



# Rochester Hills

## Minutes

### Planning Commission

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Tuesday, January 14, 2025

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*Chairperson Brnabic called the January 14, 2025 Regular Planning Commission Meeting to order at 7:00 p.m., Michigan Time.*

## ROLL CALL

**Present** 9 - Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Marvie Neubauer, Dale Hetrick, Scott Struzik and Ben Weaver

### Others Present:

*Sara Roediger, Planning and Economic Development Director  
Chris McLeod, Planning Manager  
Jennifer MacDonald, Recording Secretary*

*Chairperson Brnabic welcomed attendees to the January 14, 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

[2025-0007](#) December 10, 2024 Worksession Minutes

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

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

[2025-0008](#) December 10, 2024 Regular Meeting Minutes

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

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

## COMMUNICATIONS

None.

## PUBLIC COMMENT

*Thomas Yazbeck, 1707 Devonwood Drive, stated that he is studying for a Master's in Urban Planning at Wayne State University and believes that Rochester Hills can do better in allocating housing options. He commented that Rochester Hills is out of reach for many workers essential to the community. He mentioned salary ranges for teachers and noted that average home prices and rental rates would be tough for them especially if they have children. He stated that this adds to traffic congestion as they cannot live close to work. He suggested that the category of housing in between single family homes and larger apartments such as townhouses or two to four unit buildings would increase the housing supply with minimal impact on neighborhoods.*

## NEW BUSINESS

### 2025-0005

Request for Site Plan Approval - File No. 2024-0038 - to construct a Fire Training Tower for the Rochester Hills Fire Department at 1111 Horizon Ct., Parcel 15-21-276-011, located west of Livernois between Avon and Hamlin Rds., zoned EC Employment Center; Rochester Hills Fire Department, Applicant

*(Staff Report dated 1/8/2025, Reviewed Plans, Updated Floor Plans and Elevations, Paint Colors and Details, Development Application, Environmental Impact Statement, and WRC Letter of 12/17/2024 had been placed on file and by reference became a part of the record hereof.)*

*Chairperson Brnabic explained that this is a request for site plan approval for a fire training tower at the Rochester Hills Fire Department, 1111 Horizon Court, zoned Employment Center.*

*Deputy Chief Bill Cooke and Captain Larry Gambotto from the Rochester Hills Fire Department were in attendance.*

*Deputy Chief Cook stated he and Captain Gambotto were in attendance to answer any questions regarding the new training tower proposed to bring training into the next step of the future for firefighters in Rochester Hills. He explained that they currently have a three-story building that was constructed with the station and it is nearing 40 years of service. He noted that they are proposing a four-story building that is a metal structure that would provide training opportunities for the next 30 years. He stated that the new building will have two burn rooms, one on the first floor and one on the second floor; and he asked if the Commission would like details about the training opportunities the building would provide.*

*Captain Gambotto noted that the building provides an internal staircase with a standpipe connection. He explained that as the buildings get bigger in the city, this will allow members to train on standpipe operations; and the multiple burn rooms allow the ability to go both up and downstairs to fight fire. Roof cutouts will allow practice for ventilation, vertical ventilation, and working on top of roofs*

with saws. He added that there is a rappel tower at the top which is important for the tech rescue team and the groups that they participate in to be certified and to be able to respond to other incidents as a part of strike teams. He noted that this will also allow practice with SCBAs (self-contained breathing apparatus). He pointed out that it will have movable walls on the inside, creating different orientations inside the structure. He commented that right now the members know the training tower because they have all been in it hundreds of times, and it will help in training to be able to change things up from burn to burn.

Chairperson Brnabic asked if staff had anything to add.

Mr. McLeod commented that Deputy Chief Cooke and Captain Gambotto did a great job explaining how the building will be utilized. He stated that with regard to the site plan, the property is within the EC (Employment Center) District and the location with the current tower is recessed from the Livernois elevation which greatly limits visibility from Livernois. He noted that the EC district allows a maximum building height of three stories or 42 feet; however, the Planning Commission has the authority on sites of five acres or more such as this site to allow for additional height. He explained that they are asking for four stories, but actually the building height is nine feet shorter than what would normally be permissible in the district even at a three-story height. He mentioned that the additional story is what is being brought before the Commission; otherwise it would have been handled in an administrative review. He stated that the area is completely surrounded by industrial and non-residential buildings, and the closest residential is to the east side of Livernois. He pointed out that the tower is going right back in the same spot and is only four feet taller than the existing tower.

He showed a picture of the existing tower at 30 feet in height, then the proposed tower at 34 feet in height to the top of the roof, noting that the railing on top does not count toward the overall height. He explained that the building elevations depict a modular design, allowing the Fire Department to replace parts of the structure rather than replacing the entire structure over time if they want to change out components. He stated that they are not removing any trees or any additional structures other than the tower that is coming down. He reiterated that the total height is below what is permissible by ordinance.

Chairperson Brnabic thanked the Fire Department for the service they provide the community, and commented that she heard that they were totally slammed this past year with over 9,000 calls. She asked if the tower would be used for coordinated training with mutual aid partners such as Rochester, Shelby or Auburn Hills.

Captain Gambotto responded that this is the plan, and commented that they will have one of the few burn towers in the area. He noted that this would give the Department a greater benefit and resources for training.

Ms. Neubauer stated that she would reiterate Chairperson Brnabic's comments about how much the Planning Commission appreciates and thanks the Fire Department. She mentioned the events that occurred recently when Captain Gambotto was off duty and saw a fire, and because of the excellent training he

received he was able to save lives. She commented that she had the opportunity to participate in fire-ops and this would be next level. She noted that one of the things she appreciated from participating in Fire Ops is that other cities and departments are thankful for Rochester Hills.

Mr. Weaver thanked the members for not only fighting fires, but for the community outreach they provide. He commented that his children love climbing through the fire trucks. He expressed support.

