



# Rochester Hills

## Minutes - Draft

### Planning Commission

1000 Rochester Hills Dr  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper*  
*Members: Gerard Dettloff, Nicholas O. Kaltsounis, Stephanie Morita,*  
*David A. Reece, C. Neall Schroeder, Ryan Schultz, Emmet Yukon*

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Tuesday, October 18, 2016

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

## ROLL CALL

**Present** 8 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Ryan Schultz

**Absent** 1 - Emmet Yukon

Quorum present.

Also present: Ed Anzek, Director of Planning and Economic Dev.  
Sara Roediger, Manager of Planning  
Maureen Gentry, Recording Secretary

## APPROVAL OF MINUTES

[2016-0418](#) September 20, 2016 Regular Meeting

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

**Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Absent** 1 - Yukon

## COMMUNICATIONS

A) *Planning & Zoning News dated August 2016*

## OLD BUSINESS

[2013-0190](#) Request for an Extension of Site Plan Approval until May 2017 - City File No. 13-005.2 - Auto Rite, LLC - a new 714 square-foot used car sales office and

1,043 square-foot service garage building on a 86-acre parcel at 1923 E. Auburn Rd., west of Dequindre, Parcel No. 15-25-482-025, zoned C-1, Commercial Improvement, Syed Ahmed, Applicant

*(Reference: Memo prepared by Ed Anzek, dated October 14, 2016 and letter from S. Ahmed, dated October 10, 2016 had been placed on file and by reference became part of the record thereof).*

*Present for the applicant was Syed Ahmed, 1923 E. Auburn, Rochester Hills, MI 48307.*

*Mr. Anzek stated that Mr. Ahmed was requesting an extension for a condition that was applied to his Conditional Use Permit for the Auto Rite used car sales business at Auburn and Hessel. Mr. Ahmed had been to numerous meetings before the Planning Commission and City Council. One of the conditions of the original Conditional Use approval was that the property be improved. When he went for an expansion of the business, the Planning Commission agreed he could construct a larger building, but they put October 31, 2016 as the timeframe for completion. At the January 2016 Planning Commission when it was approved, Mr. Ahmed agreed that would be ample time to finish. He had now submitted a letter saying that things had been delayed, and he requested an extension until May of 2017. There were several other conditions of approval, including no use of the western parcel for used car sales, but evidence to the contrary had been provided. He and Ms. Roediger had asked Code Enforcement to visit the site more regularly.*

*Mr. Ahmed said that he just got permission on August 15, 2016. The next day, he started constructing his building, and the building was done. He said that the paperwork from the City was delayed, and if he did not get concrete by the winter, he would have to wait until March. That was the reason for the extension request.*

*Chairperson Brnabic had observed that unlicensed cars were routinely being parked on the west lot. She took some photos. Mr. Ahmed said that was because he did not currently have electricity or water. He had to detail the cars before delivering them, but he could not vacuum the cars without electricity. He claimed that no one paid as much in taxes as he did. He paid close to \$110,000 in sales tax, and by the third year (this year) of being in business, he had paid close to \$170,000 in sales tax. He said that he was very proud he paid this to the State.*

*Chairperson Brnabic said that it was very clear in the conditions that the west lot was not to be used. Mr. Ahmed said that he just needed some time, and once the east lot was ready, he would move all his cars there.*

*Chairperson Brnabic reiterated that the west lot was not to be used during construction or at any other time. Mr. Ahmed said that he had invested a lot of money, and he had a lot of stress. He went to the hospital because of the stress. He had chest pains and had a heart attack, and went to the hospital three times. He asked them not to give him any more stress.*

*Chairperson Brnabic said that Mr. Ahmed had agreed to the conditions, and she believed that throughout the history with the property that the Planning Commission had given him every opportunity. He disregarded following the Ordinance and the conditions. Mr. Ahmed insisted that he was following the conditions. Chairperson Brnabic said that she took some pictures of the site on Thursday, October 13, 2016 and again, there were unlicensed vehicles on the west lot. She stated that it was not an isolated incident; she had observed unlicensed vehicles on the west lot for several weeks in varying numbers. She had driven past it an average of three to four times a week. The project had a long history of consistently violating the Ordinance and conditions placed on the Site Plan Approval. After Mr. Ahmed had removed the 35-40 cars from the west lot earlier in the year, her best hope was that he would honor the agreement from that point forward. In all her years of being a Planning Commissioner, she had never dealt with an applicant who had such a blatant disregard for the Ordinance and conditions placed on a Site Plan Approval. She believed that the City, the Planning Commission and City Council had given Mr. Ahmed every opportunity to succeed with his small business. All that was asked was that he followed the Ordinance and conditions in regard to the plan. She felt that they were very clear with regard to the west lot. Mr. Ahmed had chosen, once again, to ignore them, and she had a problem with that. Ordinarily, she would consider a request for an extension reasonable under the circumstances stated. But she was very disturbed by the fact that Mr. Ahmed was disregarding the Ordinance and conditions once again.*

