



Rochester Hills

Minutes

Planning Commission

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

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

Tuesday, May 16, 2023

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the May 16, 2023 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

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

Others Present:

Sara Roediger, Director of Planning and Economic Dev.
Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary
Siddh Sheth, Rochester Hills Government Youth Representative

Mr. Dettloff arrived at 7:03 p.m.

Chairperson Brnabic welcomed attendees to the May 16, 2023 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

[2023-0237](#) April 18, 2023 Meeting Minutes

Ms. Denstaedt requested that her statement under the AR Workshop Conditional Use request be changed to read "Ms. Denstaedt asked if there were opportunities for tasting aside from doing projects."

A motion was made by Hooper, seconded by Neubauer, that this matter be Approved as Amended to reflect Ms. Denstaedt's change to the AR Workshop item discussion. The motion carried by the following vote:

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

COMMUNICATIONS

None.

PUBLIC COMMENT

Seeing no speaker's cards and no one wishing to speak, Chairperson Brnabic closed public comment.

NEW BUSINESS

2023-0239

Public Hearing for Proposed Nonresidential Zoning Amendments

(McLeod Memo dated 5/16/23, Giffels Webster Memo dated 5/9/23, Draft Ordinance, Rezoning Map, Proposed Tables and Redlined Version, District Comparison, Public Hearing Notice and Notification Letter, Draft Planning Commission Minutes of 4/18/23 and Worksession Minutes of 11/15/22 and 10/18/22 had been placed on file and by reference became a part of the record hereof.)

Chairperson Brnabic introduced this item noting it was a Public Hearing for proposed non-residential zoning amendments.

Jill Bahm and Joe Tangari, Giffels Webster, were in attendance.

Ms. Bahm stated that a lot of work that has been done over the past year and a half in studying these issues, and explained that she would be presenting a quick overview of the background and purpose for the proposed changes, an overview of the proposed district consolidation and use consolidation, proposed changes to the standards, and then review the next steps. She noted that at the 2022 Joint Meeting of the Planning Commission and City Council, opportunities were introduced to simplify the Zoning Ordinance, with the goals to make it easier to use and understand while still ensuring that the goals of the City were met and were consistent with the City's Master Plan. She stated that it was reintroduced at the January 2023 Joint Meeting, having followed the updates and amendments to the FB district that took place in 2022.

She noted that the goals of the study undertaken to look at all of the non-residential districts were to initially encourage economic vibrancy throughout the city by allowing some flexibility in the Office, the REC and the Business Districts. Conversations included potential vacancies or in the case of some properties very few vacancies, and trying to make things available for all the uses that are needed and wanted in the city; improving higher wage job creation by supporting traditional industrial research and manufacturing, noting that those are the uses that spurred the study a year and a half ago; and providing space for non-traditional commercial uses that benefit city residents and improving the relationship between residential and non-residential zoning districts. She stated that in terms of permitted uses, some of what came to light after the FB district study of 2022 were some of the areas of conflict noted between residential and commercial uses and the side effects of some of the

commercial and industrial activities, such as parking, noise, and things of that nature.

The proposed refinements and amendments to the list of uses to the zoning standards and the zoning map were to streamline the zoning districts and rezone parcels. She stated that this includes an update of the intent statements, simplifying the list of permitted uses, and a consolidation of uses. She explained that this helps ensure consistency and compatibility between the districts and provides new standards and definitions for specific uses that often have external impacts on adjacent uses, particularly those abutting residential. She noted some of the changes included the REC district, pointing out that REC stands for Regional Employment Center, and not recreation; and she commented that this has been one of the points of confusion over the last several years. She stated that the district was created 10 years ago as an effort to attract businesses and jobs to the city. After that, four districts were created, two of which were on the zoning map, and two which were essentially paper districts that did not regulate any land but were provided in the standards in the event that the changes were made. She explained that the districts have been renamed and the uses refined in line with the overall goals associated with the City's long range plans.

She commented that once this was started, it led to more changes, including changes to the B-1 and O-1 districts. As they reviewed the B-1 and O-1 districts, they found that they were scattered around the city and were fairly limited in nature with a partial list of overlapping uses. She commented that the thought to just combine the districts did not always work, so careful study was given to where and how to consolidate and to what district.

She explained that the B-5 district was probably the most straightforward, as they are primarily auto service uses located almost entirely at the corner of two thoroughfares; and to consolidate those to Neighborhood and Community Business was considered on a case-by-case basis and new zoning designations assigned accordingly.

She stated that the ORT also serves some overlapping functions with several other districts and was also scattered over disconnected areas. The amendments removed this district and again these properties were reviewed on a case-by-case basis, considering the surroundings as well as the existing uses..

She explained that the proposed district consolidations were color coded on the zoning map and hopefully that made sense. Districts were renamed to provide more clarity. They would be removing the B-1 district, and B-2 instead of remaining B-2 would be renamed to Neighborhood Business. She stated that the idea is that neighborhood businesses primarily serve residents in the immediate area. B-3 becomes Community Business, still serving a local population, but a broader area of customers. The REC-I district becomes Highway Business targeted at people passing through the city along M-59 and the REC-W becomes Employment Center, renaming it to reinforce the point of the district. ORT becomes Office as well as Employment Center and Highway Business depending on where those properties are located, and O-1 because it

will be the only O, will be O Office.

She stated that the map has been available for several months and the Planning Commission has discussed these for quite some time.

She noted that with the proposed use consolidation, their goal is to clarify the terms and better align the uses with the zoning districts. New definitions were added and they are more broad than the current terms are, but that gives the opportunity to be more flexible and adapt to future requests. Some of the new definitions and new categories require refined or new use standards, and those are identified as well to ensure they are compatible with other uses and uses in adjacent residential zoning districts, related primarily to the size of the uses that are being discussed. She mentioned places of assembly and places of worship noting that as they identified to rezone properties from a B-1 or O-1 to Neighborhood Business, some of those parcels may be in those areas where people do not expect to see something quite significant in size. She explained that those are split between under 5,000 square feet and over 5,000 square feet, with the smaller uses being permitted, and the larger uses being conditional uses. She stated that places of worship are still permitted in the residential districts and conditional in the Single Family districts, and that has not changed.