Mr. Hetrick commented that he wanted to continue the support for the Fire Department and noted that he also participated in Fire Ops and had the experience first-hand how the equipment works and how difficult it is to do the job. He agreed with Captain Gambotto that this will allow better training of firefighters in creating situations where they aren't able to do things on rote memory. He stated that the Fire Department does a terrific job protecting residents when the calls come in, and commented that he did not think there would be any concerns from the Commission. He noted that a 40-year-old structure definitely needs to be updated.

Mr. Struzik stated that he would continue with the praise, and noted that it is important to have as good and well-trained department as the City has. He asked if any neighboring communities have a similar structure.

Captain Gambotto responded that to the best of his knowledge Macomb Township has a similar structure built by the same company although it is probably 20 years old now. He added that the City of Southfield just built a five-story new training tower with a shipping container design for their structure. He commented that OCC's Crest training program that participates in Fire Ops 101 has a large brick-and-mortar four-story building that they use with their gas-fired props.

Mr. Struzik mentioned that in addition to Fire Ops he has had the opportunity to do full-day ride-alongs, and he noted that he did one where there was training that included a stair chair exercise where he was the subject asked to sit in the chair. He commented that he is glad that the firefighters are practicing with these tools so that it is second nature to them.

Mr. Hooper commented that he concurs with everyone else, and would move the motion in the packet, modifying condition number two to state that the proposed project will be used by the City of Rochester Hills Fire Department and mutual aid support partners and will not be utilized by the general public. The motion was supported by Mr. Dettloff.

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

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

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

**Resolved**, in the matter of City File No. PSP2024-0038 (RH Fire Department Fire Training Tower), the Planning Commission approves the Site Plan, based on plans received by the Planning Department on November 20, 2024 with a supplemental submission on December 11, 2024, with the following findings and subject to the following conditions.

**Findings**

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be used by the City of Rochester Hills Fire Department and mutual aid support partners and will not be utilized by the general public; therefore the structure and use will not generate any additional traffic to Horizon Ct. or Livernois Road.
3. The proposed structure will be fully integrated into the overall Fire Department campus by replacing the existing fire training tower with a similar structure. The structure will also be located within an existing industrial area, amongst a number of other industrial buildings.
4. The structure will be utilized by Fire Department staff already occupying the building and the Fire Department site already has adequate parking onsite that has been designed to avoid common traffic problems and promote resident safety.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
6. The four (4) story structure is not objectionable given that a taller, three story, 42 ft. high structure would be permitted.
7. The proposed structure will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
8. The proposed structure will replace the existing fire training tower onsite in the same location it currently exists, in a similar configuration.

**Conditions**

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans contained within the Planning Commission packets.
2. That the development and operation of the structure shall be consistent with the scale and nature of the use as described in the application and at the public meeting, and the proposed fire tower will be used by the City of Rochester Hills Fire Department and its mutual aid partners, and will not be utilized by the general public.

**2025-0006**

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2024-0012 - for Ms. Danielle's Daycare, an in-home daycare for up to 12 children at 2557 John R Rd., Parcel No. 15-25-301-028, located on the east side of John Rd. between Auburn and Hamlin Rds.; Danielle and Mario lafrate,

Applicants

*(Staff Report dated 1/8/2025, Applicant's Letter, Site Plan and Floor Plan, Application, Environmental Impact Statement, Photos and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.)*

*Chairperson Brnabic introduced this item and noted that it is a request for conditional use recommendation for Ms. Danielle's Daycare, an in-home daycare for up to 12 children at 2557 John R Road, located on the east side of John R between Auburn and Hamlin. She invited applicants Danielle and Mario lafrate to the presenter's table, and asked for the staff report.*

*Mr. McLeod explained that this request is for a conditional use which is a recommendation to City Council for a State-Licensed Residential Facility, how it is technically termed within the Ordinance, for the purposes of a child daycare to allow up to 12 children. He showed an aerial photo of the site and surrounding area, and noted that the site is approximately 2.3 acres and is situated amongst other diverse uses. He explained that directly to the north is single family residential, but to the south and east is a place of worship. He noted that the daycare operating hours defined within the application will generally be 7:30 a.m. to 5:00 p.m.*

*He mentioned that the site currently operates as a daycare with fewer children, at the lesser license that the State offers. He noted the outdoor activity and defined play area on the applicant's site plan, and stated that the application notes that they go for walks throughout the entire site. He explained that R-4 zoning allows for different types of non-residential uses subject to conditional use approval, and places of worship and daycare facilities or State-licensed residential facilities of this size and nature are among those allowed uses.*

*Mr. McLeod mentioned that there was some question as to whether this is a conditional use or a rezoning, and stressed that this is a conditional use which is a use contemplated within the district. He stated that this is a matter of whether or not the use and context of the site itself, size and operation fits into the overall context of the area, and is not a rezoning of the property to any other designation. He noted that the property will stay one-family residential even if the conditional use is ultimately approved by Planning Commission and City Council.*

*He mentioned that this is a flag-shaped lot with a long driveway, and he pointed out the designated parking area on the site plan where drop off and pickups occur. He mentioned that one of the items of concern typically for a daycare within a residential setting is how drop off and pickups occur, and commented that there can often be conflict if all parents get there at the same time and it is a short driveway; and he noted that the site lends itself relatively well to drop off and pickups. He added that in terms of a designated play area, that is usually a point of contention in subdivision settings, and noted that there is single family residential in a subdivision setting directly to the north and he suggested that this can be discussed further as part of the Planning Commission deliberation. He pointed out that there is a large wooded area that sits not only on adjacent properties to the north but on the site itself, and added that the Commission can*

*discuss whether additional screening or separation is necessary in this particular instance. He pointed out that the home sits near the middle of the site with designated pickup and drop-off areas occurring just to the north, noted the play area, and stated that the remainder of the site becomes the walking areas. He mentioned that the applicant noted that outdoor play times will generally be 10:30 a.m. to noon for the riding of tricycles and things on the driveway.*

