



Rochester Hills

Minutes

Planning Commission

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Home Page:
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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Dale Hetrick, Marvie
Neubauer, Scott Struzik and Ben Weaver
Youth Representatives: Janelle Hayes and Siddh Sheth

Tuesday, February 18, 2025

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the February 18, 2025 Regular Planning Commission Meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 7 - Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Marvie Neubauer, Dale Hetrick and Scott Struzik
Excused 2 - Greg Hooper and Ben Weaver

Others Present:

Sara Roediger, Planning and Economic Development Director
Chris McLeod, Planning Manager
Jason Boughton, Engineering Utilities Specialist
Jennifer MacDonald, Recording Secretary

Mr. Hooper and Mr. Weaver provided prior notice that they would not be in attendance and were excused.

Chairperson Brnabic welcomed attendees to the February 18, 2025 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. 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

[2025-0036](#) January 14, 2025 Regular Meeting Minutes

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Neubauer, Hetrick and Struzik
Excused 2 - Hooper and Weaver

COMMUNICATIONS

Chairperson Brnabic noted that the Commission received communications regarding a proposed update to the City of Auburn Hills' Master Plan and the distribution of the final draft for the Master Plan for the City of Sterling Heights.

PUBLIC COMMENT

Thomas Yazbeck, 1707 Devonwood Drive, stated that he believes that Rochester Hills should embrace more innovative housing solutions to meet the growing demand for diverse housing types. He noted that the United States is 2.5 million homes short of meeting the demand nationwide for homes. He mentioned that comparing the price per square foot for a home in Birmingham versus a home in Warren shows that people want a traditional walkable neighborhood. He commented that current regulations restrict housing supply and limit options for downsizing seniors and young workers. He suggested several solutions, including accessory dwelling units, reducing or deleting parking requirements, allowing smaller lot sizes in select areas, and mixed-use development, and proposed pilot projects to test these solutions in select areas.

NEW BUSINESS

2025-0071

Request for Site Plan Approval - File PSP2024-0008 - for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion of the land has the FB Flex Business Overlay; Mark Bismack, Applicant

(Staff Report dated 2-12-25, Reviewed Plans, Krieger Klatt letter dated 1-17-25, Development Application, Environmental Impact Statement, G2 Consulting Group Letter dated 4-11-24, WRC Letter dated 5-10-24, Email to HOAs dated 2-6-25 and Public Meeting Notice had been placed on file and by reference became a part of the record hereof.)

Present for the applicant were developers Pat and Mark Bismack, Jeff Klatt, Krieger Klatt Architects, and Paul Tulikangas, Nowak and Fraus Engineers. Also present was the City's wetland consultant, Kyle Hottinger, PEA-ASTI and Jason Boughton, the City's Engineering Utilities Specialist.

Chairperson Brnabic noted this is a request for site plan approval for the Old Orion Court residential development, a 32-unit apartment complex and related amenities, on approximately 2.4 acres of land located on the south side of Orion Road, west of Old Orion Court and Rochester Road, zoned R-1 One Family Residential, with a portion of the land having the FB Flex Business overlay.

Mr. McLeod presented the Staff Report, noting that this request encompasses four different items, site plan approval, tree removal permit, wetlands use permit recommendation, and natural features setback modification ancillary to the wetland use permit. He explained that the site is zoned R-1 with an FB overlay, and pointed out that the very western portion of the site is zoned R-1. He pointed out that the site was a former place of worship and is at the intersection

of Orion Road, Maplehill and Old Orion Court, with three different frontages.

He mentioned that there have been two separate site plans approved for the site in the past, one for the Silver Spoon Restaurant in 2017, and one for the 20-unit North Row apartment complex in a similar site layout. He stated that the complex is proposed at 22 two-bedroom and 10 one-bedroom units. The tree removal permit would be for the removal of 30 regulated trees and five specimen trees. There are some other trees being removed that were not in the count based on location in the building envelope or being dead or diseased. He explained that the wetland use permit is for 0.07 acres of wetland impact, about the equivalent of approximately 3,000 square feet. The applicant is requesting to pay for 57 trees into the tree fund; however, 93 trees will be planted on the site pursuant to other ordinance regulations. He pointed out that the 93 trees will be planted to meet buffering, street landscape, and parking lot requirements. The wetland impacted as reviewed by the City's environmental consultant is of medium quality, and the natural features reduction was deemed as base or lower quality. He added that the applicant is requesting one additional modification to landscaping requirements. He explained that whenever a FB district is developed as multi-family abutting single family residential, they are required to provide a landscape buffer C based on Ordinance. He noted that they are providing that on the western property line; however, on the southern property line that are asking for a reduction. He stated that in lieu of the 20 feet they requesting 10 feet and are providing plantings as well as a four foot wall. He pointed out that across Old Orion Court to the east the zoning is Office District with the FB overlay, along with some RCD which is residential cluster development.

Mr. McLeod noted that the site will be accessed by two driveways, one from Old Orion Court and one from Maplehill, the latter being for emergency access. The building footprint is smaller than the previously-approved North Row development on the site at 17,000 square feet compared to the previous 20,000 square feet. He added that the existing land use is largely single-family residential in each direction other than to the east, and he mentioned that the Master Plan also calls for this area to be largely residential as well.

The plan includes a pedestrian network with amenities like a wetland overlook area, a plaza space, and a bike fixing station. A full conservation easement will be placed over the wetland area to prevent future development. Parking will be provided for 64 spaces, in accordance with the ordinance based on the units being two bedrooms or less, and stormwater will be collected underground in the south end of the site.