*Mr. Ahmed responded that there were a lot of stones and nails due to the construction, and it was hard to park three or four cars. He stated that he had bills to pay, and as a resident of Rochester Hills, he paid taxes. He also paid taxes on his business, and he was the only source of income. He thought that the Commissioners should appreciate a successful business that would pay more in taxes. He would only park a car for three to four days' time.*

*Chairperson Brnabic said that through all the trials and tribulations, she continually supported Mr. Ahmed so he could be a successful, small business owner in the community. However, he totally disregarded the*

*Ordinance and the conditions that he agreed to. The Commissioners always asked Mr. Ahmed if he understood them and if he agreed to follow them, but they were right back where they started. She commented that they had been through it many times.*

*Mr. Ahmed said that due to the construction, he had no place to park his cars, and they were expensive cars. Chairperson Brnabic reiterated that it was clear that he was not to use the west lot during construction. Mr. Ahmed said that he would do his best. He said that he would try to finish as soon as possible. Chairperson Brnabic said that the Commission had given Mr. Ahmed every benefit of the doubt. Due to the circumstances, and she had voted for approval sometimes against her better judgment, and the fact that he disregarded everything, she was sorry that he had lost her support.*

*Mr. Ahmed said that he put his life savings into the business. He was happy working for someone else, but he bought this property and went through a lot of stress. He said that for three years, he had been trying to get approved, and he was trying to build as fast as he could.*

*Chairperson Brnabic said that she was sorry Mr. Ahmed was going through stress. She knew he put a lot into his business, and they had considered that. She did question why he would risk losing his Conditional Use approval. Mr. Ahmed said that if he was allowed to do more business, he would pay more in taxes, but he needed some place to clean the cars.*

*Ms. Morita wished to know where the project was in terms of complying with the conditions. For example, there was a condition that the gate was to be closed permanently. Mr. Ahmed was also supposed to pay a landscape bond. She asked staff to go through the conditions and tell which had been complied with and which ones had not.*

*Mr. Anzek said that he did not do that in depth research. He had not seen the gate open. Mr. Ahmed would not have been allowed to obtain a Land Improvement Permit without posting a landscape bond, so he was confident that condition was satisfied.*

*Ms. Morita said that she drove by on Sunday, and it looked like the gate was still operational. Mr. Anzek said that might be, but he was patient with that, because there might be a time when a crane or truck needed to use the gate. Ms. Morita reminded that one of the conditions prohibited the side streets from being used. She asked why Mr. Ahmed would need to*

use the gate. Mr. Anzek clarified that he was talking about a contractor laying asphalt or something similar. Ms. Morita saw a car parked on the west lot on Sunday. Another condition was that if two or more violations occurred in one year on the west or east lot, the Conditional Use Permit "shall be considered revoked." She asked if staff would be issuing tickets every time there was a car parked there. Mr. Anzek said that he had talked with Code Enforcement about it. Typically, their practice was to give a warning and to give a reasonable time to comply. If that did not happen, a ticket would be issued. Ms. Morita said that Mr. Ahmed had been warned at two Planning Commission and two City Council meetings. She asked how many more warnings were going to be given before tickets were issued. Mr. Anzek believed that Code Enforcement was done warning. Ms. Morita agreed that she was also very frustrated, but she felt that the situation was in Mr. Ahmed's hands, and they had to rely on Code Enforcement to issue tickets. She indicated that Mr. Ahmed could lose the whole thing.

Ms. Morita noted that in his letter, Mr. Ahmed said that he had trouble with financing. Mr. Ahmed said that everything was now taken care of, and financing was not a problem. Ms. Morita asked if all of the contractors were paid, which Mr. Ahmed confirmed.

Mr. Hooper said that he agreed with everything Ms. Morita had said. He reiterated that in their discussion about a time frame, the developer said that he needed about eight months to finish the project provided he got permits in a timely fashion, which drove the October 31st date. Mr. Ahmed had said that he got the permits on August 15, 2016, and adding eight months would take it to mid-April 2017. Mr. Hooper felt that it was reasonable to grant an extension. He stated, however, that the time for talk was over. He stressed that Code Enforcement needed to go out and if everything was not in order, there needed to be citations. The City had to follow through with the conditions that were placed on the Conditional Use, and once there were two citations, Mr. Ahmed would lose the ability to operate his business. With that, he moved the following motion, seconded by Mr. Schroeder.

**MOTION** by Hooper seconded by Schroeder, in the matter of City File No. 13-005.2 (Auto Rite, LLC Used Car Building) the Planning Commission hereby approves an Extension of the Site Plan Approval Date of Completion Condition until May 31, 2017.

Mr. Schroeder said that the City had given, given and given, and Mr. Ahmed had taken, taken and taken. The Commissioners had heard Mr.