*Mr. McLeod stated that the applicant provided a floor plan that showed how the different areas of the home will be used for the daycare, and noted that the daycare is a part of the resident's home and it is not being converted to a full-blown commercial or daycare use. He stressed that the intention and purpose of the ordinance is to see that the use is designed, constructed and operated so it will be harmonious and appropriate in appearance for the existing and planned character of the area, will be served adequately by essential services and public facilities, will not be detrimental or hazardous or disturbing to future neighboring land uses, and will not create additional requirements at public cost when the use is in operation.*

*Chairperson Brnabic asked the applicants if they had anything to add.*

*Ms. lafrate clarified that her proposed hours have changed recently to 8:00 a.m. to 5:00 p.m. Monday through Friday, and stated that she is not open on the weekends. She explained that her window for children to be dropped off is narrowed down from 8:00 to 9:00 a.m., with pickup 4:00 p.m. to 5:00 p.m. She stated that children play outside for approximately 45 minutes daily, with times a little bit longer in the summer. She commented that the children like riding the tricycles, scooters and bikes on the driveway. She noted that they also will visit the chicken coop, walk through the woods, and just nature walk around the property. She said the children's favorite activity is to ride around in the circular driveway with their bikes and tricycles. She pointed out that while they are outside, the school next to their property is also out for recess those children can be heard as well.*

*She explained that right now she cares for four families with a total of six children, and four cars come in the morning and four cars come in the afternoon. She stated that she is requesting this not to make a huge profit and doesn't necessarily want to have 12 kids. She said that she had 12 kids in a group daycare in their previous home and it was a lot, but it was fun. She said that she has a small waiting list for infants and she can only have two infants under 18 months without a helper. She explained that she is looking for a helper and then she can fill one of those infant spots. She stated that she also has a parent who is pregnant that has two other children at her daycare right now, and if that parent is not able to bring that child in August, she would have to find somewhere else for her infant to go until she had room.*

*Ms. lafrate noted that she and her husband and children have lived in Rochester Hills for almost five years and she had the in-home daycare in Clinton Township for 15 years. She explained that the clientele she had at that location are now turning over and she had to advertise for the first time in five years, and now has a wait list.*

Chairperson Brnabic asked to confirm the outdoor time of 10:30 a.m. to noon, and asked whether the outdoor time all occurs on the asphalt circle or if that time included backyard and front yard time.

Ms. lafrate responded that sometimes they do not go in the front yard at all, and will be in the backyard for Easter egg hunts, searching for rocks, looking at squirrels and finding ducks in the pond. She commented that they really like the front yard for bicycles and trikes. She stated that in the summer they may go out at 10:45 a.m., and noted that she serves lunch at noon so they have to be inside by about 11:45 a.m. She commented that it fluctuates depending on the infants' schedule and what she is cooking for lunch.

Chairperson Brnabic noted that as this is a conditional use request it requires a public hearing, and stated that she had three emails received regarding this request which will remain a part of the record. She noted that two people have filled out a speaker's card. She added that a third email was received in support of the increase to 12 children from Erin Pruitt. She opened the public hearing and stated that commenters had three minutes to speak, and noted that all questions would be answered together after everyone had an opportunity to speak.

John Przybysz, 3120 Primrose Dr., stated that he believes this would set a precedent, and commented that he has seen enough developments in the city to see that it affects neighbors very much. He noted that Goddard School on Auburn is fenced to stop people from abducting children, and asked if the applicant would be putting up a fence. He asked if Mr. Hooper's employment with lafrate Construction could be a conflict of interest.

Chad Castle, 1057 Chesapeake, stated that they are the second house from John R on Chesapeake and selected that lot because there was a residence behind them and it was a very quiet piece of property to purchase. He expressed concern that they share 72 feet with the property behind and noted that when the children play in the circle in the summer it gets noisy. He commented that they run their business out of their home and cannot have their windows or doorwalls open during that time of day. He commented that it will be very noisy and could impact the sale of their property in the future. He pointed out that the adjacent school is not in session in the summer. He asked if there was a way to help with the noise by possibly relocating the play area.

Nancy Berner, 1069 Chesapeake, stated that she is the third house on Chesapeake and also hears the noise. She commented that her concern is lights coming in and out of the circle drive and that cars going in and out will drive by three backyards. She said that limiting times for pickup and dropoff will cause a backup on John R because the driveway is not wide enough for two cars. She said that they paid a premium for this lot and asked if there would be additional play structures built, or if a sign would be installed. She asked what a prospective buyer for her property would see looking out her backyard and that it will devalue her home, and noted that is a big concern.

Thomas Yazbeck, 1707 Devonwood, stated that he supports this as he likes the idea of people operating businesses from their homes. He commented that



while he does not live near this property and can understand that people have concerns, homes are places where one lives and a daycare is like a temporary home where kids stay. He commented that it is about the next generation and he thinks that it is really cool that there is a cool little daycare in the neighborhood. He stated that he lives on a court and there are children playing outside and dogs barking all of the time. He commented that this is such a small impact.

Seeing no one else wishing to speak, Chairperson Brnabic closed the public hearing. She responded to Mr. Przybysz's question regarding whether a daycare would be able to be permitted in any residential area noting that up to 12 children is permitted in any residential area. She explained that when it includes seven to 12 children it becomes a conditional use that the Planning Commission reviews and then moves on to City Council for final approval. She stated that after that, the State will oversee it unless the City becomes aware of a major problem. She noted noise concerns and asked whether there would be anywhere that playtime could be moved.

Ms. lafrate responded that they considered fencing an area toward the back of the property, but noted that what draws a lot of families to them is that they have a huge lot to explore and are not confined to a 600 square foot play area. She added that this is when they came up with the idea to just fence off the pond. She pointed out that they have a natural border of trees and brush. She commented that they could try to incorporate more time like picnics in the back and less time in the driveway area, and noted that the kids would really miss playing in the circular drive.