She noted that one of the larger categories is health, recreation and physical educational facilities. She explained that this replaces several terms in the district that all seem to be a little bit different from each other and did not necessarily fit all the uses that someone might come to the City requesting occupancy. She stated that currently they had private indoor recreational facilities, studios or instruction centers for music, art, dance, crafts, martial arts, among other uses. She pointed out that there are also other uses like bowling alleys and laser tag and stated that those would be more like private indoor recreational activities. She commented that they have observed that those have similar kinds of impacts in terms of parking and in terms of the size of a structure. Therefore, they have looked at uses under 5,000 square feet permitted in all non-residential districts and conditional in the Employment Center district and then over 5,000 square feet conditional uses in Neighborhood Business and Employment Center and then permitted in Community Business and Highway Business.

Ms. Bahm mentioned other things to note include removing outdoor dining as a use in the list of uses, because it's already covered by sales and service of food outdoors. She stated that retail uses in Office districts had a special line for it and now it is just noted as "a" for accessory in the Office district. She stated that the changes move medical office to professional and medical offices. She explained that it does not change where they are permitted, it just makes it easier to see it all in one spot. She noted that new definitions for light industrial and general industrial include the variety of uses listed in the table are added, again, trying to provide some flexibility and hopefully some clarity when considering the impacts that those uses might generate or leave on our neighboring buildings. Single building retail stores over 75,000 square feet are permitted conditionally in Community Business and Highway Business districts.

She stated that the only other addition is that temporary and other uses for

home occupations are to be permitted where residential uses are permitted in the Brooklands and FB overlay, and that is consistent with other residential districts.

She explained that some use standards were created, including new use standards for gas stations because they are now conditionally permitted in the Neighborhood Business and Community Business districts. She pointed out that they are permitted in the Highway Business district where they were previously only in the B-5, but that district will not be there anymore. She commented that they do have some of the standards that are being carried forward, and existing gas stations are still permitted in the Brooklands District. Additional standards were added for health, recreation and physical education facilities to note that regardless of size, the applicant shall demonstrate there is safe and adequate circulation in parking for the maximum number of users at any one time. She noted that this puts the burden on the applicant to be able to really understand their business and demonstrate that to the satisfaction of the Planning Commission and/or City Council should it be a conditional use that an additional permission is required that they are able to move people about whether they're walking or driving through a site in a safe manner. Outdoor activity areas may be conditionally approved where the principal use is permitted, so that might be batting cages or something of that nature that is outside without any real size restriction on it. She noted that there are some additional use standards for small scale breweries, wineries and distilleries, looking at an onsite retail component that's at least 25% of the size of the facility; and then when it's permitted in the Neighborhood Business district, that retail component should be at least 50% of the size of the facility. She stated that as the Public Hearing is being held this evening, whenever the Planning Commission is ready to do so that would be a recommendation from the Planning Commission to City Council; and City Council takes final action.

Chairperson Brnabic asked if staff had any additional comments.

Ms. Roediger stated that she thought that the Giffels team did a really good job working with staff over the past year and a half to begin and take a very winding road to get where they are today. She pointed out that she and Mr. McLeod just discovered earlier this week in the Schedule of Regulations that the intent was not to really change setbacks for different things; but in the course of combining and consolidating some of the districts, one of the things to make a note of is the CB district currently has a 50-foot side yard setback for two, but a minimum of 25 on one side. She stated that many of the other districts have what is referred to as a 0 and 50, where they could have five feet on one side and 45 feet on the other. By establishing the 25-foot minimum, they would make quite a bit of the sites non-conforming and it is not their intent. She noted that this could be added very easily in Section 138.5.101 there is a footnote F - sideyard setbacks, and there is currently a No. 3 that refers to Community Business and says when it abuts a residential district it should have 75 feet setbacks, so it increases the setback when it is next to residential. We just propose adding that it can be down to zero feet with a minimum of 50 feet total side setbacks when abutting another Community Business district. She explained that this would not create non-conformities that were not intended. She stated that other than this item, it has been a big effort and she would extend kudos to Mr.

McLeod and Ms. MacDonald. She mentioned that over 3,000 mailings went out, Mr. McLeod developed an awesome website with the City's MIS team to allow clicking on every parcel to see what was going on.

Chairperson Brnabic pointed out that in the chart of permitted and conditional uses by district, it states that places of worship under 5,000 square feet are now permitted; however, the statements there that you were adding BD and Office districts, it is a conditional use in BD and it is listed as a conditional use on the sheet. She commented that this should probably be removed before it moves on to City Council.

She added that they also received an email from Tony Curtis from Papa Joe's Market and shopping center, Tom Langan from Avon North Hill Lanes, and Ryan Chenkowski from Tienken Court Center, all objecting to being zoned Community Business. She opened the public hearing.

Thomas Langan, 131 Osprey, Walled Lake, stated that he and his wife Maureen are the owners of Avon North Hill Lanes. He stated that they have been in business there for over 30 years now, previously over what is now Barnes and Noble which used to be Avon Recreation Center, and since 1994 at Avon North Hill Lanes. He commented that he thinks it is a great plan, but there are some misses and one is not to think that the bowling alley is a Community Business. He pointed out that Papa Joe's Shopping Center and Hollywood Market are also Community Business and they are all located at or near the corner of Tienken and Rochester Roads, which is a major intersection in the city. He stated that those roads carry plenty of traffic. He stated that there is a lot of east-west traffic that flows on Tienken in the morning and at night coming and going back and forth from work. He commented that they fit more appropriately into the CB zone and should be put into that classification. He requested they keep in mind that they would not be able to rebuild the bowling alley if it burned down under Neighborhood Business without conditional approval going forward. He added that the size of their building will always be defined by its relative space to the property overall, and they would not be able to come in and seek anything close to 75,000 square feet unless all the adjacent properties were torn down, or anything larger unless they receive conditional approval under the CB classification for a larger facility. He asked that they be reclassified based on location and the new framework.

Chairperson Brnabic stated that she noticed in Mr. Langan's letter that he thought that the Hollywood Plaza was zoned CB, and it is zoned NB.

Mr. Langan responded that he would suggest that this is not the right classification.