The wetland delineation was done by ASTI in October 2023 and he noted the two different types of wetland represented on the site, and how the wetland traverses the adjacent sites. He noted that the site directly to the west was previously a part of the North Row development when it was originally approved; and he stated that subsequent to that approval, that portion of the property was then sold off in between the time North Row was approved and this application came forward. He explained that crossing the wetland at its smallest area is proposed to provide secondary access to the site.

He noted that the elevations are similar to the previously approved plan, with two-story buildings and brick construction. He pointed out that the previous plan included five separate buildings in a similar road layout, while this plan combines them into one two-story building, aiming for a more efficient design while transitioning to the residential scale of the surrounding area. He explained that the first approved site plan became null and void due to a lack of activity. He added that Jason Boughton from the City's Engineering Department and Kyle Hottinger from ASTI were present to answer any technical questions about wetlands.

Mr. Klatt noted the following in his presentation:

- The development will be a two-story building with 32 total units, a mix of one- and two-bedroom units, near the major intersection of Tienken and North Rochester Road, and includes 64 overall parking spaces, compliant with the Ordinance for resident and guest parking. The site is surrounded by R-1 with office to the east.
- Major enhancements include new pedestrian sidewalks in the City right-of-way, updated lighting, tree preservation, and robust landscaping. A new stormwater management system is proposed.
- The site plan shows the building positioned along the frontage to adhere to setbacks and wetland requirements. Parking is concealed from the public right-of-way and the neighborhood behind it due to the deep wetland. There is a deep buffer along Maplehill. The previous proposed development contained 20 units and the building was positioned much closer to Maplehill. They feel this is a much better design as there is more natural buffer around the building. On the right hand side a bit of a wall as well as heavy landscape is proposed. A pocket park, bike repair station and wetland overlook which includes a pergola structure and platform is proposed. The conservation easement is also considered as an amenity space. The intent is to make the building very walkable and pedestrian friendly.
- The development meets all zoning requirements, including setbacks, height, lot coverage, parking, and amenity spaces.
- There are 16 units per floor with entry spots on front and back, and entry points on the sides of the building to liven up those facades. There are a total of ten one-bedroom units and 22 two-bedroom units, with the two-bedroom units being just over 1,000 square feet and the one-bedroom units just under 700 square feet. Upper level and grade level terraces face both sides of the site.
- The building's exterior is transitional, with simple clean lines and traditional forms, using brick around all four sides and some box-outs trimmed to add some depth to the front facade, and significant glazing. Asphalt shingles, and trim around the windows add interest.
- The interior features nine-foot ceiling heights plus attic space above that for the roof.
- He described the amenities including a pergola and platform overlook to the wetland, pocket park and bike repair station, noting that it is a pedestrian-friendly design.

Chairperson Brnabic summarized the emails received regarding this item, noting that Connor Pytlowany has a strong opposition to this development and feels it should be denied as it fails to adhere to the City's Master Plan and is an

improper usage of the FB overlay, which his email listed the reasons that it does not comply. She asked Mr. McLeod to address Mr. Pytlowany's comments.

Mr. McLeod noted the following in response:

- The FB District is generally or largely utilized on commercial, office or in some cases industrial properties; however, there is no restriction to it being utilized solely on a non-residential piece of property. The City has other properties that have the FB District on them. The property in question has been zoned FB for 10 years and has had two developments approved under the FB District. The FB District is able to be utilized here as an overlay district as long as the proposed development meets the requirements of the FB District itself. The FB or multi-family development is located on the front portion of the property, which has the FB Overlay on it.*
- Zoning dictates over the Master Plan, because zoning is law versus the Master Plan, which is guide. As the property is zoned in this manner, it is a permissible use.*
- City Council will review the tree removal permit, the wetlands use permit, and the natural features modification and setback modification or the green belt modification to the south. In terms of usage, the density of the property as of now is compliant with Ordinance requirements.*

Ms. Roediger added that the references in the Ordinance to multiplex cited refer to the R-5 Zoning Districts, which this is not.

Chairperson Brnabic noted that a second email was submitted regarding a concern with the wetland use permit, and suggested that there would be a drastic increase in water flow to the wetlands, and included a statement that the neighborhood can flood quickly. The email provided pictures of flooding after a recent rainstorm. She commented that it appears that less of the wetland is being affected for this proposed development than the previous 20-unit development.

Mr. McLeod responded that the wetland use permit for North Row was approximately 0.18 acres of wetland impact, and the Silver Spoon did not have any wetland impact when it was approved. This particular proposal is for 0.07 acres, or two-and-a-half times less with this current development. He asked Mr. Hottinger to elaborate.

Mr. Hottinger stated that the wetland area to be impacted is very low quality and is a result of stormwater deposition into the more natural area that is in the center of the site. He explained that the center of the site is comprised of mucky soils that have been there for a very long time. He noted that he has delineated the site three times over the last 15 years and it has been the same way every time. He stated that the area of impact is generally dry. He commented that he is not sure how the development would result in any more stormwater directed to the wetland than it already has, and he pointed out the natural swale that is on the plans is dictated by EGLE and the State, and has already been approved by them. He mentioned that the swale may even develop into a pseudo natural area with wetland vegetation and this could vary year to year based on precipitation. He noted that the natural features impact

setbacks have not changed. He commented that this is the least impacts that he has reviewed of any of the proposals.

Mr. Tulikangas explained that he is the civil engineer on the project and explained that they are required by EGLE to maintain the swale at the northern part of the site that drains part of those wetland, and he noted that they are basically creating a culvert system that will maintain some of the flows that come from Maplehill and carry them into the wetlands. He stated that while they are increasing the impervious content in the site with buildings and pavings, that will all be collected and routed through the large underground detention system in the southern parking lot and will outlet to the road ditch system so there will not be any direct discharges to the wetland from the impervious areas. He stressed that the discharge for the detention system actually goes toward the east and connects into the road drainage system, and continues toward the southeast along Old Orion Road.