*Ahmed's stories, and they had gone the extra mile. Mr. Schroeder stated that it was time for Mr. Ahmed to stop talking and produce.*

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

**Aye** 7 - Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Nay** 1 - Brnabic

**Absent** 1 - Yukon

*Chairperson Brnabic stated for the record that the motion had passed seven to one. Mr. Schroeder asked Mr. Ahmed if the date was good. Mr. Ahmed agreed, and said that it might be sooner.*

*Chairperson Brnabic asked Mr. Anzek if he would consider it reasonable to place a directive to have Code Enforcement visit the site once a week until further notice. Mr. Anzek felt that it would be beneficial for the Commissioners to pass a motion requesting Code Enforcement to direct greater attention to the project.*

**MOTION** by Morita, seconded by Hooper, that the Planning Commission hereby requests that Code Enforcement directs greater attention to the Auto Rite project at 1923 E. Auburn and visits the site at least twice per week to make sure that the conditions of approval are being followed.

Voice Vote: All ayes

Absent: Yukon

**MOTION CARRIED**

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

*Mr. Anzek advised Mr. Ahmed that the Code Enforcement team would be at his property more often than he might like, so he suggested that it clearly be kept in shape in accordance with the conditions agreed to. Mr. Ahmed said that he would do it.*

*Chairperson Brnabic had asked for a definitive timeframe to visit the site, suggesting at least once per week. Ms. Morita said that her expectation would be that they would be there every day. It had been going on for a long time. She knew it would be an undertaking for staff, but she felt they should go every day. Chairperson Brnabic said that she had not seen cars, but if they were found, Code Enforcement needed to be on it every day. She wanted it to be consistent that the lot would be monitored once per week until further notice. Ms. Morita did not feel that once per week*

was enough. She suggested two or three times per week. Mr. Anzek agreed that at a minimum, it should be twice a week, which was added to the above motion. He felt that the motion passed by the Planning Commission would carry some weight.

## NEW BUSINESS

### 2016-0124

Request for Final Site Condominium Plan Recommendation - Devondale Site Condos, a proposed 4-unit residential development on 1.96 acres located on the east side of Devondale, south of Austin Ave., zoned R-4, One Family Residential; 2595 Devondale, LLC, Applicant

*(Reference: Staff Report prepared by Sara Roediger dated October 14, 2016 and Final Site Condo Plans had been placed on file and by reference became part of the record thereof).*

*Present for the applicant were Paul Esposito, 2595 Devondale LLC, 45489 Market St., Shelby Township, MI 48136 and Jeff Allegeot, Anderson, Eckstein and Westrick, 51301 Schoenherr Rd., Shelby Township, MI 48315.*

*Ms. Roediger stated that the project was for four single-family homes to be constructed on Devondale. In April 2016, the Planning Commission recommended approval of the Preliminary Plan, and City Council approved it in May. She noted that subsequently, the applicant had submitted engineering plans, the Master Deed and By-Laws and the Final Site Condo Plans. Staff recommended approval of the Final Plan, and the Plan was essentially the same as the Preliminary. She indicated that it was a pretty straight forward request. The applicant had to use the site condo process because the parcel could not be further split into lots.*

*Mr. Kaltsounis summarized that the Planning Commission's task was to review the Final Plan and make sure it was the same as the Preliminary. Hearing no further comments, he moved the following, seconded by Mr. Dettloff:*

**MOTION** *by Kaltsounis, seconded by Dettloff, in the matter of City File No. 15-017 (Devondale Site Condominiums), the Planning Commission recommends that City Council approves the Final One-Family Residential Detached Condominium plan based on plans dated received by the Planning Department on October 4, 2016, with the following four (4) findings and subject to the following five (5) conditions.*

Findings

1. *Upon compliance with the following conditions, the proposed final condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.*
2. *Adequate utilities are available to properly serve the proposed development.*
3. *The final plan represents a reasonable and acceptable plan for developing the property.*
4. *The final plan is in conformance with the preliminary plan approved by City Council on May 2, 2016.*

Conditions

- 1.. *Provide all off-site easements, on-site conservation easement and agreements for approval by the City prior to Engineering Department issuing Preliminary Acceptance of any site improvements.*
2. *Payment of \$800 into the tree fund for street trees prior to issuance of a Land Improvement Permit by Engineering.*
3. *Approval of all required permits and approvals from outside agencies, prior to Engineering Department issuing Preliminary Acceptance of any site improvements.*
4. *Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.*
5. *Compliance with applicable staff memos, prior to Final Site Condo Plan Approval.*

*Mr. Schroeder asked about drainage. Mr. Allegoet responded that there would be roadside ditches. It would be done the same as with lot splits. Mr. Schroeder asked if the flow would go into the Leuders Drain, and Mr. Allegoet said that the swale in the back of the lots would, and that there would be a catch basin in the road.*