Ms. Roediger commented that she and Mr. Langan have chatted a couple of times about this property, and explained that it really started when they got rid of the B-1 and B-5, they really zeroed in on each of those areas and looked at what that area functioned as. She stated that currently at Rochester and Tienken, they have B-2, B-3 and B-5, O-1, and ORT - a mixture of all of those at that intersection. In their discussion about what should the character be of Rochester and Tienken, the consultant team and staff discussed this and felt

that this intersection is really the only intersection north of downtown Rochester; so the uses that go there are generally serving that northern Rochester/Oakland Township community. The main things permitted in CB that are not permitted in NB are hotels, big box retail, and the difference of having places of assembly and recreation/health/education, and having the over 5,000 square feet be a conditional use. She stressed that it is still permitted as a conditional use. She confirmed that in her discussions with Mr. Langan, it is still a use that is currently permitted, and if it were hit by a tornado or damaged in a fire, considering that it has always been functioning as a bowling alley, she thinks the City would be pretty accepting in replacing it due to a natural disaster. She stated that they made a conscious decision to make this intersection more of an NB area rather than CB.

She explained that they envisioned the CB areas more akin to South Rochester Road south of downtown Rochester, with more of the larger big box uses. She commented that if the Planning Commission wants to reconsider this, they are open for discussion.

Ms. Bahm commented that the point of this area being north of downtown Rochester does change a bit the context of that area. She stressed that it does remain a conditional use so it is still permitted.

Ms. Neubauer commented that sometimes when they have had these kinds of discrepancies, confusion or concerns, it is more easily resolved by tightening up the definition and she asked if there is a way this can be resolved by tightening the definition between these two districts so that hotels cannot go there, or altering the intent statement. She commented that as a property owner she can understand their concern as if something happens, how can they guarantee that they will be safe. She mentioned that she has had her kids' birthday parties at the bowling alley and knows that they have been there and have been contributing the community, and so is Papa Joe's and Hollywood Market, and they want to make sure that they are happy business owners. She stated that she knows that they would very easily grant the condition for them to rebuild and keep themselves the way they are; however, she understands wanting something in writing. She asked if there was a way to tighten up the intent statement or the definition section to ease that concern.

Ms. Bahm stated that this is a good question. She commented that this is the sort of push and pull that they have had through the last year of discussion. When they think about tightening up the definition, they ask what the other impacts that could happen from that, and she noted that another similar use not being so great or fitting in that situation. She stressed that they do not want to change something with a specific business in mind without considering how it would affect other uses. She confirmed that it would still be a conditional use.

Ms. Neubauer asked that if the intention leaves a gap for misunderstanding, why couldn't the gap be closed.

Ms. Bahm responded that the conditional use process really allows for a more specific look at a business and its operation and conditions that the Planning Commission might impose on a business to address some of the external

impacts without changing it to just be permitted. She stressed that the conditional use process is reasonable that way, allowing them to demonstrate that they are compatible and that they have plenty of parking circulation, noise is not a problem; and it protects adjacent businesses or residential properties from someone similar that may have an exterior component that adds other types of functionality. She stated that two similar uses could have different operations.

Ms. Neubauer asked how many are classified NB versus CB.

Ms. Roediger responded that NB includes all the current B-3 properties plus some were added. She stated that she wanted to clarify that particularly at this intersection, everything in those shopping centers are permitted in NB. She stressed that the only use that has this change is the physical education/health recreation. She suggested that perhaps in the intent section they could say something about prioritizing long-standing business owners, so if there was something that was non-conforming, they could point to the intent that says they were trying to work with the existing business owners.

Ms. Neubauer stated that speaking as an attorney, additional language does not always hurt. She noted that behind every regulation, statute and law, they always end up going back to look at the intent. She stressed that they do not have to redefine, but if the language gap could be closed it would be an easy compromise for the community business owners who have been a part of the community for decades.

Ms. Bahm stated that this could be expanded to more than just the NB district, and could be a more broad goal of the zoning ordinance. She suggested that it could possibly be put under non-conformities. She stated that they could move on this and then always refine as they go as they will always be making tweaks, amendments, refinements and modifications. She stated that the zoning ordinance is never finished.

Ms. Neubauer commented that it could be made a condition in order for it to move on.

Ms. Bahm stated that if they are comfortable with wherever it ends up in the ordinance, because it might not necessarily be right here, it might be put someplace else.

Chairperson Brnabic asked for any additional speaker cards. When asked by Mrs. Langan if Mr. Langan could speak again for her comment, Chairperson Brnabic noted that Mr. Langan had already spoken. Seeing no further public comment, she closed the public hearing.

Mr. Weaver stated that he was along the same lines as Ms. Neubauer and anything that they could do to help clarify that their intent is not to infringe on existing businesses should a catastrophe happen, but it is more of a protection to the city so that if the business decides to sell they do not have a hotel or big box store on the corner. He stated that he would support any sort of adjustment to the language to close that loophole that they are not trying to infringe on his

right to rebuild or expand as long as it is within ordinance.

Ms. Roediger stated that another thing that was done in the past, which was done when going through the Brooklands District, is that they did not want drive-throughs and gas stations in the Brooklands. There is an existing gas station in the Brooklands and an existing drive-through and they did not want to penalize them. She stated that existing facilities could be put in as a permitted use. She commented that this would solve that issue, and pointed out that at this intersection this is the only use that is really a violation.

Chairperson Brnabic commented that there are two gas stations in the Brooklands. She suggested that this might not be a bad idea as this is how that was dealt with in the BD.

Ms. Bahm stated that in that instance they cannot expand, but here they might be able to expand if they went through the conditional process. She commented that this would be a good solution.

Mr. Hooper stated that he would support what Ms. Roediger stated and it is probably the way to go. He questioned what the bowling alley is currently zoned.

Ms. Roediger responded B-2.

Mr. Hooper noted that even going to NB, it allows more things to be placed there, and if going to CB it further expands it which would definitely not be the intent. He commented that NB does provide a few more options but makes them conditional. He stated that it gives more strength to grandfathering them in, as it allows the business to remain as-is as long as the current owner wishes for it to do so. He asked if the language was owner-specific or property-specific.

Ms. Bahm responded that as long as the use does not change it would be regardless of ownership.

Ms. Roediger mentioned that this was the concern of North Shack as they wanted to retire and want to be able to sell their business and have another drive-through use the building.

Mr. Hooper noted that North Shack has done that and there are new owners.