Mr. Boughton addressed stormwater, stating that the uploading area is being collected onsite, being treated, and discharges to Old Orion Road going southbound past Ann Maria and east of the medical office building. He explained that stormwater standards have changed, and the old-school volume has now been modified to a 100-year storm event. He stated that it will alleviate some pressures to the south of Ann Maria and to the houses that back up on the north side of Ann Maria.

Chairperson Brnabic noted that another email was received from Thomas Olmeda questioning the higher density change from R-1 and stating that it will negatively affect the character and home values of the neighborhood, expressing concern regarding the loss of trees and wetlands, increased stormwater runoff, parking lot lighting and noise. She added that Ann Pytlowany, who resides on 26 Mile in Macomb, shared concerns regarding potential criminal activity in the parking lot being close to her son's home.

Chairperson Brnabic noted that there are 290 signatures on an online petition in opposition. She opened public comment and reminded speakers that there was a three-minute time limit, and all questions would be answered together after everyone had an opportunity to speak.

Connor Pytlowany, 241 Maplehill, expressed opposition and commented that he is curious how the developers can use the Flex Business overlay in the Ordinance where parcels need to be over two acres, and multiplex businesses are limited to occupy not more than 25 percent of the total number of lots on a single block. He pointed out that there are five lots from Old Orion Court to Ann Maria and it is proposed to use four of them. He expressed concerns over traffic impacts from 30-60 vehicles, safety, environment, and character. He commented that he owns a portion of the wetlands where discharge will occur and stated that his property will flood.

Thomas Olmeda, 390 Maplehill, stated that adding 32 units will pose a safety concern. He mentioned that children wait for the school bus on his street. He expressed concern over drainage issues, and stated that he has seen his street flash flood with water over the road. He commented that it does not fit the

character of the neighborhood.

Thomas Yazbeck, 1707 Devonwood Drive, stated that this is an example of missing middle housing, which is in between the detached family home and larger apartment building; and commented that there are many people out there who would love to live in these apartments and become a part of the Rochester Hills community. He stressed that unless these properties are publicly-owned the rights of the property owners have to be respected. He urged approval.

Dan Morris, 250 Maplehill, stated that he built a home directly across the street from the previous Sikh Gudwara temple which was a single-story structure and noted that his view will be changed to 64 parking spots and a two-story 32-unit complex which dumps into his street. He commented that this will affect the value of his home. He presented the signatures from the online petition.

Edward Capa, 270 Maplehill, asked if it would be a gated entrance into Maplehill. He commented that it is dangerous to turn into Maplehill off of Orion Road and this will make it more difficult. He mentioned that the street sign arrow is constantly destroyed by vehicles. He expressed concern over noise from vehicles coming and going and suggested parking be moved to the front.

Maggie Hay, 471 Maplehill, stated that she moved to Maplehill almost 35 years ago because it was a safe neighborhood and a dead end street for her son in his wheelchair. She stated that this development will destroy a lot of the home values, and expressed concern over children standing at the bus stop at the corner.

Rick Bradin, 160 Ann Maria, noted that he is the second house on the north side of Ann Maria, and when he bought his house 33 years ago people told him that he could not use one-third of his property because it was environmentally-protected wetlands. He noted that when the home to the east of him built, they had to bring in 45 loads of gravel and rock to put one house on the property. He stated that when it rains all of their backyards flood.

Dan Snow, 196 Ann Maria, stated that it is always wet in this area and this development will add to the runoff. He commented that the culvert will be overloaded.

Seeing no additional members of the public wishing to speak, Chairperson Brnabic closed public comment. She asked Mr. McLeod to address the comment regarding the FB overlay not being quite two acres in size.

Mr. McLeod responded that the FB District indicates that parcels to be developed as a part of the FB District have to be over two acres, and in terms of the applicability of that requirement, this parcel is over two acres. He noted that the City has taken the stance that the FB District is applicable in this instance and can be utilized for this development because it has been proposed twice in the past under the similar-type of Ordinance and the lot itself is over that two-acre minimum.

Chairperson Brnabic noted that commentary regarding the multiplex had been

responded to by Ms. Roediger that it only applies to the R-5 District. She mentioned a question raised about how the 64 car parking spaces were split up, and commented that she believed that 48 were for residents and 16 were visitors. She asked why the parking was not placed out front.

Mr. Tulikangas responded that the parking calculation is 1.5 spaces per unit for 48 and 0.5 spaces per unit for visitor spaces, adding up to 64.

Mr. Klatt responded that per prior understanding, they were trying to conceal parking from the public right-of-way. He commented that for most urban planning practices no one prefers to look at a sea of parking and they usually try to conceal it for developments. He pointed out that they have a landscape buffer behind the building.

Chairperson Brnabic noted that in response to commentary that the property has not been rezoned, and remains R-1 but it has the FB overlay which is the option being used. She asked Mr. Boughton to comment on water management.

Mr. Boughton stated that the stormwater management system restricts the flow allowing only a minimum discharge to discharge slowly. He commented that while he cannot speak to the wetlands and discharge of the wetlands, the upper lands of the storm management system will be improving the flows.

Ms. Neubauer stated that the Commission has procedures to follow and must entertain applicants and hear from property owners. She commented that she wants to make sure that everyone knows that the rules and regulations are followed and the Commission has no relationship with the developers. She asked why it is necessary to change the setback on the south side is changed from 20 to 10 feet.