*Mr. Esposito advised that he had gotten deposits for all four lots, and that*

*the price range would be in the \$400,000 range, so they would be nice homes.*

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

**Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Absent** 1 - Yukon

*Chairperson Brnabic stated for the record that the motion had passed unanimously. Ms. Roediger advised that the matter would be on the October 24, 2016 City Council meeting.*

**2016-0421**

Public Notice and request for a Tree Removal Permit - City File No. 80-186.3 - MediLodge of Rochester Hills, for the removal and replacement of as many as 13 trees associated with construction of a proposed 38,455 square-foot, one-story nursing home addition to the existing 37,263 square-foot, two-story nursing home on two parcels totaling almost six acres on the north side of Walton Blvd., between Old Perch and Rochdale, zoned SP Special Purpose with an FB Flex Business Overlay, Parcel Nos. 15-09-401-003 and -005, Daniel DeRemer, JW Design, Applicant.

*(Reference: Staff Report prepared by Sara Roediger dated October 14, 2016 and Site Plans had been placed on file and by reference became part of the record thereof).*

*Present for the applicant were Dan DeRemer and John Savitski, JW Design, 412 S. Washington, Suite 100, Royal Oak, MI 48067.*

*Ms. Roediger noted that the applicant had been working on this project with staff for a couple of months. She thought that the Commissioners were probably familiar with the existing facility located on the north side of Walton, east of Livernois. The front portion of the building would be demolished, and the rear (northern) would be modernized. A larger, one-story addition would be constructed on the western parcel. While a large amount of square-footage would be added, the number of beds would remain the same, due to the fact that they would be larger, more private rooms. The current facility was a little outdated, with three and four beds to a room. Ms. Roediger advised that the plan was reviewed for consistency with all Ordinances, and all staff recommended approval. There was a Tree Removal Permit required. There were 13 existing trees on the western portion, and the applicant was proposing to replace all of those trees on site. They would be adding a second driveway on the*

*western parcel with a sidewalk connection to the existing pathway along Walton that would connect into the site. She noted that the existing building was nonconforming from the northern property line, but that building was not changing. The new addition was fully in compliance with all regulations. She said that she would be happy to answer any questions.*

*Chairperson Brnabic asked the applicants if they had anything to add. Mr. Savitski agreed that they had been working with Planning and Building and had gone through several reviews to make sure everything was in compliance. He said that they would also be happy to answer any questions.*

*Mr. Hooper related that he went to the site and when he was there, a fellow in a wheelchair moved out in front of him and down the driveway. Mr. Hooper asked how the sidewalk would get someone like that out to the road other than having to take the driveway.*

*Mr. Savitski pointed out the new main entrance, and there was a sidewalk that ran along the side of the driveway and a crosswalk. The sidewalk would connect to the one at the end. Mr. Hooper asked about someone coming out on the west side. Mr. Savitski said that the exits there were emergency only, so people would have to come out the front only. Mr. Hooper asked about the existing building to the east. Mr. Savitski said that the existing building was connected to the main building and he showed the exits. Mr. Hooper indicated that the gentleman came out of the emergency exit. Mr. Savitski said that the building was being reconfigured. Mr. Hooper confirmed that the doors would have alarms now.*

*Mr. Hooper asked what would be done to the façade of the existing building. Mr. Savitski said that there would be a new wall with a pitched roof on the entryway with the same red brick that would be on the main entrance of the addition. In the addition behind the brick, there would be fiber siding in two different colors. They would use the colors in the background areas of the addition and paint the brick the same color on the existing building. The projecting areas of the existing building would be painted the darker red color to mimic the projecting areas of the addition. Mr. Hooper noted that it did not show that on the renderings. Mr. Savitski showed another rendering with the pitched roof and the colors. They would be adding a pitched roof on the existing building on the center projecting bay and adding brick to match the red on the main entry of the addition, and they would mimic the brick detailing from the*

*new addition. The two wings on the very end, which were the 1985 additions, would have the brick painted. The 1975 portion of the building would be painted the same color as the fiber cement siding on the addition, so all the background walls would be tan and all the projecting portions of the building would be the same red brick color. Mr. Hooper asked why they would not make the new pitched roof and projection on the existing building look the same with solid cast stone and fiber board elements. Mr. Savitski said that they wanted to make sure that when people drove up the driveway, that they would understand which was the main entrance. The existing building entrance would be to the dining room for the residents.*

*Mr. Kaltsounis observed that the addition was like a breezeway. For future development in the FB 2 Overlay district, he wondered if having such a non-substantial connection to the existing building would have benefits versus doing a real addition that was started from scratch.*

*Ms. Roediger said that would depend on the situation. The applicants were developing under the SP Special Purpose district. For each project that came before staff, it depended on whether the applicants were starting from scratch or whether they could add on. Mr. Kaltsounis clarified that there were no benefits to having an addition versus starting from scratch. Mr. Anzek said that it boiled down to economics. He said that there could be a benefit - there could be a difference in setbacks under FB 2. It was done on a case-by-case basis, but he advised that the Fire Department needed access all the way around the building.*