Mr. Struzik stated that he certainly understands the concerns of the business owners and these businesses provide incredible value to the residents of Rochester Hills. He stated that without these places it would not be the same. He commented that he cannot speak for future Planning Commissioners but a business owner that was seeking a conditional use to rebuild an existing business in this scenario would likely receive his support depending on all of the details. He concurred with the idea of a compromise for adding considerations for the existing uses.

Ms. Neubauer stated that adding language grandfathering the businesses specific to the same way it was outlined with respect to the property owner would ease a lot of the anxiety. She stressed that they attempt to represent the

business owners along with the City and do what is best for both. She commented that she is glad that this wasn't an adversarial process and they were able to work together to come up with a reasonable solution pretty quickly on something that affects not just one business but several of them.

Dr. Bowyer stated that she concurs with the idea to add that existing use to avoid the angst of worrying if they have to come before the Commission for a conditional use. She commented that she thinks that Giffels Webster has done a great job putting all this together. While confusing, moving forward it will be easier to understand what kind of business goes where. She noted that she had to almost go through almost piece by piece to determine what would happen and what had changed. She stated that they did a deep dive with Ms. Roediger and Mr. McLeod and she thanked everyone.

Mr. Dettloff stated that having looked at many zoning ordinances over the years, he thinks this really puts Rochester Hills at the forefront and spells out that they are a business-friendly community. He expressed kudos to Giffels Webster and concurred that it was not an adversarial process.

Chairperson Brnabic commented that what she heard that will be part of the motion for adjustment was the adjustment to the language for the NB, the conditional use for existing business, and the side yard setbacks that were a concern for CB.

Ms. Neubauer made the motion to recommend approval of the ordinance amendments with the changes stated on the record regarding the CB setback in 1.38.5.05, and to include language to protect the business owners that are already there to grandfather them in, but anybody else would have to come through with the conditional use. The motion was seconded by Mr. Hooper.

After a roll call vote, Chairperson Brnabic noted that the motion passed unanimously.

Recommended for Approval to the City Council Regular Meeting

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

Resolved, that the Rochester Hills Planning Commission recommends to City Council approval of an ordinance to amend Article 4 - Zoning Districts and Permitted Uses, Article 5 - Schedule of Regulations, Article 6 - Supplemental District Standards, Article 8 - Flex Business Overlay District, Article 11 - Off-Street Parking and Loading, Article 12 - Landscaping and Screening, and Article 13 - Definitions of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update the City's nonresidential zoning districts and ancillary zoning districts along with the necessary associated definitions, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations, with the following changes:

1. To provide language in Section 138-5.101, Footnotes to the Schedule of Regulations, to allow a reduced side yard setback of zero (0) feet provided the total side yard still equals fifty (50) feet in the NB Neighborhood Business district, when abutting similarly zoned properties, to more closely match the existing B-2 General Business District.

2. To provide additional language allowing existing health, recreation and physical education facilities in the proposed NB district to be considered a permitted use and only requiring conditional use approval for new or expanded uses.

[2023-0240](#)

Public Hearing for Multiple Proposed Rezoning

(See also Legislative File 2023-0239 for additional discussion).

(McLeod Memo dated 5/16/23, Giffels Webster Memo dated 5/9/23, Draft Rezoning Ordinance, Rezoning Map, Proposed Parcels to be Rezoned, Proposed Tables and Redlined Version, Public Hearing Notice and Notification Letter, Draft Planning Commission Minutes of 4/18/23 and Worksession Minutes of 11/15/22 and 10/18/22 had been placed on file and by reference became a part of the record hereof.)

Jill Bahm and Joe Tangari, Giffels Webster, were in attendance.

Ms. Roediger stated that this is the companion piece to the previous item, noting that now that the regulations will be changed, this is to apply them to the parcels that were all listed in the notice. She commented that there is not anything new from a presentation standpoint.

Chairperson Brnabic stated that she believes that there were 105 parcels but the total number was not listed in the motion.

Mr. McLeod responded that this is correct.

Chairperson Brnabic asked if the number needed to be included.

Ms. Bahm responded that the number did not need to be included - just the list of parcels.

Mr. Hooper stated that an email was received regarding 3600 W. Auburn Rd., requesting that be a split zoned parcel.

Ms. Roediger stated that the gentleman is in the audience for that parcel, and it is the Michigan Humane Society parcel just west of Waterview in the industrial park area. She explained that the existing parcel is mostly zoned REC-W but there is frontage onto the residential road on the west consistent with the residential in the area. She commented that she knows that there is some new interest in the property and the interest is to develop it for residential. She explained that they were noticed as the REC-W was changed to EC, so that is what is being proposed right now. She stated that they are looking to potentially develop it for residential in the future, which would obviously require a rezoning to a residential district. She explained that this is not something that was contemplated or discussed as a part of this non-residential zoning. She stated that she did mention to the property owner that if you would ask the Economic Development Manager, she would advise against that because we know we have the demand for such spaces in the community that this is a fairly sizeable piece of property, and if they were to split it and have house face on the residential street and preserve that purple piece for another new business in the

community would be her preference. She explained that it is an existing split-zoned property and they are just changing the name.

Mr. Hooper commented that this could always be down-zoned in a future request. He asked about 3949 West Hamlin Road.

Ms. Roediger stated that it will go from ORT to EC, and stated that everything that was permitted in ORT is permitted in EC so there are no concerns for that business.

Mr. Hooper questioned whether they had dealt with the Cloverport property already.

Ms. Roediger responded that this has nothing to do with that property.

Chairperson Brnabic stated that this item also requires a public hearing, and noted that she does not have any speaker cards at this point and seeing no one with their hand raised, she will close the public hearing.

Ms. Neubauer made the motion to recommend approval of the rezonings. Mr. Hooper seconded the motion.

After calling for a roll call vote, Chairperson Brnabic stated that the motion passed unanimously. She stated that this item will go forward to City Council.

Ms. Bahm commented that this was complex and there were some interesting meetings trying to get their heads around it all, and hopefully it was presented in a clear way. She stated that this process, and last year's process with the FB, allowed them to learn a lot about how to present information and engage the community, and she thought that staff did a spectacular job coming up with new creative ways to do both of those things.

Mr. Dettloff commented that Rochester Hills can be used as a model.

Chairperson Brnabic stated that the Commission appreciates working with Giffels Webster as well.