Mr. Tulikangas responded that there are things that take up space on a proposed development, and what is proposed here is plenty of screening with a four foot tall screen wall and a trove of trees, and they are basically maintaining the existing trees along the property line.

Ms. Neubauer asked if this modification is something they are willing to reconsider.

Mr. Tulikangas responded that he did not think that it could be changed without reducing units or reducing parking.

Ms. Neubauer asked how many units it would have to be reduced to do that.

Mr. Klatt responded that it would be hard to say without assessing it properly. He noted that the circulation is mandated and they need emergency vehicular flow and maneuverability around the site.

Ms. Neubauer asked if a reduction of four units would be able to preserve the setback.

Ms. Klatt responded that this was the challenge of the previous development, and it simply did not work out as there was not enough density to make it work. He stressed that the underground development costs, retention systems, landscape requirements and amenity spaces are extreme.

Ms. Neubauer commented that going from 20 to 32 is a big difference, and asked about going from 32 to 28. She noted that every property in the City of Rochester Hills, unless it is designated as green space, belongs to an owner and that owner has the right to build and develop as long as it is within the Ordinances. However, she is trying to figure out the best way to be neighborly without depriving the owner of his rights. She commented that she has to trust the Engineering Department when it comes to water flow, and she was trying to figure out if there is a way to reduce the development by four units or change from one to two bedroom or two to one, so that they do not have to have a variance in the setback. She stated that if they are unable to answer these questions tonight there is a procedure for them to return without a full approval or a full rejection this evening. She stated that the City has a traffic committee and suggested that the residents email their concerns to her or the District 2 Council Representative David Blair to ensure that traffic concerns are addressed. She commented that Rochester Hills has consistently gone up in property values at a larger incremental and exponential rate that almost every other city in Oakland County; and she stressed that there has not been a single development in Rochester Hills that has lowered property values.

She noted that the Commission is actively in the middle of updating its Master Plan and has conducted extensive research, and there is a demand for one to two bedroom apartments and housing. She stated that she hates change too, but it is something that the majority of the residents have asked for. She commented that she is not asking them to go back to 20 units, but would ask the developers whether it would be feasible for them to reduce units to preserve the setback. She asked if they had met with the neighbors at all, and suggested a neighborhood meeting to come to a more agreeable situation.

Mr. Klatt stated that his team worked hard with the Planning Staff; and noted that when they looked at the 2019 development, the buildings were positioned closer to the north end of the site and there were potential issues with that as well. He noted that the buildings were right on the walkway, and they tried to pull that back to maintain the setback and provide a bigger buffer; and that, in turn, shortened the distance on the south end.

Ms. Neubauer asked for the price points of the units.

Mr. McLeod noted that their application materials stated that prices would be \$1,900 to \$2,800.

Ms. Neubauer stressed that this is a very safe city and she is confident that safety is a priority of the police and fire. She commented that in order to move on with approval tonight, a condition would have to be added that it would be reduced by four units and the setback would be preserved.

Chairperson Brnabic noted that it could be conditioned tonight or postponed.

Mr. Klatt suggested that for the option to postpone, they would go back as a team and review and consider the comments that had been brought up.

Ms. Neubauer stressed that if it is postponed, that is not a denial. She noted that a no vote tonight would result in the developer not being able to come back for another year.

Mr. Tulikangas pointed out that the previous North Row development was shifted further toward the northwest, and he added that there are also wetland considerations in that area. He noted that they were trying to maintain that as natural as possible; however, if they were able to shift that further to the northwest, they could possibly maintain the number of units and move the buildings further away from the southern property line.

Mr. McLeod explained that one of the FB Ordinance changes that occurred since the original North Row approval is that the setbacks have increased. He commented that he does not believe that it can be shifted further north as there are no longer modifications to building setbacks within the FB District. He pointed out that the North Row development actually received a waiver to go even closer to the road than what the ordinance required at that time, and stated that the option for a waiver has been eliminated and the setbacks have actually increased. Furthermore, going northward will further impact the wetland and then be closer to the original wetland use permit that was requested under North Row.

Mr. Tulikangas noted that a door was added because it was considered a front setback, so it was technically 15 feet per the Ordinance.

Mr. McLeod countered that it is against residential, and discussions had settled on the fact that it was not going to be a primary entrance. He commented that if they chose to postpone this item, staff could sit down and do some further analytics of the Ordinance and what it does to the development.

Mr. Klatt stated that it makes sense to postpone as they do not want to design on the fly. He stated that they wished to work with staff and speak with the neighbors.

Chairperson Brnabic stated that it looks like they are moving toward postponement, which she would agree is the best option.

Mr. Hetrick concurred with postponing, and asked about the egress or entrance onto Maplehill and asked if it would be a right turnout only. He asked if it was their expectation that most of the traffic would enter from Old Orion Court.

Mr. Tulikangas responded that there is a sign proposed that says right turn only, and commented that he cannot envision most residents of this new development regularly turning left out onto Maplehill as it is a dead end street. He added that traffic coming off of Maplehill would be able to turn into the development. He commented that entrance would likely be split depending on which unit people would be going to.

Mr. Hetrick suggested that a fire gate could be explored where it could stay locked and closed unless there was need for emergency access. Regarding wetlands and runoff, he commented that it is his understanding that any detention or stormwater on the site must be detained on the site before it goes anywhere.

Mr. Boughton confirmed that was correct.

Mr. Hetrick stated that there would not be additional water runoff into the wetland or into adjoining properties unless the area experienced a 200-year storm.

Mr. Struzik stated that he had some concerns about parking, and commented that in this case if there is insufficient parking, people would be parking on the adjacent road, which would be Ann Maria or Maplehill. He asked if it would be written into the tenant contracts to keep parking from spilling out onto these roads, and asked how to ensure parking is sufficient and does not negatively impact neighbors.