Chairperson Brnabic asked if there were any backups on John R and if any were expected if they added vehicles.

Ms. lafrate responded that when they enroll families they ask that if a car is coming out that they go down to the next street and turn around and wait to come into the driveway. She added that she does not think that it will be five cars as she has one family that she is trying to accommodate and one infant on the waiting list, and noted that her helper will come before hours and leave after hours.

Chairperson Brnabic asked if they plan any future advertisements.

Ms. lafrate responded that she does not advertise unless she is really low on the numbers, and advertised once with their transition from their Clinton Township house to here about two years ago. She stated that she will not be putting up any signs as they are private people and do not want everyone to know that they have an in-home daycare for safety. She commented that she rarely hears that anyone had to go past because someone was in the driveway as there is a place to pull off on the grass.

Chairperson Brnabic asked if any additional structures were planned.

Ms. lafrate responded that no construction was planned; she explained that she has a little playhouse, slide and jungle gym, and explained that anything over 30

*inches requires an area with rubber mulch and she has no plans for a large play structure. She commented that she leans more toward activities like looking for a special rock or observing ducks in the pond.*

*Chairperson Brnabic noted that any headlights coming in would be brief and adding another few cars should not be that bothersome.*

*Ms. Iafrate commented that the lights coming in and out are probably their own. She explained that her husband is up by five and goes to the gym in the morning, goes to middle school for a drop-off and she goes to the elementary school for a drop-off. She stated that they are an active family with three girls.*

*Mr. Weaver stated that he generally does not have any issues with this and given the property and programming they currently have they are not looking to change any of that. He asked about additional help to be hired.*

*Ms. Iafrate responded that she is looking to accommodate one family, and taking one off of the wait list would accommodate a helper. She commented that she is not interested in having twelve kids and is interested in going from six to eight to accommodate two infants. She explained the ages that she can accommodate noting that this would give her more flexibility.*

*Mr. Weaver stated that he respects the neighbors concerns, and noted that the kids enjoy playing outside. He commented that it is only about 45 minutes or so and suggested that there may be a way for the applicant to work with the neighbors and perhaps find some days where the kids can play in the backyard. He asked whether the conditional use would stay with the property over time.*

*Mr. McLeod responded that the conditional use would stay with the property with the caveat that a future owner would have to operate it in the exact same manner. He added that any conditions should be in black and white so as not to be murky.*

*Mr. Weaver stated that he thought it makes sense for them to approve the conditional use based on what has been described and the intent. He added that if someone else moves in as long as they did not go crazy he would be comfortable with it.*

*Chairperson Brnabic asked if it would be considered a violation of the ordinance if the use was approved for this particular owner if they ever moved in the future.*

*Mr. McLeod responded that conditional use approval is typically not relegated to a particular user, you are approving a use and how it is operating, it doesn't matter who the operator is.*

*Ms. Neubauer stated that while she does not want to play attorney, typically it is not relegated to a particular user. She commented that the City's policy in her experience is that the use and operation is approved and not a particular user. She suggested adding conditions as appropriate.*

*Ms. Roediger commented that she thinks it would be dangerous to condition a*

person as opposed to a use.

Ms. Neubauer responded to the comment as to whether Mr. Hooper had a conflict of interest, and stated that neither he nor his business was not gaining anything and he has nothing to do with it. She added that Mr. Hooper has enough integrity to recuse himself. She stated that with respect to headlights, these will be daylight hours and if there are headlights it would probably be for the few winter months. She commented that she has a busy household and her cars are in and out of the driveway all of the time. She noted that she had the opportunity to visit the property and it is a large property and she does not see it being an excessive amount of noise. She suggested that it would be nice and neighborly to discuss things with the neighbors so there is not a weird tension in the area. She pointed out that year after year they have had reports about property value increases in Rochester Hills, and stated that there would be no signs or advertising in the yard, and no additional play structures. She moved the motion in the packet for recommendation of approval.

Mr. Hooper seconded the motion and suggested an additional condition be added, limiting the hours of operation to 8:00 a.m. to 5:00 p.m. Monday through Friday.

Mr. Struzik stated that providing childcare is important. He noted that his family consists of two working parents and two kids, and commented that he could not live in this community without two working parents. He asked if there were any plans to change the hours in the future.

The applicant responded no.

Mr. Struzik stated that the least daylight is at December 20 through the end of the December with the sun rising at 8:00 a.m. and setting at 5:00 p.m. He pointed out that the daylight hours match their hours, and stated that it does not pose much of a concern. He added that if people cannot find daycare here they will still drive down John R toward South or Square Lake where there are two large facilities. He noted that those two facilities are much more problematic because of their busy location near intersections. He commented that he has had some not great experiences with childcare in the past and wished he had had more options. He pointed out that the lot is beautifully large, over two acres in size, near Holy Family School and it looks like a special place for a child to receive care. He commented that he walks this area and noise-wise he never knew that there was a daycare there.