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

Resolved, that the Rochester Hills Planning Commission recommends to City Council approval of an ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone the parcels of land as described below and to repeal conflicting ordinances and to prescribe a penalty for violations. Parcels include:

Proposed Parcel Number	Address	Total Acres	Existing Zoning	Proposed Zoning
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1532483025	3980 Crooks	0.42	B-5	NB
1532483005	2044 South Blvd W.	0.22	B-1	NB
1532483006	No Address	0.11	B-1	NB
1532483007	No Address	0.11	B-1	NB
1531101002	3965 W. Auburn	0.13	B-1	NB
1531101041	3931 W. Auburn	0.64	B-1	NB
1531101038	3915 W. Auburn	0.19	B-1	NB
1530351033	3982 W. Auburn	0.83	B-5**	NB
1531101001	3985 W. Auburn	0.39	B-5	NB
1530353031	No Address	0.11	B-5	NB
1530353032	3760 W. Auburn	0.11	B-5	NB
1530353033	No Address	0.11	B-5	NB
1530353034	No Address	0.11	B-5	NB
1530353035	No Address	0.11	B-5	NB
1529452017	2388 W. Auburn	0.36	B-1	NB
1529452029	2384 W. Auburn	0.61	B-1**	NB
1529452034	2364 W. Auburn	0.37	B-1	NB
1529452033	No Address	0.14	B-1	NB
1529452020	No Address	0.47	B-1**	NB
1529452021	2314 W. Auburn	1.12	B-1**	NB
1529453024	2300 W. Auburn	0.50	B-1	NB
1529454023	2955 Midvale	0.70	B-1	NB
1532228128	No Address	0.89	B-1	NB
1533101017	3055 Crooks	0.45	B-1	NB
1533101050	1927 W. Auburn	0.63	B-1	NB
1533101040	1923 W. Auburn	0.53	B-1	NB
1533101041	1875 W. Auburn	1.05	B-1	NB
1532228088	2021 W. Auburn	0.69	B-5	NB
1528452063	1422 W. Auburn	0.34	B-1	NB
1528452064	1416 W. Auburn	0.12	B-1	NB
1528452071	No Address	0.34	B-1	NB
1528453074	1390 W. Auburn	0.36	B-1	NB
1528476067	1220 W. Auburn	1.03	B-1	NB
1528477060	1180 W. Auburn	0.34	B-1	NB
1528477058	1156 W. Auburn	0.41	B-1	NB
1528478056	2993 Corinthia	0.38	B-1	NB
1528478057	1060 W. Auburn	1.47	B-1**	NB
1527351009	No Address	5.74	B-1**	NB
1534101003	981 W. Auburn	0.46	B-5	NB
1534101027	991 W. Auburn	0.52	B-5	NB
1528479089	1020 W. Auburn	0.78	B-5	NB
1528451071	1440 W. Auburn	0.77	B-5	NB
1527477067	2728 S. Rochester	3.07	B-5	CB
1527477068	2740 S. Rochester	1.95	B-5	CB
1535100046	No Address	0.30	B-5	NB
1535100044	6 E. Auburn	0.57	B-5	NB
1535100045	No Address	0.30	B-5	NB
1535100003	10 E. Auburn	0.98	B-2	CB
1535100051	3035 S. Rochester	1.21	B-2	CB
1534277006	3420 S. Rochester	1.31	B-5	NB
1535352066	3809 S. Rochester	1.29	B-5	NB
1535352067	No Address	0.31	B-5	NB
1535352019	3841 S. Rochester	0.76	B-5	NB
1536101001	1020 E. Auburn	0.72	B-1	NB

1536101002	No Address	2.52	B-1	NB
1525351043	2955 John R	0.48	B-5	NB
1525351041	1015 E. Auburn	1.26	B-5	NB
1526478007	871 E. Auburn	9.99	B-3	NB
1535226006	996 E. Auburn	0.75	B-5	NB
1527226012	2020 S. Rochester	0.42	B-5	NB
1514351069	No Address	2.03	B-5	NB
1522226022	1010 S. Rochester	0.98	B-5	CB
1515426016	532 S. Rochester	0.38	B-5	NB
1503477038	6980 N. Rochester	0.66	B-5	NB
1510226016	1497 N. Rochester	0.39	B-5	NB
1510226041	1459 N. Rochester	10.15	B-3	NB
1503477015	190 W. Tienken	0.32	B-5	NB
1502300013	No Address	9.60	ORT	O
1509476042	1310 Walton Blvd	1.02	B-5	NB
1509476033	1400 Walton Blvd	8.06	B-3	NB
1515101008	1295 Walton Blvd	0.61	B-5	CB
1508351003	2980 Walton Blvd	0.83	B-5	NB
1517102003	2995 Walton	0.92	B-5	NB
1521376011	1500 W. Hamlin	9.51	ORT	EC
1521376010	1600 W. Hamlin	6.13	ORT	EC
1521376009	1700 W. Hamlin	1.12	ORT	EC
1521376008	1750 W. Hamlin	1.83	ORT	EC
1529151011	2463 W. Hamlin	3.17	ORT, CJ	EC
1529151012	2801 W. Hamlin	78.82	ORT, R-2, CJ**	EC
1529151015	No Address	0.49	ORT, CJ	EC
1529151017	No Address	5.25	ORT, CJ	EC
1529151008	2915 W. Hamlin	0.82	R-2, CJ	EC
1529151016	No Address	1.27	R-2, CJ	EC
1530101004	3900 W. Hamlin	39.13	ORT	EC
1530102001	No Address	1.86	ORT**	EC
1530103002	3901 W. Hamlin	13.06	ORT	EC
1530103004	No Address	9.00	ORT	EC
1530227004	3499 W. Hamlin	11.94	ORT	EC
1530227005	3255 W. Hamlin	5.99	ORT	EC
1530276006	2500 S. Adams	15.12	ORT, CJ	HB
1530401008	No Address	6.11	I, ORT, CJ**	HB
1530326015	No Address	19.53	I, CJ	HB
1530176003	No Address	7.03	ORT, CJ	HB
1530276007	3512 Marketplace Cir.	3.27	ORT, CJ	HB
1530176011	3544 Marketplace Cir.	2.82	ORT, CJ	HB
1530176010	3576 Marketplace Cir.	3.65	ORT, CJ	HB
1530176006	3610 Marketplace Cir.	12.76	ORT, CJ	HB
1530301014	No Address	78.00	I, CJ	HB
1530326016	2744 S. Adams	1.28	I, CJ	HB
1530301040	2748 S. Adams	1.04	I, CJ	HB
1530302040	2754 S. Adams	2.23	I, CJ	HB
1530301044	No Address	0.55	I, CJ	HB
1530301043	No Address	6.03	I, CJ	HB
1530176012	No Address	10.59	ROW, ORT, CJ	I
1530301041	No Address	7.00	I, ORT, CJ**	I