Mr. Klatt responded that the parking counts for multifamily in Rochester Hills is quite heavy, and they are seeing across the state ratios as low as 1.33 or 1.5 spaces per unit without the guest parking ratio. He commented that he thinks it is sufficient and is actually a lot of parking, so he does not think they will have an issue with cars spilling out onto the streets.

Mr. Struzik stated that he likes the walkability features of the site and to shopping and jobs right down Old Orion Court and Rochester Road. He added that he believes the preservation of the wetlands to the southwest of the site is a big bonus. He noted that this development would offer some housing diversity, and commented that these are people that are young teachers, firefighters, retail workers and managers, and other individuals that currently work in the community. He pointed out that he lives in a neighborhood that has over 1,500 apartment units as well as single family home rentals and he does not perceive any crime issues. He stated that a lot of the renters in his neighborhood decide to make a commitment to Rochester Hills and become owners.

Ms. Denstaedt stated that the Commissioners are residents too and hear what the residents are saying. She commented that the development is beautiful and fits nicely within Rochester Hills. She expressed concerns over the location of the bike area fairly close to the road and asked if it should be moved back or a barrier installed that could prevent a car from going into that area.

Mr. Klatt responded that this is in the City right-of-way, and they would work with City staff to adjustment the location.

Mr. Gallina reiterated that as Commissioners they are fellow citizens. He pointed out that he visited site yesterday and asked if he lived there, is this something he would want in his backyard. He added that they also have to weigh the opportunity that this is land that can be purchased and developed. He commented that he is relieved that they are going to go back and tweak this a bit and have a chance for the developer to talk with the neighbors. He stated

that this is a chance to work together to build something that will add value to the city and will allow the developers to prosper and will not become a nuisance. He stated that it is a nice looking building and is harmonious to what they are doing in the city and will be a great opportunity for those who can afford and live in that type of housing. He stated that he is glad that they can go back and look at ways to minimize some of the concerns and effectively look a how to work on safety and screening to provide neighbors some peace of mind.

Mr. Dettloff commented that in all his time on the Planning Commission, he has yet to see a development approved that had a negative impact on property values; and while he has heard those concerns tonight, he thinks it will be a wonderful development filling a void in the city. He suggested coming to a compromise and stated that the end result will be a good thing.

Chairperson Brnabic stated that it is true that they are all residents on the Commission; and stressed that they Commissioners have ordinances to follow. She stated that developers have the right to develop, and they ask how they can balance the best possible development for any piece of property. She noted that she is happy they have chosen to postpone to allow the option to go over everything and feel secure and meet with the neighbors. She noted that Ms. Neubauer had moved a motion to postpone and asked for a second. She recognized Mr. Struzik as seconding the motion.

After calling for a roll call vote on the motion to postpone, Chairperson Brnabic announced that the motion passed unanimously and this item along with the subsequent three items were postponed. She noted that speakers will receive a mailed or emailed notice when this item returns to a meeting.

Ms. Roediger added that notice will also be posted on the City's website and residents would be welcome to call the Planning and Economic Development Department if they had any questions.

Mr. Dettloff mentioned that the petition document circulated contained many signatures that were not in the city and included some individuals from out of state.

Chairperson Brnabic asked Connor Pytlowany to answer that question.

Mr. Pytlowany responded that it was an online petition and they also walked door to door to utilize their best time in the 10 days they had after receiving notice of this. He stressed that it is from change.org, and pointed out that 70 percent of the people who signed it live within Rochester Hills.

Mr. Dettloff suggested for the future that while he understands the time crunch he would suggest weeding out those names that would not be relevant.

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Neubauer, Hetrick and Struzik

Excused 2 - Hooper and Weaver

Resolved, that the Rochester Hills Planning Commission hereby postpones the request for Site Plan Approval for Old Orion Ct. Residential Development (City File PSP2024-0008), the Request for Tree Removal Permit (City File PTP2025-0001), the Wetland Use Permit Recommendation (City File PWEP2025-0001), and the request for Natural Features Setback Modification (City File PNFSM2025-0001) to allow the Applicant to reduce the number of units in order to preserve the setback subject to staff approval and preserve the Type C buffer along the southern property line, and meet with the neighbors.

2025-0072

Request for Tree Removal Permit Approval - File PTP2025-0001 - to remove thirty (30) regulated trees and five (5) specimen trees and to provide zero (0) replacement trees and to pay the required fifty-seven (57) replacement trees into the City's Tree Fund for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion of the land has the FB Flex Business Overlay; Mark Bismack, Applicant

See Legislative File 2025-001 for discussion and motion to postpone.

Postponed

2025-0073

Request for Wetland Use Permit Recommendation - File PWEP2025-0001 - to impact approximately 0.07 acres of wetlands for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion of the land has the FB Flex Business Overlay; Mark Bismack, Applicant

See Legislative File 2025-001 for discussion and motion to postpone.

Postponed

2025-0074

Request for Natural Features Setback Modification - File PNFSM2025-0001 - to modify the required natural features setback by approximately 398 linear feet for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion of the land has the FB Flex Business Overlay; Mark Bismack, Applicant

See Legislative File 2025-001 for discussion and motion to postpone.

Postponed

2025-0034

Request for Site Plan Approval - File No. PSP2024-0037 - to demolish and rebuild a gasoline service station at 2260 Crooks Rd., Parcel No. 15-29-276-001, located at the southwest corner of Crooks and Avon Industrial, zoned HB Highway Business; Sam Beydoun, Safeway Acquisition Co. LLC, Applicant

(Staff Report dated 2-12-25, Reviewed Plans, Green Tech Engineering letter dated 1-7-25, Allen Design letter dated 12-20-24, Development Application, Environmental Impact Statement, WRC Letter dated 10-17-24 and Public Comment received had been placed on file and by reference became a part of

the record hereof.)