He stated that the children at Holy Family are loud when they are outside and there will be more noise coming from that school than this property. He mentioned that he works from home and experiences more noise typically coming from John R, and pointed out that there is also a fire station nearby. He suggested that if this is approved that any issues from the sidewalk be monitored and corrected, noting that there are tall bushes and quite a few driveways in the area. He commented that perhaps some plantings could be added and the applicant could be mindful of where they hold activities; however, he would point out that this is a two-acre property and most of the privacy that the neighbors on Chesapeake with 0.3 acre lots have is because of being

*adjacent to this large lot.*

*Mr. Hetrick stated that he read the applicant's letter and it shows that they truly love what they do. He asked how long they have been in business in Rochester Hills.*

*Ms. Iafrate responded it has been almost five years.*

*Mr. Hetrick asked how many times in the past five years have they had people complain about noise or lights.*

*Ms. Iafrate responded none.*

*Mr. Hetrick stated that he fully supports what was said and suggested that they talk to the neighbors. He noted that they already confirmed no additional play structures as it would be a liability issue, and pointed out that they already have a waiting list. He asked about property values and stated that he would be interested in knowing if daycares in homes have created any drop in property values.*

*Mr. McLeod responded that Assessing staff were consulted and while they did not have a specific study or set of numbers for daycare, a number of years ago a study was conducted on the impact on assessed values of places of worship or schools being located against residential and they found that neither one of those non-residential types uses within a residential district have had an impact property values, with the one caveat that an actual bus turnaround area may impact an adjacent home's value.*

*Mr. Hetrick asked if they will be required to fence the property completely.*

*Ms. Iafrate responded that her representative at the State stated that as long as the pond was fenced in with the natural barrier of trees and brush they do not need a fence. She commented that she feels very safe at home for her and the children.*

*Mr. Hooper noted that his previous employer was named Iafrate as a coincidence and he has no financial interest in this daycare facility or their home whatsoever. He commented that nothing ties him to the applicant other than they live in the same community. He stated that he has nothing to do with this property at all and will not recuse himself from voting on it. He noted that the proposed conditional use in his opinion has very minimal impact and suggested that what would have more of an impact is if the property were redeveloped and split into four or five homes which would back directly up to the neighbors. He added that each of those homes could install a gym or swingset in the backyard which is not the case here. He pointed out that this is minimal impact for children who will be outside for what appears to be 45 minutes to an our at best Monday through Friday, whereas a residential home would have impact seven days a week.*

*Chairperson Brnabic restated the motion, noting the added condition and called for a roll call vote. After the vote, she announced that the motion passed*

*unanimously.*

*Mr. McLeod noted that the target date for the recommendation to go to City Council would be at the January 27 meeting.*

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

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

**Resolved**, in the matter of File No. PCU2024-0012 (Iafrate Childcare 7-12 children), the Planning Commission recommends to City Council Approval of the Conditional Use to allow for a state licensed residential facility of 7-12 persons, for the purposes of operating a child daycare, based on documents received by the Planning Department on December 12, 2024 with the following findings:

**Findings**

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing residence and proposed conditional use is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposed additional enrollment being sought as a part of the conditional use request should provide additional services being sought within the greater Rochester Hills community.
4. The existing residence and proposed use are served adequately by essential public facilities and services, such as roadways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The existing residence and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare as the existing residence is already used as a child daycare of a lesser intensity and the increase to allow up to twelve (12) children should not increase impacts significantly.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

**Conditions**

1. City Council approval of the Conditional Use.
2. That the use must be operated in accordance with all applicable State laws; the use must be registered and licensed by the State and shall comply with any applicant standards of such licensing; and that proof of state registration and licensing must be provided to the City within thirty (30) days of receiving such license.

3. If additional outdoor use areas/times are proposed, if the intensity of the use increases, or if the use becomes otherwise inconsistent to what has been presented as part of this application (etc.), City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval.

4. Hours of operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.

## DISCUSSION

### 2025-0013 Zoning Ordinance Amendment Discussion

*(Memorandum prepared by McLeod and Roediger dated 1/8/25 and Draft Administrative Zoning Ordinance Amendments had been placed on file and by reference became a part of the record hereof.)*

*Mr. McLeod stated that staff has a constant desire to try to clarify and improve the regulations, and noted that the Planning Commission will see administrative amendments come forward every once in a while. He reviewed the various proposed amendments, reviewing them as follows:*

*- The first amendment proposed is within the Ordinance 130-38 that creates the Planning Commission as a body. Within that ordinance is language regarding the requirement for public hearings for plats and site condominiums, and is in an area that someone would likely never look for this language. This language would be moved into the Zoning Ordinance.*

*- The next proposed amendment is relative to public hearing procedures. 138-1.203 notes that for conditional uses, planned unit developments or rezonings, signs are required to be placed in the front yard of the proposed development or application and that was always the burden on the applicant. The City will now install the sign, and they have been constructed through the City's sign shop and the applicant will pay a fee for each one of these applications to place the sign. This allows control over when the sign is placed and when it is removed, and provides uniformity in terms of signage. Staff was beginning to get word that some of these signs were becoming very expensive, with one applicant told that their sign would be \$2,500, which staff felt was incredibly unfair. It is not uncommon for cities to provide the sign. The first part of the proposed amendment takes out the requirements and the description of what it will look like for each applicant; the second part of the amendment describes when the public hearings are required which is the language that was removed from Ordinance 130-38 just mentioned.*

*- The next set of amendments is relative to site plan expirations. Right now approval is valid for one year and then an amendment or extension could be requested. Staff has been seeing that many applicants are going right up to that year timeframe or beyond; and especially since COVID, the process has slowed down on the applicant's end whether it is the engineer, or architect or construction costs. This proposed amendment tries to provide some relief to the process as they go through engineering or building permit reviews. Normally when a site plan leaves the Planning Commission, a conditions review*

*is required and there are times when that submission does not come in for six, seven or eight months. The thought is to extend this out to two years and the language is simplified to say the approved plan and then take out reference to the conditions review.*

*Chairperson Brnabic suggested stopping for any questions prior to moving on.*

*Mr. McLeod continued reviewing the proposed amendment regarding site plan expiration, noting that it maintains the five year timeframe for construction. He pointed out that they are removing the reference to 180 days of continuous work on a site, and he explained that the Planning Department is not staffed to be out on a site and track whether someone may be actively working on a site at a particular time. He pointed out that the Building Department is out on sites all the time and has a 180-day cessation reference as well. If their building permit lapses, at that point Planning can get involved in the conversation as to what that really means. He noted that the number of extensions is being increased to three rather than just one administrative and one Planning Commission extension, with those three being administrative extensions. He stressed that it would not be to allow a change or amendment to the plans and just means that someone is needing additional time to get construction materials or get financing lined up. He stated that changes to plans would be dealt with separately and an independent decision made as to whether the plans have to go back to the Commission or City Council. The extension would be solely for plans that remain as were they approved.*