** split zoned property
 B-1 = Local Business

B-2 = General Business
B-5 = Automotive Service Business
CB = Community Business
CJ = Consent Judgment
EC = Employment Center
HB = Highway Business
I = Industrial
O = Office
ORT = Office, Research and Technology
R-2 = One Family Residential
ROW = Right-of-Way

DISCUSSION

2023-0232

Discussion of Site Plan for Oakridge Plaza Retail Addition, 3230 S. Rochester Rd., located between M-59 and Auburn Rd., zoned B-2 General Business District with an FB Flex Business Overlay

(McLeod Memo dated 5/16/23, Site Plan dated 4/24/23, Reviewed Plans dated 1-5-23, Letter from Applicant, Aerial Photos, and Application had been placed on file and by reference became a part of the record hereof.)

In attendance was John Marusich, Architect, 36880 Woodward Ave., Bloomfield Hills, and Ralph Faranso, Property Owner.

Chairperson Brnabic introduced this item noting it was discussion of a site plan for Oak Ridge Plaza, retail addition, 3230 South Rochester Road, located between M-59 and Auburn Road, zoned B-2 General Business with an FB Flex Business overlay. She invited the applicants to the table.

Mr. Marusich stated that he is the architect for the proposed addition and was here to speak in the discussion in regard to parking. He introduced Ralph Faranso, noting that he was the property owner.

Mr. McLeod explained that the applicant is seeking input from the Planning Commission relative to the amount of parking being provided onsite, prompted by site plan review. During the parking review they asked for additional parking calculations to be provided. He stated that they are looking to do a 1,500 square foot addition and based off of current ordinance requirements 214 spaces are required and 160 spaces are provided onsite, making them 54 spaces short at this point. He stated that a building addition based on the current zoning ordinance requirements for parking would not be permissible.

He stated that the ordinance is designed to allow the Planning Commission to take into consideration whether or not all the parking is actually required, in terms of the types of uses and size of buildings. The applicants wanted to see if the Commission was willing to entertain the idea of providing or allowing for some parking modification in terms of the total amount of spaces being provided prior to spending additional money on engineering and plans as there is nowhere on site to add parking.

Mr. Marusich stated that Mr. Faranso has owned the shopping center since 2017 and for the most part has not done any significant changes and the uses have remained stable. He mentioned that the most intensive parking uses are the sports bar, and all during that time he has not had any parking condition overload or problems. He explained that the existing facility with the outdoor café is actually 72 parking spaces under the requirement, and he does not know the history of how it was allowed to begin with as the way it stands it is non-conforming. He noted that drone pictures taken during some key times are available to view. He stressed that they have more than adequate parking for most of the key times, and most of the basic portion is retail that opens up around 9 or 10 a.m. He mentioned that they have a rehab center and a couple of other non-specific retail functions that close even earlier, at five or six, and the bar starts ramping up about 7 p.m. He asked the Commission to perceive it as something such as a shared parking concept where during the times the bar is ramping up, the facility is going vacant; and in converse, when the retail component is at regular usage, the bar usage is minimum. As a sports bar, the maximum peak capacity is usually right around 10 p.m. and all the other facilities are closed and from a shared perspective, there is no conflict.

He stated that they have demonstrated with drone shots that they are only looking for a 1,500 square foot addition, and the retail requirement is one per 300, and they are adding five. He stated that as Mr. McLeod said, they do not want to go into extensive engineering without a feeling that they will be somewhat accepted under the circumstances going forward.

Dr. Bowyer questioned what type of business they are looking to have in there.

Mr. Faranso responded that at this time it is unknown, but he is sure at 1,500 feet it will attract a lot of users and would not have more than a max five car parking.

Dr. Bowyer mentioned Be Seated Leather furniture, and stated that the whole dynamics of the plaza would change if someone came into that larger area and was attracting a lot of business. She stated that she wants to think of the future and asked how long Be Seated Leather furniture's lease is for, and stated that if that changed to something it could create a lot of concern. She commented that she would not have any issue with it with the current dynamics, but she would be looking at the future because that is a large business area if it changes the parking dynamics. She asked how long the lease was for the furniture store.

Mr. Faranso stated that he does very well there and the store has a five year lease with a five year option, and he has asked him to expand.

Mr. Gallina stated that he appreciated the drone footage with different times of day and different days. He pointed out that even looking at Saturday at 6:00 p.m., there is still a significant amount of parking in the front and there really isn't a lot of traffic. He stated that to his knowledge the addition would subtract five current parking spaces, four regular and one handicap, and he believes in some of the planning that they would move that handicap parking toward the front. He stated that for the footprint that is being asked, he does not see any concern

with it personally.

Mr. Struzik stated that when it comes to parking he has the largest concerns when the consequences will spill onto residential streets, and there are conditions for this type of scenario where their property is. He noted also, that he does not like paving the city blindly to meet a requirement; why require three times the amount of parking for businesses don't need it. He commented that while it is technically not mixed use, it is because there are some businesses open during the day and others that ramp up during the night, and this helps to reduce the parking needs. He stated that if they decide to move forward, it will give them more time to verify their assumptions and observations. He noted that conversely, if the auditorium fills up with neighbors from Hickory Lawn and Nawakwa expressing concerns regarding parking issues, and more investigation yields that there is a parking problem, it would change how he would favor such a thing.

Mr. Weaver requested clarification on the proposed parking, asking if they are proposing that they will be 54 spaces short of the requirement.

Mr. McLeod responded that based on current calculations, it would require 214 and they have proposed 160.

Mr. Weaver commented that as it sits today, they are 72 spaces short, and they probably have 72 open spaces on a given time based on aerial photos. He stated that like Mr. Struzik, unless he learns that the neighbors are telling them something different than he is seeing here, he does not think he would have a problem with what is being proposed.

Ms. Denstaedt asked what their timeframe would be should this move forward.