*Mr. Kaltsounis said that he was concerned about the sidewalk and crosswalk. They had seen many driveways that were tricky when people came around a building and people were pulling into a facility. There was a shopping mall, for example, that had a similar driveway on Crooks and Auburn. There was a lot of interference with cars and people, because the driveway was so close to the street. He was concerned about where the sidewalk crossed in the corner, and he wondered if it could be moved north a little to make more sense. If there was someone in a wheelchair crossing that street and someone was coming around the corner, he wondered what they could do to help with the situation such as adding to the walk on the other side. Mr. DeRemer explained that there would be a retaining wall there, so they would have to look at the grades. They were adding extensive retaining walls to be able to maintain the existing trees and get the grading down to make the walks manageable for someone in a wheelchair. They could look at the possibility of crossing sooner. Mr. Kaltsounis asked him if he minded if the Commissioners added a*

condition about trying to relocate the crossing, and Mr. DeRemer said he would not at all.

Mr. Schroeder noted that if they relocated into a curve, there would be a site distance issue. Mr. Kaltsounis said that he understood, and he would leave it to staff to try to move the walkway into a safer place. He realized that with the retaining walls, that there might not be an opportunity, but he would like to have it looked at.

Mr. Schroeder mentioned that everyone would be moved out of the existing building, and it would be reconditioned, and he asked how extensive that would be. He asked if the walls would just be painted or if there would be more to it.

Mr. Savitski explained that they would move about half of the residents. They were mostly in three and four bedroom rooms. After the addition was done, they would move half of the residents into the addition, and they would remodel the rooms and the public spaces. Mr. Schroeder asked if they would be eliminating the three and four bedroom rooms, which was confirmed. Mr. Savitski said that the resulting bed count in the existing building would be in private and semi-private rooms, which was the whole purpose of the addition. Mr. Schroeder said that he never like three and four-bed rooms. He lived near there, and he looked at it for his mother-in-law. His daughter was a therapist with a practice there, so he thought it was a great idea to improve the facility.

Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Mr. Schroeder.

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 80-186.3 (MediLodge of Rochester Hills), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on September 15, 2016, with the following two (2) findings and subject to the following two (2) conditions.

#### Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace 13 regulated trees with 13 tree credits.

Conditions

1. *Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.*

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

**Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Absent** 1 - Yukon

2016-0422

Request for Site Plan Approval - City File No. 80-186.3 - MediLodge of Rochester Hills, a proposed 38,455 square-foot, one-story nursing home addition attached to the existing 37,263 square-foot, two-story nursing home on two parcels totaling almost six acres on the north side of Walton Blvd, between Old Perch and Rochdale, zoned SP Special Purpose with an FB 2 Flexible Business Overlay, Parcel Nos. 15-09-401-033 and -005, Daniel DeRemer, JW Design, Applicant

***MOTION*** by Kaltsounis, seconded by Reece, in the matter of City File No. 80-186.3 (MediLodge of Rochester Hills), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on September 15, 2016, with the following five (5) findings and subject to the following three (3) conditions.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The proposed project will be accessed from Walton Blvd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. A sidewalk into the site from Walton is being provided to connect to the existing pathway; crosswalk striping when crossing the drive aisle and a bike rack to serve employees and visitors to the site have also been provided.*
3. *Off-street parking areas have been designed to avoid common traffic*

*problems and promote safety and truck traffic will use the rear of the building for deliveries.*

4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
5. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

**Conditions**

1. *Provide a landscape bond for replacement trees, landscaping plantings and irrigation in the amount of \$194,759.00 plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*
2. *Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*
3. *That the applicant attempts to move the sidewalk crossing away from the driveway entrance, to make it potentially safer, to be approved by staff.*

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

**Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Absent** 1 - Yukon

*After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously, and she thanked the applicants. Mr. Hooper thanked the applicants for their continued investment in Rochester Hills.*

**DISCUSSION**

**2016-0236** Request to discuss 2860-2896 Crooks Rd. for possible mixed-use development, located on the west side of Crooks, between M-59 and Auburn, zoned O-1, Office Business, Parcel Nos. 15-29-477-043, -045, -049, Peter Stuhldreier, Designhaus, Applicant

*(Reference: Memo prepared by Sara Roediger dated October 14, 2016 and Concept Plans had been placed on file and by reference became part of the record thereof).*

*Present for the applicant were Peter Stuhldreier, Designhaus Architecture, 301 Walnut Blvd, Rochester, MI 48307, and Sam and Arban Stafa, potential owners.*