Present for the applicant was Sam Beydoun, Safeway Acquisition Co. LLC, Mo Beydoun, attorney for Safeway, Melad Beba, Architect, and Jessie Parkinson, Green Tech Engineering.

Chairperson Brnabic introduced this item as a request for site plan approval to demolish and rebuild the gas station at 2260 Crooks Road at Avon Industrial Drive, zoned HB Highway Business. She called for the Staff Report.

Mr. McLeod explained this is a simple site plan for demolition and renovation of the gasoline station located a 2260 Crooks Road and there were no tree removal permits, wetland permits, natural features setback modifications or conditional uses as a part of this request. He noted that the site is approximately one acre in size and is already being utilized as a gasoline service station. He mentioned that there are a number of gas stations coming forward that are proposed in terms of renovations to bring them into modernized standards of providing additional convenience stores or convenience store space, which is typically critical to many gasoline service stations.

He stated that the building being proposed is approximately 4,176 square feet, and noted that the existing building is approximately 2,000 square feet. He pointed out that the proposed change of usage would be to double the convenience store portion of the station and eliminate the auto service bays that currently exist. He noted that the site includes no landscaping at this point other than grass, and explained that the new landscaping plan will bring a total of 17 shade trees and four ornamental trees in addition to a variety of plants and shrubs. He explained that they are asking for landscape modifications as the site as it lays out cannot physically accommodate those requirements. He reviewed that the proposal eliminates one of the three driveways onto Crooks, and noted that it is the drive that is closest to the intersection; and the driveway on Avon Industrial is moved away from the intersection which is a benefit. He reviewed zoning, noting that in the HB district this is a permissible use.

He reviewed each landscape modification requested and explained that the applicants are trying to achieve some of the planting requirements within the road right-of-way because they cannot physically fit them within the green belt due to site line distances and pathway clearance requirements. He pointed out that the site provides pedestrian connections, one to the north to Avon Industrial Drive, and a pedestrian connection pursuant to Ordinance along Crooks at the south side of the property.

He mentioned that the applicants are also seeking to utilize the HB provision that was amended into the Ordinance not long ago to allow for a reduction in the rear yard to 10 feet in this instance should the Commission feel it would allow for an overall better development. He stated that this is not necessarily a modification, but just more of an acceptance of how the overall site sits relative to adjacent sites as well as a consideration of the maneuverability of the site itself in terms of parking. He added that parking is sufficient based on Ordinance requirements as well.

Mr. McLeod commented that the applicant is pushing the limits of architecture in terms of what the Commission is used to seeing, and what is proposed is a myriad of materials. He reviewed the brick, simulated wood, and metal paneling proposed. He noted that site plan review comments suggested that there would be some additional modifications in terms of the columns.

Mr. Parkinson stated that they are happy to push the building to the west and eliminate an entrance as it allows for greater maneuverability and makes it safer to turn onto Crooks. He explained it is the same number of pumps but a more modern building. He added that currently stormwater just runs into the street.

Chairperson Brnabic noted that one email was received from Scot Beaton, who was present this evening, and she stated he requested to speak.

Scot Beaton, 655 Bolinger, commented that this will be a beautiful investment in Rochester Hills and noted that he had sent a letter about aesthetics and marketing that he hoped they had read. He stated that he hoped that there would not be trees planted over a six-inch gas main and underneath utility poles. He asked why it would be a 30-foot building and not a 20-foot building and suggested that lowering it could reduce costs. He questioned the awnings and mentioned that he had sent some awnings that come pre-fab and are made in Spain.

Seeing no one else wishing to speak, Chairperson Brnabic moved on to Commissioners' comments.

Mr. Hetrick commented that this is a remarkable improvement over the current gas station, and he moved to accept the site plan with the findings and conditions listed in the proposed motion. Mr. Dettloff seconded that motion.

Ms. Neubauer commented that it is a big upgrade and is well needed. She stated that she liked the design.

Mr. Struzik concurred, stating that it looks great and is a great investment in the city. He noted that the existing structure is at the end of its life cycle and the owners have still maintained it which is not true of all gas stations in the area. He commented that he loves the pedestrian improvements on the site, especially as it is near the Clinton River Trail.

Mr. Gallina commented that it is an unbelievable upgrade and will look really sharp. He expressed appreciation to the applicants for their investment in the city.

Ms. Denstaedt stated that she would agree and stated that it will become a highlight of the area. She noted that removing the driveway will make the corner safer.

Mr. Dettloff asked if there were any environmental issues with existing tanks.

Mr. Sam Beydoun responded that they will be removed.

Chairperson Brnabic called for a roll call vote on Mr. Hetrick's motion to approve. After the vote, she announced that it passed unanimously.

Mr. Parkinson addressed the question of height that had been raised, and noted that the building is not actually 30 feet high except at the towers. He pointed out that the average height is 22 feet, and some locations are 25 feet.

The applicants noted that they will be back next month for another station upgrade at Adams and Walton.