Mr. Marusich responded that if they get a good feel from today, which so far sounds good, their engineer will probably take two weeks; and they will try to get in on the earliest Planning Commission meeting for official approval. Mr. Faranso wants to take full advantage of the good weather to build, so it would be summer as early as possible. He pointed out that they will match the look of the shopping center and would not be extravagant in nature.

Ms. Denstaedt stated that she would concur that she has been there many a time and has not seen a concern of parking other than major holidays such as New Year's Eve. She stressed that she wants to see the handicap spot moved somewhere.

Mr. Marusich responded that they believe they have accommodated it appropriately.

Chairperson Brnabic stated that she has concerns that the existing retail square footage is short of parking, and noted that Dr. Bowyer has a valid concern that it is a pretty big space and if that person moved out and the space leased to another business with a higher demand, it would produce a higher demand for traffic and parking. She asked what the City would do if the space was released to a different retail establishment or restaurant and it causes problems with

parking that flow into the neighborhood.

Mr. Faranso stated that he believes the 72 spaces that they are under comes from CJ Mahoney's patio, and they are only open three months out of the year.

Chairperson Brnabic asked how many spaces were allotted for the outdoor patio at CJ Mahoney's.

Mr. Marusich responded that their calculation is 60. He explained that they calculated the actual CJ Mahoney's as being 228 divided by 2 which is 114, and outdoor seating is 60 seats, with a requirement of 30, totaling 144 spaces for indoor and outdoor. He stated that while they understand concerns, he had stated that they are looking at some sort of shared parking condition of understanding meaning that for the most part, retail is highest during the holidays when nobody is out in the café drinking beer in subzero winter. He commented that yes, it could very well be that at some condition that takes place the leather store could be utilized as a retail operating that could have higher traffic and consequently higher parking opportunity, but does a retail bar liquor establishment require a special use condition. He stated that as a potential control, if the worst case scenario happens and the store goes vacant, and there's an opportunity that a restaurant with liquor comes in, it would have to go before the Commission in order to be approved and they could disapprove it.

Chairperson Brnabic stated that this would be the case if they were serving alcohol. She stated that right now she does not see this as a problem; however, the City would not be able to take any action if this moves forward and a problem did occur.

Mr. McLeod responded that there are a couple of different options. He stated that a use as noted that would really drive up parking requirements would be a bar/restaurant combination use and that would come before Planning Commission and ultimately City Council for that approval. He stated that in all honesty one that would be that large or significant in size would be tough to say no to; but ultimately it could be a prompter of an issue of parking and would have to have a pretty significant review between both Planning Commission and City Council. He stated that if it got to the point where they would be willing to grant a formal waiver of parking, conditions could be placed on that approval, that if parking starting going onto the residential streets it would bring it back before the Commission. The concern would be what the remedy would be at that point. Code enforcement and other tickets may ultimately be a deterrent. He commented that it is not the total difference of required parking versus provided parking, that 30 spaces could provide the required parking for the proposed addition. He stated that if the Commission will not be making a decision tonight; they have time to review this and review the final proposal should it come forward and determine any appropriate conditions to place should approval be granted. He mentioned that this has been done with drive-through facilities where if conditions get to where it causes a hazard the Commission has the right to re-review, and a similar type scenario could be created for a modification of the parking requirements.

Chairperson Brnabic stated that her hesitation is because they have not

submitted an actual site plan, and they are basically here tonight for a nod to move forward.

Mr. Hooper stated that he would need to know whether the files could be researched to see when this was approved 35 years ago how they developed this parking requirement, because over the last 15-20 year he knows that they have relaxed the parking requirements. He noted that another bar or grill would require a conditional use for alcohol, but also another Ram's Horn equivalent that is super popular for breakfast and lunch could cause parking problems round the clock. He commented that he has no problem with 1,500 square feet for five spaces; but he is looking at the big picture. He noted that this is probably a bigger issue and how would it be addressed, where shopping centers are approved under a certain condition with parking calculations, and now these intense uses are brought in.

Mr. McLeod stated that it is not uncommon for this to occur as the transition from retail shopping centers go to entertainment uses, whether a sports venue or a restaurant/bar/grill. He stated that these are all permissible uses and they all went in, other than Mahoney's with the conditional use. He commented that each individual one may not be the one that is significant, but it is cumulative. He stated that he does not necessarily agree that the back-end enforcement is always the best way to do it, but it is still an option should the Planning Commission decide to do this. He commented that they will definitely go back if this comes before the Commission to determine what the conditions were at the time of approval and how it evolved over time, and this would be provided as a part of that report. He stated that typically bigger shopping centers can absorb more parking and more uses; and smaller shopping centers are the ones that get pinched really quick. He stated that if there is 50 percent food uses in there, suddenly there is nowhere to park.

Mr. Hooper stated that this is a classic example, and noted that Meadowbrook Mall when it was built 30 or so years ago it did not have restaurants like it does now, and that place is packed. He reiterated that he is not worried about five spots for 1,500 square feet, but he wants to ensure that they are not pinned into a corner.

Mr. Dettloff stated that this is obviously going to involve a meeting of the minds, but he is curious how a 72 space parking shortfall got approved. He commented that a 1,500 square foot addition is a no-brainer, but the potential of a long-term problem comes into place. He asked if Mr. Faranso owns any other properties in Rochester Hills.

Mr. Faranso responded that he owns Hawthorne Plaza as well.

Mr. Dettloff commented that Mr. Faranso does a nice job maintaining his properties and asked about the length of his leases.

Mr. Faranso mentioned that he did two additions to Hawthorne Plaza in the past as well, one on each end. He explained that all of his leases are five years, and then they have another one or two five-year options.

Mr. Dettloff asked if the Leather Store has already said he wants to exercise his option

Mr. Faranso responded that he is into his second year of his first option of five years, and he has another five-year option.

Mr. Dettloff stated that he does not see any problem with the request for 1,500 square feet. He thanked Mr. Faranso for how he maintains his property and commented that he has a nice business mix as well.

Mr. Faranso stated that he works very hard at the business mix and commented that he does operate in the best interests of the shopping center. He stressed that he would not just sign up any tenant to just collect rent if it is going to work against the shopping center as a whole. He mentioned that he had Enterprise Rental Cars at Hawthorne Plaza and they took up 50 parking spaces in the front and it was horrible. He noted that it was before his time and the previous landlord signed them, and he did not renew their lease because it was affecting all of the other tenants. He stressed that he would not bring in a tenant if there would be another 150 car parking. He added that CJ Mahoney has a total of 228 seats and he does not think that they have ever had 228 people there.