*Ms. Roediger recapped that the project had been before the Commissioners in June for a discussion. The property had been for sale for a while, and it contained a greenhouse and residential houses on the west side of Crooks, north of Auburn. The site was planned and zoned for office in the Zoning Ordinance and Master Plan. The applicants previously showed a four-story hotel and two mixed-use buildings. The Commissioners gave comments, and the applicants went back to the drawing board and had submitted modified plans based on those comments. The Commissioners felt that the hotel and the intensity of the development were too much as a transition to the residents to the west. The new plan proposed 27 townhomes with two single-story retail buildings fronting onto Crooks. They submitted a version of the plan that went through a technical review by Planning, Fire, Building and Engineering. It was different than the subject plan, but she wanted to make sure that the proposed plan was technically possible before bringing it forward. Ms. Roediger noted that in order to allow the proposed development, the property would need to be either rezoned or developed as a PUD. Before the applicants purchased the property, they wanted to get the Commissioners' thoughts. She stated that staff had not done an official review of the new concept plan.*

*Chairperson Brnabic asked the applicants if they had anything to add. Mr. Stuhldreier said that they had thought a hotel might be in demand in the area, but the transition between the single-family to the west and the commercial street perhaps was not right for a hotel, and they got that loud and clear. He felt that a good transition would be townhomes. They were considering 1,500 square-feet with private garages. They would be two and three-story walkups, and they would be reasonably priced, for-sale units. The townhomes would sit in the middle between the single-family residences and the retail strip center, which he felt was similar contextually with the area. He said that Mr. Stafa would use high quality materials, and he already had tenants knocking down his door for the location for retail. He agreed that they would like the Commissioners' opinion. He mentioned that they would have to look further into the wetland area to see if it was an area they could not violate. They might be*

able to get a little more density for the residential. He believed that the retail units would be all masonry and about 25 feet tall to the parapet with national tenants.

Mr. Kaltsounis thanked the applicants for providing larger plans. He remarked that he was less horrified than when he saw the previous plans, and he did feel better without a hotel. He heard there would be three stories. Mr. Stuhlreyer said that there would be two stories, and the third story would be in dormers on the roof. The soffit line would be at the normal two-story height. Mr. Kaltsounis said that he felt that the plans were more aligned with the FB Overlay zoning. He asked if garages counted as parking spots. Mr. Anzek agreed that they did. Mr. Kaltsounis asked if there would be two-car garages, noting the large note on the plan that said one-car garage. Mr. Stuhlreyer said that there was a large enough footprint for two. Mr. Kaltsounis asked him to look at CK Diggs when it was full and people parked in the entire lot. He observed that the proposed plan was cutting it close. There would be a lot of upset people trying to park, and he was concerned about the parking. He thought that the applicants were trying to fit as much onto the site as they could, and he felt if there were some areas they could pull back, and that it would help with getting retailers. Mr. Stuhlreyer said that they did not want a lot of asphalt, and it had to do with the tenant mix. If there were five bar/restaurants, he agreed that there would be a problem. Mr. Kaltsounis said that there was the potential for that with the townhomes. He recalled that at City Walk, the developer was putting up apartments, and people could walk to the bar and walk home. He said that he realized it was a concept, but he was commenting from past experience on the Commission. He also knew that it was a business decision.

Mr. Stafa responded that the strip mall would be very walkable, being so close to Crooks Rd. If people walked there, they did not need to park cars. Mr. Kaltsounis said that he lived in the area, and not too many people walked there. Mr. Stafa remarked that they needed to teach people to walk. Mr. Kaltsounis noted that the development was against the road. He asked that it not be developed like Big Beaver by Somerset, where all the store fronts were in the back, so the front was the back.

Mr. Dettloff said that Mr. Stuhlreyer mentioned that the units would not be too expensive, and he asked him to define that. Mr. Stuhlreyer said that 1,500 square-foot condos would not be a half-a-million dollars. There would still be a maintenance-free exterior, whether it was fiber cement and brick and limestone, and they would be townhomes. Mr. Dettloff asked if the layouts would be identical, which Mr. Stuhlreyer confirmed would most

likely be except for the end units. Mr. Dettloff asked if they had delved into any possible tenants. Mr. Stafa mentioned Starbucks and Qdoba, but he said that they had not closed on the property. Mr. Dettloff asked if there would be a drive-through, and was told that it was absolutely possible. Mr. Stuhreyer advised that the retail buildings would each be 12-13,000 square feet. A national restaurant needed 6,500 to 8,000 square feet. There would not be 20 tenants; there might be seven in both buildings. The tenant mix would affect parking. The people who lived on the property would walk there. If there was a vitamin store and a restaurant, the hours would be completely different in terms of parking peaks. Mr. Dettloff agreed that the new concept was a far better fit over what they initially saw. He thanked them for taking the Commissioners' comments to heart and coming back with something different.