*Mr. Hetrick asked if this applied to any kind of development.*

*Mr. McLeod noted that extensions are not automatic and the applicant could apply for them. He commented that many of these real estate development deals are very intricate now with many moving parts. He mentioned the Priya senior development, and noted that they came up to their one year site plan approval and received an extension at the 11th hour. He stated that they received their Land Improvement Permit, and then did not do anything for six months which tripped their 180-day requirement and their site plan became null and void. He explained that staff has received word that they want to resurrect the project, and this could have been a project that the City could have kept going. He added that the Gerald was another project that fell victim to a site plan extension that could not go any further, and their site plan became null and void and had to come back to the Commission for a new approval. He commented that luckily it was moved forward as fast as possible and did not kill the deal, and he noted that with this provision it could have moved forward without any hiccup.*

*Mr. Hooper suggested that he does not have a problem with the initial two years, but would favor one year granted by the Planning and Economic Development Director and another granted by the Planning Commission for a total of four. He commented that if something is not done by four years, there is something else going on. He pointed out that Priya started out and then went vacant with weeds growing everywhere, and stated that things could become a nuisance or eyesore and could become a code enforcement problem.*

*Mr. McLeod stressed that these extensions are solely for the approval of site plans.*

*Ms. Roediger commented that this probably happens more than anyone would think. She pointed out that both of Mr. Polyzois' projects, Cambridge Knoll and Camden Crossing, are coming through again. She mentioned that there are probably a half dozen sites that were approved prior to her tenure with the City that are still under construction, and listed The Enclaves, Pinewood, and Villas at Shadow Pines. She noted that these neighborhood developments are planned out far in advance and construction may go out two or three years in the future. She stated that while she has no issue with what the Planning Commission would ultimately decide, she would stress that it happens more often than people may realize and it is taking longer to get these developments into the ground.*

*Mr. Hooper stated that four years seems reasonable, and if they haven't done anything in three years it ought to come back to the Commission.*

*Ms. Roediger noted that Andover's site plan date was 1999 and it was just built four years ago.*

*Ms. Roediger stated that it is common for residential neighborhoods especially, and pointed out that Townhomes at Maple Hill still has not gone vertical.*

*Mr. Hooper stated that this would not apply to Maple Hill.*

*Ms. Roediger responded that the plan is vested and the road is installed. She added that it is the same with Commons South and a lot of projects have installed infrastructure and underground and then something happened financially or the market dictated a delay. She stressed that this is for those projects that have not begun and nothing is vested.*

*Ms. Roediger stated that was correct, and she added that this sometimes leads to complications because they have different expiration dates for various State agency permits.*

*Mr. Hetrick commented that this is what they saw with Mr. Polyzois where he had to come back in, pay his fees and have a different tree ordinance apply to the project.*

*Ms. Roediger stated that this is also true for extensions, and the ordinance does say that the Planning Director can only make extensions if the ordinances have not changed; however, if Ordinances have changed, the applicant must meet the new ordinances. She stressed that they do not get grandfathered into more liberal ordinances.*

*Mr. Hetrick commented that if they received extensions, they would not have had to pay additional fees.*

*Ms. Roediger responded this is correct. She stressed that they are still upheld to the current day standards and are not grandfathered in to an older standard.*



*Chairperson Brnabic stated that she absolutely agrees with Mr. Hooper. She noted that she had a brief conversation with Mr. McLeod today in regard to this and would support the two-year initial timeframe, one extension by the Department, and then coming back to the Planning Commission. She stated that her bigger concern was the question mark on the final site plan continuing for five years and then having the option to three one-year extensions, making eight years. She commented that her concern is that no neighborhood should be exposed and have to put up with the construction process for eight years.*

*Ms. Roediger reiterated that the extensions being talked about in subsection four are only on the upfront and are relative to paper and motion approvals. She noted that this would not extend the five-year timeframe for construction and if a project does technically go beyond five years, she stated that the reality is that one cannot just say stop because everyone probably wants the project finished at that point. She stated that this is when code enforcement and legal gets involved. She stressed that the extensions in section four are just about the upfront approvals and are relative to the instance if someone is having trouble getting their ducks in a row in terms of financing or construction materials. In theory it is always hoped that they finish quicker than that, and a developer typically wants that too because time is money. She stressed that the extension was on the front end before dirt was moved, and the five years for construction was not changing.*

*Ms. Neubauer stated that she keeps getting complaints about a particular development where the Sheriff had to come in and take two families that have been living in the backyard of an undeveloped property under awful conditions and it is an eyesore. She commented that she understands giving an extension at the beginning to protect their interests, but asked if there was a way that the five year timeline could be adjusted so that they do not have this gargantuan amount of time to decide what to do with their properties. She stated that while time is money, some developers have so much time and money that they really do not care and can leave a property in disarray.*

*Ms. Roediger asked whether the development mentioned is a half-constructed building.*

*Ms. Neubauer responded that construction has not started yet and explained that it was a building that was purchased and came in front of the Commission and Council denied a part of it, and now the plan has lapsed and if they want to do something with it they have to come back. She stated that they are not eligible for extensions as the Ordinance has changed. She commented that they need to figure out a way to prevent the ability to have an eyesore in the city.*

*Ms. Roediger responded that this is a policing matter in terms of the homeless.*

*Ms. Neubauer stated that there is exposed wire, cement that has been knocked over, structures that are falling and brick in disarray. She commented that if someone comes to the City and then does not do anything, there should not have this long of a time.*

*Ms. Roediger noted that the site in question is more of a blight issue and is something that the City could work with police and Ordinance to control, and would be complaint-based. She commented that this would be the same based on the five years because construction never started.*