Mr. Dettloff asked when the outdoor patio was approved.

Mr. Hooper responded that he thought it was administratively approved, but it was before his time.

Mr. Dettloff reiterated that he does not have a problem with the addition, but discussion about parking will be for another time. He thanked them for their investment in Rochester Hills.

Mr. Neubauer stated that while they can always hope for the best, they need to plan for the worst. She stated that she understands their intention of coming here so they do not have to put in the cost of engineering; but without more information she does not think any of them could comfortably say go ahead that this will be fine. She commented that she knows he has the best intention for his other tenants in the plaza and that is great as a business owner, but as the Commission works with paper and pencil contracts and rules and regulations, they try to ensure they prepare for the future. She mentioned that what was done with Starbucks in front of Rochester High, is they put a condition on that if the drive-through starts to cause accidents or disruptions or is problematic for students, the Commission could come back and revoke the drive-through. She commented that she does not think they could undo enough in this situation to remedy a problem that they gave approval for. She stated that she understands, and everyone agrees that five spaces in a 1,500 standalone building would be fine, but that is one part of the puzzle and they have to look at the totality of the circumstances which would include future use and need more information on how this would work before providing a good faith stamp of approval.

Mr. Marusich stated that he made a recommendation to Mr. Faranso for a

parking structure in the rear; but it was not seen as economically viable. He stated that this was only to indicate to him that to be in conformance to the criteria they would have to have additional parking; and there is no way other than to build on a parking deck. He noted that they tried to offer something that is not a black-and-white amount of square footage and parking, and they are in deficit. He stated that the only way to accommodate it is a physical solution; or the insight of the board that there is a shared parking condition here that is not in conflict. He commented that the issue is if they had not come before the Commission with a 1,500 square foot addition, they would not know anything about the deficit of parking. He stated that he is posting another scenario that Mr. Faranso could have another restaurant come in and would not have to go before Planning Commission unless it is a bar restaurant and there would be no recourse.

Ms. Neubauer stated that she is not saying that this is a hard pass, this is an urge to go back and think about a solution as they do appreciate their business in Rochester Hills. She noted that they were gladly and very excited to have Tee Times come into their plaza, and they want to work together.

Mr. Marusich stated that the solution is the fact that there probably would not be a condition like that arising, and another restaurateur would look at that parking situation and decide not to go in there. He added that they are looking to the Planning Commission to be their think tank and specific direction to come up with a solution. He asked if when they leave they would get a traffic engineer to somehow validate their condition.

Chairperson Brnabic noted that being 54 spaces short Administration was not comfortable with administratively approving this, and that is why they are in front of the Commission having this discussion.

Mr. Marusich stated that they knew they would have to come in as they were at a parking deficit, but if Mr. Faranso was not to put in his addition and his leather store tenant left, and he chose to put in a new tenant, he would just lease out the space and that person would move in and it would never come before the Commission.

Ms. Neubauer stated that there are plenty of people that they could work with at the City and Mr. McLeod can suggest who to contact. She stressed that they are here to talk about the addition, and any other situation is hypothetical. She commented that they requested a good faith assessment from the Commission and the Commission has provided it. She stated that the best thing they can do is to go back and do more research and if it works, they can build in the summertime and have another great addition.

Mr. Weaver commented that as it stands they are 72 spaces short, and after the addition the condition gets better by 18 spaces and they would be 54 spaces short.

Ms. Neubauer asked for an explanation of the parking calculations, shared versus individual parking.

Mr. McLeod explained that the reviewed plans provided a square footage of one number, 21,192 square foot of retail space which yielded a requirement of 70 spots. As you go into the more recent plans, that number has now jumped to 24,700 square feet, which is the difference between the 54 and 72.

Mr. Weaver stated that he thinks that shared parking makes sense because of the uses that are there. He asked about the size of the leather store, noting there are concerns for that space.

Mr. Faranso responded that was approximately 4,800 square feet.

Mr. Weaver observed that it is roughly the same size as CJ Mahoney's. He commented that he would be concerned if another restaurant wanted to come in.

Mr. Faranso responded that he would put a restriction on that.

Mr. Weaver reviewed a hypothetical situation of what would happen if Mr. Faranso would sell the building and another restaurant would come in. He stated that he personally would like to see more plans provided to see what is going on, because he does not see where it would have that much of an impact on parking. He stated that he is not saying that he would approve it, but he wants to see more.

Dr. Bowyer stated that she would agree with Mr. Weaver that it is the restaurant that makes them parking deficient. She commented that she is glad to see that they confirm they would not bring in something that would create an issue for their other tenants. She stated that a parking structure would come to mind but she is aware that it would be cost prohibitive. She mentioned the Hawthorne Plaza and asked Mr. Faranso whether he was going to put trees in any of the four planters, noting that while the plaza is so well taken care of, the planters have stood derelict looking for ten years.

Mr. Faranso responded that he will see what he can do.

Mr. Struzik stated that he would concur with Ms. Neubauer that there is no kind of implied consent here, and that this is a discussion. He noted that while it may be five spots, it is five spots in the wrong direction, plus adds more demand for parking. He also concurred with Mr. Weaver that right now there is ample parking, and he stated that the way many metro Detroit cities have developed in the past is with parking requirements that are too great. He sees that there are reasons to have flexibility in discretion. He stated that he would be interested in hearing more. He noted that he knows that they are not seriously considering any kind of parking structure, but the residents in the area would probably feel very strongly about any proposal of a parking structure.

Ms. Denstaedt asked whether CJ Mahoney's is in there for the long haul.

Mr. Faranso responded that their lease is coming up in two years, and he has four or five options. He stated that this is their 13th year.

Chairperson Brnabic stated that the Commissioners have given their feedback

and it will be up to them to decide how they would like to move forward. She thanked them for doing business in the city and asked if there were any other questions for the Commissioners.

Mr. Faranso commented that it was a lively discussion.

Discussed

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

- June 20, 2023

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Struzik, Chairperson Brnabic adjourned the Regular Meeting at 8:50 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Marvie Neubauer, Secretary