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Neubauer, Hetrick and Struzik

Excused 2 - Hooper and Weaver

Resolved, in the matter of City File No. PSP2024-0037 2260 Crooks Road Gas Station, the Planning Commission approves the Site Plan, based on plans received by the Planning Department on January 8, 2025, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that the proposed development will promote the intent and purpose of the ordinance, as well as other City Ordinances, standards, and requirements; and those requirements can be met with the exception of the acceptable modifications shown below and subject to the conditions listed below.
2. The site plan and supporting documents demonstrate that the proposed development will be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole. The proposed project will be accessed from Crooks and Avon Industrial, thereby promoting safety and convenience of vehicular traffic both within the site and on adjacent roadways. The preliminary plan represents a reasonable street, building and lot layout and orientation.
3. The development will be served adequately by essential public facilities and services, such as major roadways, streets, police and fire protection, drainageways, refuse disposal, and utilities.
4. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
5. The proposed development will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
6. The proposed improvements should have a satisfactory and harmonious relationship with the development onsite as well as existing development in the adjacent vicinity and act as a transitional use from the nonresidential development to the west and the residential development to the east.

7. The proposed modification to the required right-of-way landscaping requirement, of a total of 6 trees, along Avon Industrial has been found to be acceptable since the number of trees proposed onsite overall greatly increases the number of plantings onsite, the overall site aesthetic, and potential for tree canopy onsite.

8. The proposed modification to the required right-of-way landscaping requirement, of a total of 6 trees, along Crooks Road has been found to be acceptable since the number of trees proposed onsite overall greatly increases the number of plantings onsite, the overall site aesthetic, and potential for tree canopy onsite.

9. The proposed modification to the required parking lot perimeter landscaping requirement, of a total of 7 trees, has been found acceptable since the number of trees proposed onsite overall greatly increases the number of plantings onsite, the overall site aesthetic, and potential for tree canopy onsite.

10. The proposed modification to the required greenbelt between the parking lot area and the Crooks Road rightof-way, of 5', to allow a 5' greenbelt, along Crooks Road has been found acceptable since the site currently does not provide any greenbelt area and the proposed greenbelt significantly increases the greenspace onsite.

11. The proposed modification to allow for a reduced rear yard setback of ten (10) feet has been found to be acceptable since the property is adjacent to other similarly developed properties within the Highway Business zoning district and it has been determined that the reduced setback will allow for a better overall development of the site. Moving the building to the west will allow for a reduced setback against a car wash which will not cause negative impacts, and allows for more space onsite for parking, circulation, landscaping, etc.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters.
2. Provide a landscape bond in the amount of \$30,625.00, plus the cost of inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

2025-0035 Public Hearing for Proposed Ordinance Amendments

(Memo by McLeod dated 2-12-25, Proposed Amendments with Attorney Recommendations dated 2-4-25, Draft Planning Commission Minutes of 1-14-25, and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.)

Chairperson Brnabic introduced this item, noting that a Public Hearing would be held for the proposed Ordinance Amendments. She asked Mr. McLeod for his report.

Mr. McLeod stated that presented tonight are the Ordinance amendments that the Commission reviewed in draft form at the last Planning Commission meeting. He explained that there was only one substantive change that the Commission requested relative to site plan approval duration, and he noted that it allows for one year extension by Administration and then one year extension granted by the Planning Commission to make sure that the Commission has their ability to chime in on whether the site plan extension should be granted or not.

Chairperson Brnabic opened the public hearing and noted that there were no speaker cards. She subsequently closed the public hearing.

Ms. Neubauer moved the motion in the packet to recommend City Council approve the Ordinance Amendments as submitted. The motion was seconded by Mr. Hetrick.

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

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Neubauer, Hetrick and Struzik

Excused 2 - Hooper and Weaver

Resolved, that the Planning Commission recommends to City Council approval of ordinances to amend Section 138-1.203 - Public Hearing Procedures of Chapter 2 Administration, of Article 1 Administration and Enforcement, to modify public notice sign requirements and to include public hearing requirements for preliminary plat (subdivision) review and preliminary plan (condominium) review; Section 138-2.207 - General Provisions of Chapter 2 Site Plan Review, of Article 2 Administrative Organization and Procedures, to provide clarification and additional time before the expiration of site plan approvals; Section 138-4.101 - Zoning Map and District Boundaries of Chapter 1 Generally, of Article 4 Zoning Districts and Permitted Uses, to revise the official responsible for making a determination on zoning district boundaries; Section 138-4.200 - Zoning Map and District Boundaries of Chapter 1 Generally, of Article 4 Zoning Districts and Permitted Uses, to include the R-5 One Family Residential district in the section title; Section 138-4.300 - Table of Permitted Uses by District, Table 4, Permitted Uses by Zoning District, of Article 4 Zoning Districts and Permitted Uses, to clarify when attached units are permissible relative to the R5 and BD Districts and subject to which regulations, and to clarify that only existing automotive

gasoline service stations and drive through facilities are permissible in the BD district; Section 138-4.425 Outdoor Storage: Accessory of Chapter 4 Design Standards, of Article 4 Zoning Districts and Permitted Uses, to require that outdoor storage areas in specified nonresidential zoning districts be paved; Section 138-5.205 Standard Methods of Measurement of Chapter 2 Supplemental Provisions and Exceptions, of Article 5 Schedule of Regulations, to clarify what site improvements count towards overall lot coverage; Section 138-10.100 General Standards for All Accessory Structures of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, to clarify what constitutes a roof for the purposes of determining the applicability of accessory structure regulations; Section 138-10.102 Detached Accessory Structures, of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, to provide an exemption for decks to be constructed in the front yard; Section 138-10.107 Fences of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, to define fence heights, locations and materials for nonresidential fencing; Section 138-10.311 Dumpster and Trash Storage Screening of Chapter 3 General Provisions, of Article 10 General Provisions, to provide additional standards for construction of nonresidential dumpster enclosures; Section 138-10.401 Solar Energy Systems of Chapter 4 Sustainable Energy Generation, of Article 10 General Provisions, to clarify that solar energy system requirements apply to both permanent and temporary structures; Section 138-11.305 - Stacking Spaces, of Chapter 3 Parking Design Standards, of Article 11 Off Street Parking and Loading, to clarify the size of stacking spaces; Section 138-12.108 - Performance Guarantee, of Chapter 1 Generally, of Article 12 Landscaping and Screening, to provide additional clarification and regulation for required landscaping bonds, of Article 13 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.