*Ms. Neubauer asked if there was anything that could be done to not give five years before they have to start something, perhaps three years.*

*Ms. Roediger responded that this goes back to the extensions, and this is one example while she can provide 30 examples on the flip side. She stated that this is not the norm, and between nuisance ordinances and police power it should be handled.*

*Mr. McLeod added that the five years assumes that construction is ongoing and is not a scenario where nothing happened. He stated that if nothing happened, their site plan does become null and void. He stressed that the provision talks about ongoing construction, and he pointed out that the building permit does have a lapse in it. If they do not do work on the site for six months, in theory the building permit can be pulled. He commented that the question becomes what does the City do with a half-built or quarter-built building and that is a bigger issue that cannot be handled in a zoning ordinance.*

*Ms. Roediger noted that the IAGD building has been under construction for years, and she asked whether the City would make them tear it down. She commented that it is technically a legal issue, and she stated that she feels that the Building Department's regulation of a continuous six months gives the City the police power to do something, so they put up one more thing or move one piece of equipment. She stressed that at least it makes them move forward.*

*Ms. Neubauer commented that as long as there is a way to move things along rather than giving an opportunity to delay she would support this. She stated that an additional extension is an opportunity to delay, but she stated that staff is saying that this is an opportunity to move things forward.*

*Ms. Roediger stated that this is what they are talking about, at the front end where a lot of approvals where things have not changed must be redone because they cannot get the project off the ground within that one or two years for financing or other reasons. She stressed that no site would have been disturbed yet, and staff finds themselves babysitting projects. She mentioned that she cannot tell the Commission how many times they have notified Juan Blanco's that their site plan would be expiring and they are trying to get away from that to a degree.*

*Chairperson Brnabic asked why these projects aren't moving forward.*

*Ms. Roediger responded that financing is a really big thing, and many projects are changing ownership.*

*Mr. McLeod added that while this is not the case so much anymore, coming out of Covid meant that steel production was two years out, and a major project could wait 18 to 24 months for steel. He commented that they cannot have a*

*site partially developed and waiting on steel, so they just prolong everything to be able to sequence it correctly.*

*Ms. Roediger stated that this is so plans do not have to be redone that meet the ordinances when they were approved and have not changed. She commented that they will still hold them accountable to current ordinances. She pointed that both of Mr. Polyzois' projects came back with revised plans that met revised tree and stormwater ordinances.*

*Chairperson Brnabic commented that she was glad that the Gerald came back as this was one instance where it afforded the opportunity to condition the full brick which had not been conditioned in the first approval.*

*Mr. McLeod stressed that if there is an issue where the plan changes or is not in accordance with the Commission's directives, staff would ensure that those plans end up in the same direction that the Commission wanted it to go. He pointed out that in that case, the plans came back to the Planning Commission after expiration. He added that the extension is not an amendment or a change in plans, it would just be that they needed additional time; and consideration of changes to those plans would be a separate decision in total and would be processed accordingly.*

*Ms. Roediger commented that she is glad the Gerald worked out the way it did, but noted that it could have easily killed the deal as well. She explained that they first called and stated that they wanted to break ground, and she had to tell them that their approval had expired. She stated that luckily the new owner had the time and ability to proceed; however, she would have hated to see that as a technicality that it was one month and one year as opposed to one year. She stressed that there is enough protection that if things change or if there is an interpretation to be made, it can be brought back. She added that it gives the ability to hopefully keep projects going and not have to go back and do new review fees, publications and everything all over again.*

*Mr. Struzik stated that he likes the idea of giving a little bit of flexibility before the shovel hits the ground, and noted that for properties where a redevelopment has been approved, it would give additional flexibility in not making them come back and could allow the property to redevelop more quickly. He stated that he can think of a couple of properties that are in limbo with an existing structure that is falling apart and a large parking lot that has weeds growing through it. He commented that in those cases he wants redevelopment, and the idea of flexibility before the shovel hits the ground takes some administrative burden off of staff and makes it easier to do business in the city while still providing protections to residents and property owners.*

*Mr. McLeod continued to describe additional proposed ordinance amendments as follows:*

*- Section 138-4.101, Zoning Map and District Boundaries. Mr. McLeod explained that this change is simply redirecting the interpretation provision from the Building Official to the Planning and Economic Development Director.*

- Section 138-4.200 Mr. McLeod noted that this proposed change adds R-5 into the title for that section.

- Section 138-4.300, Table of Permitted Uses. Chairperson Brnabic pointed out that the table mentions up to four units attached, which is quads. She commented that she did not remember the Commission totally agreeing to quads when they added that district.

Mr. McLeod responded that right now staff feels that the ordinance is not very clear for this provision, so the proposed change simply separates R-5 versus the BD District and tries to include everything into the table. He commented that if this is an item for debate on whether four is appropriate or not, it is a larger discussion. He suggested that it can ultimately be borne out of the Master Plan, and the Master Plan would trigger a Zoning Ordinance amendment. He stressed that these proposed amendments are designed as more of an administrative cleanup of things. He stated that the idea is that this is fully distinguishing between what is allowable in R-5 versus the Brooklands.

Ms. Roediger explained that the reason this came up was from the last Auburn Oaks because there was some confusion at Council about the regulations that talked about these units as it related to Angara Oaks. She stated that it was not clear in the footnotes that it only referred to R-5.

Mr. McLeod continued that in similar fashion in the second part of the table, it clarifies that existing gas stations only within the Brooklands District are permissible. He explained that a lot of people currently read that section and feel that you can do gas stations within the BD district, and the intent is to fully explain that for the BD, it is solely for existing stations, and no new ones are permitted. He added that it is the same thing with drive-throughs.

- Section 138-4.425, Outdoor Storage. Mr. McLeod stated that this provides clarification by removing the word Accessory and declaring that storage areas, whether accessory or primary, need to be paved. He mentioned the newly developed site on Hamlin Road with a gravel surfaced parking lot that covers multiple acres, and he noted that when they went out to do the final inspection, the gravel was already starting to deteriorate. He added that there are certain instances where paving may not be desirable, for instance if they are storing bulldozers.

