the issue, and the lower income residents will feel the greatest impact of density.

Another resident stated that she has paid twenty years of taxes to keep her parcel of land and not sell it for development at \$20,000 a year because she doesn't want to contribute to the problem that she sees happening all over the country. She said that she doesn't think that the city can be both family friendly and a retirement city without using the rest of the city's precious green space.

Ms. Bahm explained that sites like the Ferber site and Bordine's are already paved, and no one will build single family residential there. She said the FB ordinance can require the addition of a park, landscaping, or some public art. She mentioned that setback required from FB developments, and stated that the intent is not only to want to have the setbacks but to know what people are going to do with those setbacks. She stated that they would be made either landscaping and preservation or useable open green space.

Dr. Bowyer suggested that mixed use developments would fit those locations, stressing as long as the approval is conditional.

Ms. Neubauer stated that it should not be given as a right when it should be conditional. She commented that the commissioners need to focus on the importance of developing a plan to protect the future.

Ms. Roediger clarified that staff has agreed that four stories should require conditional use approval. She pointed out that the proposed maximum front setback should address some of these concerns. She asked if commissioners want to discuss a minimum floor area per unit as a way to regulate density.

She said that with regard to the current street regulations section of the ordinance, much of it only really applies to large parcels, so it was thought to

keep it only for ten acre parcels. She pointed out that the building types and other items from these provisions are overly complicated and staff are suggesting to remove those completely. She explained the new provisions proposed for public amenities. She said staff developed ten different types of spaces, and developers would have to choose two to use on any site for FB development, and for 10 acre parcels and four story developments they would have to choose three.

Ms. Bahm pointed out that staff are also suggesting to remove the section to allow for standards to be modifiable.

Commissioners expressed support for these changes.

Ms. Roediger noted that the next topic for discussion will be uses in the FB districts. She stated that staff would like to blend the current table of permitted and conditional uses for the FB district with the main larger table of uses for other zoning districts.

Chairperson Brnabic suggested reviewing the building material standards, noting that developers have generally opted to meet the minimum requirements. She stated that she would like to see a higher percentage requirement for more brick, stone, and accent materials.

Ms. Bahm responded that there can be an option to allow for similar materials, where the applicant has to demonstrate to the Planning Commission that the material is similar.

Ms. Roediger said that the requirement for 60% of these materials is low, a building could still then be designed with 40% EIFS.

Chairperson Brnabic suggested that commissioners do not want any buildings that look like prisons.

Mr. Dettloff suggested that perhaps the percentages could be adjusted to 75% and 25%.

Ms. Bahm said the provision could say 80% of the ground floor, and then upper floors could be less.

Ms. Roediger said that staff will look to incorporate the comments made at this meeting, and noted that at the next meeting uses in the FB district will be discussed.

A resident asked about the proposed changes for setbacks from four story buildings.

Ms. Roediger replied that we are looking at increasing the 125 ft. setback to 150 ft., and explained that minimum setbacks will be established where there were none before.

ADJOURNMENT

The worksession ended at 6:52 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*