ANY OTHER BUSINESS

2025-0038

Request for Acceptance of the 2024 Planning & Economic Development Department Annual Report

(Memo by McLeod dated 2-12-25 and PED 2024 Annual Report Executive Summary had been placed on file and by reference became a part of the record hereof.)

Mr. McLeod introduced a newly-revamped and revised 2024 PED Annual Report. He explained that so much like with the Natural Features story map, staff tried to do something different this year. He noted that the four-page printed executive summary highlights the entire interactive online report which encompasses over 80 pages if printed out to PDF.

He scrolled through the highlights of the online report, noting that links are provided to all the different types of things that the PED Department strives to do on a yearly basis in terms of the overall City as well as with each one of the Boards and Commissions. He stated that the Annual Report for 2024 provides a comprehensive overview of activities and accomplishments within the Planning and Economic Development Department. He outlined key highlights, categorized into Planning and Economic Development sections for clarity.

Planning

- Development Activity: The report details a range of development projects, including concept plans, administrative site plans, site plan applications, and site condominiums. It also tracks conditional use applications and ZBA applications, providing a visual representation of their distribution through interactive maps.*
- Environmental Permits and Tree Management: The report emphasizes the balance between tree removal and planting, highlighting that 1,817 trees were planted or will be planted to offset the 829 trees approved for removal.*
- Master Plan and EGLE Grant Applications: The Master Plan's progress is tracked, and an interactive map for EGLE Grant applications allows users to visualize approved, in-progress, and pending grant projects.*
- Historic District Commission and Art on Auburn: The report acknowledges the Historic District Commission's work, including the Earl Borden award for Stony Creek Village. It also highlights the Art on Auburn initiative, showcasing winners and future plans for an interactive map.*
- Adams Road Study: The ongoing Adams Road study is discussed, with a focus on potential alternatives for the road's future design, emphasizing that these are plans for a study and not funded projects.*

Economic Development

- Mayor's Business Council and RHISE Events: The Mayor's Business Council's activities are highlighted, including business tours, think tanks, and the RHISE Cup event, which fosters collaboration and networking among local businesses.*

- *Economic Development Strategy: The Economic Development team's "Big Five" strategy is outlined, emphasizing business attraction, retention, and expansion efforts. The team's participation in events and conferences is also noted.*
- *Corporate Puppy Program: The Corporate Puppy program is mentioned, showcasing its success and the ongoing search for new corporate members.*

Additional Information

- *Timeline and Priorities: A timeline of meetings and events is provided, along with a list of future priorities, including the Master Plan, EGLE Grants, and business retention and development.*
- *Team Building and Community Engagement: The report concludes with images highlighting team-building activities and community engagement efforts, such as the 5K run and 30 Days of Giving food drive.*

He noted that overall, the Annual Report for 2024 effectively communicates the department's achievements and future goals, showcasing a commitment to both planning and economic development within the city.

Ms. Roediger commented that the Department has come a long way in developing this report, noting that the first reports were Word documents highlighting the number of meetings held.

Commissioners expressed their appreciation to staff and noted that this is a highly-interactive tool filled with great information and jumping off points. It was mentioned that this is an example of government embracing technology to the fullest to drive value and engagement with residents.

Ms. Neubauer moved to accept the Annual Report and associated Executive Summary. The motion was seconded by Mr. Struzik.

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

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Neubauer, Hetrick and Struzik

Excused 2 - Hooper and Weaver

Resolved, the Rochester Hills Planning Commission hereby accepts the 2024 Annual Report and associated Executive Summary for the Planning and Economic Development Department.

2025-0039

Request for Appointment of Two Representatives to the CIP Policy Team

Chairperson Brnabic stated that Mr. Galena and Mr. Hetrick expressed an interest in sitting on the CIP Policy Team to represent the Commission. She added that the March 19, 2025 team meeting set for 2 p.m. fit both of their schedules. She noted that if no one else wished to express an interest in sitting on this committee, she would entertain a motion to appoint Mr. Galena and Mr. Hetrick.

Ms. Neubauer moved to appoint Mr. Galena and Mr. Hetrick to this committee, and the motion was seconded by Ms. Denstaedt.

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

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Neubauer, Hetrick and Struzik

Excused 2 - Hooper and Weaver

Resolved, the Rochester Hills Planning Commission hereby appoints Anthony Gallina and Dale Hetrick to serve on the CIP Policy Team for the 2026-2031 Capital Improvement Plan.

2025-0040

Request for recommendation of a Planning Commission representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2026

Ms. Neubauer made a motion to appoint Chairperson Brnabic to be the Planning Commission representative to the Zoning Board of Appeals. The motion was seconded by Mr. Dettloff.

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

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

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Neubauer, Hetrick and Struzik

Excused 2 - Hooper and Weaver

Resolved, the Rochester Hills Planning Commission hereby recommends to City Council that Deborah Brnabic shall serve as its representative on the Zoning Board of Appeals for a one-year term to expire March 31, 2026.

NEXT MEETING DATE

March 18, 2025, 7:00 p.m. Regular Meeting

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Denstaedt, Chairperson Brnabic adjourned the Regular Meeting at 9:29 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Jennifer MacDonald, Recording Secretary