Mr. Schroeder said that he was concerned about parking and restaurants, and he stated that they might have a problem. The delivery trucks could park in the roadway. He did like the concept. He asked if they had considered anything else besides condos. Mr. Stuhreyer said that they had not for the transition. He brought up having a center hall apartment building, but without a for sale product, he thought that there would be more pushback from the neighbors. He felt that condos were in the right direction.

Mr. Reece agreed with some of the comments. He would like to try to push the walkability, and a lot of that would come with the design, the people who bought the townhouses and the retailers. The Commissioners would look closely at that. He would rather not have a sea of parking and try to shift some of the thinking of the people in the area. He stated that the Commission would review the parking. He felt that it was a good transition from the residential to the townhomes to the commercial, but a lot of details would have to be worked out with the retail center. He mentioned that Mr. Stuhreyer talked about potentially getting a little more density depending on the wetlands, but Mr. Reece felt that the site was maxed out already. He would not like them to come back and say they determined that ten more units could fit on the property. That would make it much busier. He understood the ROI would change dramatically the more units there were, but he felt that there was a good blend, and they could keep a nice buffer between the residential with the wetlands. He cautioned them to not push that envelope too much. He understood where they wanted to go, but from a balance perspective, he felt they were pretty close. He thanked the applicants, and said that he appreciated the effort.

*Mr. Stuhlreyer remarked that he would like to draw one townhome that was five units long and repeat it ten times.*

*Mr. Schultz noted that he developed Qdobas and Starbucks as his every day career, and his concern would be coming down to a realistic retail number. He stated that 25,000 square feet with 60 parking spaces was not going to fly. He wanted the applicants to be as successful as possible, but when it came to leasing, the last thing they wanted to do was get into a financial situation where there was a lot of vacant space in the community. Conceptually, he was comfortable with the plan. They would have to start conversations with the national tenants and get a feel for what they wanted to see from a parking demand. He reiterated that 60 spaces would not cut it. If there was one national restaurant, they would want 130-140 spaces for a 7,000 square foot restaurant. He suggested that the buildings in front would have to be scaled down, and the parking situation would have to be balanced much better. They wanted to push the walkability, but in reality people drove cars, and there could be a drive-through.*

*Mr. Hooper noted one driveway in and out, and he stated that he was not sure how that would work, especially if a drive-through was proposed. Mr. Stuhlreyer said that they would propose a second curb cut. Mr. Hooper considered that it would take the amount of retail down 20%. Mr. Stuhlreyer said that was their projection. Mr. Hooper asked if they had looked at getting a cross access agreement with the office property to the south. Mr. Stuhlreyer said that was their goal, but they had not talked to anyone. Mr. Hooper believed that there was only one way in and out to the office buildings, and he knew that cross circulation would help the Fire Department. He pointed out that there were cattails in the corner where the wetlands were, and by the time they went through the due diligence and wetland survey and added a natural features setback, he did not believe that they would get as many units as shown. He thought some would be lost, unfortunately. He wondered about detention for the site. Mr. Stafa said that it would be underground. Mr. Hooper said that he had no problem with the concept, but the details might not yield the square-footage they were considering.*

*Mr. Stuhlreyer noted the Rochester and Auburn development, and he asked how that parking calculation worked. It seemed to be tight to him with a Starbucks, a McDonald's and Qdoba. If it worked, that would be the right number and mix. Mr. Anzek said that it was crowded out front, but there was plenty of parking in the back. Mr. Stuhlreyer said that he took a restaurant person to one of those pods (5-6,000 square feet), and the*

person would not take it, because he did not feel there was enough parking in that development. Mr. Anzek said that the development met the Ordinance standards. Staff had suggested bringing the buildings closer to the street. Their initial concept showed two rows of double loaded parking in front. The developer eventually agreed to one, and Mr. Anzek felt that it gave a much better street appearance. No one knew they would put six or seven restaurants in there. It self-policed, and every time he had been there, there had always been parking in the back. Mr. Stuhlreyer said that he did not want to over park, and Mr. Anzek agreed. Mr. Hooper said that they might break the buildings up with open air seating for a restaurant in the middle. He thought that they might get four tenants at most for the retail.

Mr. Anzek said that he assumed that the buildings would have front door entries. Mr. Stuhlreyer said that would be correct. Mr. Anzek indicated that as a rule of thumb for the Commission, if the Fire Department approved the turning radius for their fire trucks, any semi could make those turns. Mr. Stuhlreyer said that retail got loaded before it opened, so there would not be loading and parking at the same time.

Mr. Hooper noted a comment about the residents having to look at the rear of the properties, so that would have to be acceptable to someone living there. Mr. Stuhlreyer said that they would be a front as well. Mr. Hooper remembered when the Village of Rochester Hills was done. The Planning Commission made sure that both sides of the buildings looked like a front door, and someone could not tell which side was the front door. Mr. Anzek added that they did a nice job of hiding delivery zones and trash compactors.