- Section 138-5.205 Standard Methods of Measurement. Mr. McLeod explained that this was requested by the Building Department, noting that they just want clarification in terms of what counts for lot coverage and what does not. He stated that they are making interpretations now, and they have asked for clarity in terms of attached and detached accessory structures in terms of open and closed porches. He noted that anything that is on the ground does not count for lot coverage, and anything up in the air, for enclosed porches, does count.

Mr. Hetrick asked if a detached garage is counted toward total lot coverage.

Mr. McLeod stated that it is, and explained that for all structures on a site, there

are percentage maximums, and Building wants it clarified that attached and detached accessory garages and other structures count toward that amount as well as porches that are attached to the house.

Mr. Hetrick commented that there are a number of houses in parts of Rochester Hills with detached garages that may not meet code after this change.

Mr. McLeod stated that Jodi Welch of the Building Department requested this change, and he suggested that he could get some further explanation or have her at the next meeting if the Commission would like. He noted that this would define roof structures such as a pergola and note when it counts as a structure and when it does not. He commented that they have people who play games about how open or wide the slats have to be or how far the boards have to be separated before it counts as a roof structure versus a non-roof structure. He mentioned that this was born out of a ZBA case where a gentleman had a deck previously in the front yard for a front porch and if he built the same exact structure out of concrete it would have been permissible. He explained that this simply allows for that same type of exception or allowance for a structure to be built in the same instance as a front porch or stoop. He noted that in this case it was the only means of entrance into the house, and he commented that this will hopefully alleviate that kind of situation from happening again just by allowing a deck structure.

- Section 138-10.107 Fences. Mr. McLeod noted that this change states that for non-residential, it has to be decorative in nature and takes away the standard chain link. He explained that in some instances where the Planning Commission has the authority to approve it, it must be vinyl coated otherwise it has to be a more decorative-type fence and also eliminates fences within the front yard for non-residential properties. He stressed that for residential properties, it remains as-is.

- Section 138-10.311, Dumpster and Trash Storage Screening. Mr. McLeod explained that the change is proposed to make sure that if there will be dumpsters a property, they are fully enclosed and up to the City's standards. He stated that this provides that the enclosure has to be masonry to match the building and have a suitable enclosure gate to it, and that the enclosure must be six foot tall. He commented that right now, someone could make the case, especially for industrial sites, that they do not need a dumpster enclosure, or if they do, it could be a chain link fence; and he stated that this is not up to City standards.

Mr. Struzik asked what the enforcement mechanism is for keeping doors closed on the enclosure.

Mr. McLeod responded that while he is not speaking for Code Enforcement, typically it would be when trash actually starts blowing out of it and that is usually what prompts the call. He commented that he would hope that as Code Enforcement officials are going around when they see gates open they will tell the business owner; however, the real answer is most likely when a call comes in to say that there is trash blowing around and the gates are open. He stressed

that if it consistently happens, enforcement would ramp up from there. He explained that unfortunately it is not uncommon where whoever sets the dumpster down may not push it all the way into the enclosure.

- Section 138-10.401, Solar Energy Systems. Mr. McLeod noted that this change adds temporary and permanent to the provisions in this section. He explained that this comes from the Building Department as one of their requests, and stated that in both instances they would be regulated by Ordinance.

- Section 138-11.205, Bicycle Parking. Mr. McLeod explained that this adds into the Ordinance the bike racks that have been required on site plan reviews.

- Section 138-11.305, Stacking Spaces. Mr. McLeod explained that there is no change to this section other than aligning it to the stacking space requirement that is in the drive-through provision that was approved last year, and he pointed out that this change was omitted at that time.

- Section 138-12.108, Performance Guarantee. Mr. McLeod stated that this is in reference to landscape bonds. He stated that the way the City has handled bonds does not really match what the Ordinance states. He noted that what the City does is basically get one bond for 100 percent of the landscaping and once it is installed, they release 75 percent of the bond and keep 25 percent for performance. Then after two years a review is done. He explained that in the Ordinance right now, they technically do not have to provide a bond. He stressed that even the Engineering Department, as a part of their Land Improvement Permit, requires a bond for landscaping, and he commented that this is trying to bring the Ordinance into current practice and ensure that the landscape bonds and performance and maintenance bonds do not expire. He mentioned that there have been a couple of situations where they have gone to pull a bond and there is no money to be had.

He added that requiring that the owner post the bond also works from the standpoint that they do not want the owner coming back and asking what the bond is on their property, and is to ensure that the person providing the bond is the one ultimately responsible for the project. He noted that this has come up with the Townhomes on Maple Hill where there are three owners involved. He stated that staff is working their way through that one, and wants to ensure that the Ordinance backs up what they currently do.

He explained that once they call for final inspections, typically when they are getting their temporary or full CFO, if at that point they approve the landscape inspection staff releases 75 percent of the bond and it goes down to 25 percent, which is kept for two years. At that point, if everything is still alive, then the full bond is released. If they need to replace things, they are required to do so.

Ms. Roediger commented that she thinks that this proposed change and the signage change are Ms. MacDonald's favorite portions of the Ordinances as they will help her explain things to the applicants and will reduce headaches.

Mr. McLeod noted that if the Commission is in agreement, these proposed

*changes with the one change discussed relative to the time for extensions would be taken to a public hearing at the next Regular meeting.*

**Discussed**

## **ANY OTHER BUSINESS**

*Chairperson Brnabic noted that the next meeting will include a 5:30 p.m. work session.*

## **NEXT MEETING DATE**

*February 18, 2025 5:30 p.m. Worksession*

*February 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 9:00 p.m.*

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*Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission*

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*Jennifer MacDonald, Recording Secretary*