Ms. Morita thanked the applicants for bringing the development before the Planning Commission. She agreed with a lot of her fellow Commissioners' concerns about it being a little too much for the site. From experience, she dealt with a lot of angry neighbors who were next to a shopping center in a different area of the City. Those neighbors experienced trash haulers coming at 4 a.m. and delivery trucks coming at 5 a.m. There was a small grocery store, so there were recyclables getting dumped. When there was residential behind those types of uses, they had to be aware that the people who lived there were not going to want trucks coming at those hours of the morning on a Sunday. If there was not an appropriate buffer, she felt that could be problematic. Because there could be deliveries at those earlier hours, there could also be lighting issues. They would have to make sure that the lights were not on all night long. She indicated that at this time of the year, she left the

house at 7 a.m. and came back at 7 p.m. and she did not see daylight. She would be concerned about buying a unit that backed onto the shopping center knowing there would be early or late hour deliveries - especially on the weekends. She said that she liked the look of the last concept and she liked the look of this one, but she felt that it needed to be less dense, and they needed to take the delivery issues into consideration.

Chairperson Brnabic asked the applicants if they had any further questions for the Commissioners. Mr. Stuhlreyer responded that they had a good feel. He believed that the site needed to be developed, and that the wetlands and retention needed to be studied. The center entry had to be redeveloped, but in terms of what he thought they would come back with, it would be a single level, close to Crooks retail plaza of some size and a townhome community. It might be smaller, and it might be a different configuration, but he thought he had heard all the concerns.

Chairperson Brnabic summarized that there had been a lot feedback, but it had been positive. She felt that the Planning Commission was a lot more comfortable with the revised concept plan, and she suggested that it was a nod to move forward. She thanked the applicants.

## **ANY OTHER BUSINESS**

Mr. Anzek announced that they could pretty much count on the November meeting being cancelled. They had planned to bring back the Auburn Road Corridor Study in November. There was an open house on October 10th that went very well. However, afterwards, there was a lot of pushback on Facebook, and there were a lot of naysayers and complaints about a lack of transparency and openness, even though it was advertised extensively. Rather than fight the rumors, staff was going to have another public meeting to hear comments and then bring it before the Planning Commission in December. A lot people were happy to hear that the City wanted to take care of the Olde Towne area and fix it up. There were some people who were against road closures.

Chairperson Brnabic stated that the main objection was to the road closures. Mr. Anzek believed that those were opinions made without knowing how well it could work if designed right. Mr. Dettloff said that he had encountered a couple of resident naysayers at the meeting, but he wondered if there was any pushback from the business community. Mr. Anzek said that there was none at all, and most of the residents were

*positive. It was suggested to close a street temporarily and let people get the hang of the traffic before making it permanent. There was a complaint that Auburn Rd. backed up, but that was because there was no defined turning movements. There were wide open curb cuts and no driveways, so people were always stopping to turn left and that was why the traffic backed up. The Study would limit where people could make left turns with controlled left turn lanes, and that should free up a lot of the gridlock. He said that he would rather let the residents have another opportunity to comment.*

*Ms. Morita asked Mr. Anzek if he had heard anything about the Hamlin and Adams property. Mr. Anzek advised that it had been recently sold. The broker called Mr. Anzek and wanted to have a meeting to get some ideas. Mr. Anzek asked if he had read the Consent Judgment, and the broker said that he had, and Mr. Anzek made sure that he knew that it governed the site. Ms. Morita asked who the developer was. Mr. Anzek said that the owner owned a spring manufacturing plant in Troy. Ms. Valentik knew him from working in Troy. The broker said that the owner was looking for upper scale housing. Ms. Morita claimed that would not be in compliance with the Consent Judgment. Mr. Anzek did not think that Council would mind amending it for housing. Ms. Morita clarified that the property was zoned residential. Mr. Anzek said that the owner was fully aware of the contamination that would have to be cleaned up.*

*Ms. Morita asked if anything was going on with the south side of Hamlin. Mr. Anzek said that there was not. There were inquiries, but there was still a huge question mark about the cleanup. Ms. Morita asked about traveling methane. Mr. Anzek advised that there were wells in the median, and the MDEQ checked them periodically, but they had not found anything. The same went for the 100-foot strip between the Hamlin/Adams site and Riverbend Park. There were seven monitoring wells there. MDEQ alerted the City once back in 2003 that there were some spikes in readings, so they put in more wells and have been monitoring it since.*

*Ms. Roediger mentioned that the property behind the Fifth Third Bank by the former City Place site had been sold the previous week. Mr. Stuhlreyer had come for a discussion before the Planning Commission about a possible apartment development called Cedar Valley, and she believed that the City would get formal plans soon.*

**NEXT MEETING DATE**

Chairperson Brnabic reiterated that there was strong possibility the November 15th meeting would be cancelled. If it was, she advised that the next meeting would be December 20, 2016.

**ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Brnabic adjourned the Regular Meeting at 8:40 p.m.

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Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary