



Rochester Hills

Minutes

Planning Commission

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

Tuesday, November 19, 2024

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the November 19, 2024 Regular Planning Commission Meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 8 - Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Marvie Neubauer, Scott Struzik and Ben Weaver
Excused 1 - Dale Hetrick

Others Present:

Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary

Mr. Hetrick provided prior notice that he would not be in attendance and was excused.

Chairperson Brnabic welcomed attendees to the November 19, 2024 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

[2024-0488](#) Planning Commission October 15, 2024 Work Session Minutes

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

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver
Excused 1 - Hetrick

[2024-0489](#) Planning Commission October 15, 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 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Excused 1 - Hetrick

COMMUNICATIONS

Commissioners received the Oakland County Road Commission Third Quarter 2024 Report.

PUBLIC COMMENT

None.

NEW BUSINESS

2024-0490

Public Hearing and Request for Conditional Use Recommendation for Mitten Muay Thai, a health, recreation and physical education facility to occupy space in the EC Employment Center zoning district at 1928 Star Batt Dr., Suite D, located on the north side of Star Batt and east of Crooks, Parcel No. 15-28-102-018; Nick Bismack, Mitten Muay Thai Gym, LLC, Applicant *(Staff Report dated 11-19-24, Letter and Plans, Development Application, Environmental Impact Statement and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.*

Present as the applicant was Nick Bismack, representing Mitten Muay Thai Gym LLC.

Chairperson Brnabic introduced this item noting it was a request for a recommendation for a Conditional Use Approval for Mitten Muay Thai, a health, recreation and physical education facility, to occupy space in the EC Employment Center zoning district at 1928 Star Batt Drive, Suite D, located on the north side of Star Batt east of Crooks. She requested the applicant come up to the presenter's table and asked for the Staff Report.

Mr. McLeod stated that the Commission has seen a number of these applications come forward for conditional use recommendation to Council for recreational type uses within this series of buildings, and explained that it is seeking approval for occupying a 6,300 square foot tenant space within 1928 Star Batt, an irregular-shaped building near the northeast corner of Star Batt and Crooks. He added that City Council will ultimately make the final determination for this request.

He showed the site, noting that it is within a myriad of different industrial and quasi-industrial buildings, with a medical facility directly to the south. He added that the area is industrial and recreational space, with commercial use at the frontage along Crooks Road itself. He noted the area zoning districts, showing the EC district and the Highway Business district, and pointed out that

everything to the north and east of the subject site is all zoned Employment Center.

He stated that the hours noted within the letter supplied by the applicant differ slightly than what is stated in the Environmental Impact Statement, and noted that this should be clarified tonight. He explained that the letter that came with the application materials stated the hours would be Sunday through Friday, 8:00 a.m. to 10:00 p.m., with their peak hours being 5:00 p.m. to 8:00 p.m. He stated that the overall site has 76 parking spots, and he displayed the aerial that showed those parking spaces traverse the entire front of the site, with a bank of parking on the east side of the building. He pointed out that several parking spots have developed over time to the north side of the building, in between the two buildings going farther east, and he stated that the parking on the east side of the site toward the eastern driveway would be the most accessible in terms of the tenant space.

He noted that Mitten Muay Thai is a Thai martial art and combat sport. He mentioned that based on a web search there is a location in Clinton Township, providing specialized training service in the creation of promotional content; and he suggested that the applicant explain a bit more of what that exactly means. He stated that class size is noted within the application of four to 10 persons, and the applicant did note that their maximum occupancy at any one point would be 20 persons. He explained that they also noted that there would be up to five employees at that time as well, no outdoor use is proposed at this time and all activity would be contained within the tenant space. He showed the floor plan, noting that the back of house has the training areas, with office and administration toward the front of the building. He noted that it appears to be close to a 50-50 split in terms of training facility versus administration-type use. He reviewed the five standards the Commission would consider in recommending approval.

Mr. Bismack stated that he had nothing to add and that Mr. McLeod covered things pretty well.

Chairperson Brnabic noted that it was submitted that maximum occupancy would be 20 people, and asked if there would ever be a special event or competition that would bring people in addition to regular clientele.

Mr. Bismack responded no, and commented that their events bring closer to 2,000 to 3,000 people and would not fit in a facility such as this.

Chairperson Brnabic stated that this item requires a public hearing which she opened, noted that she does not see any speakers cards or anyone wishing to speak, and closed the public hearing. She asked for Commissioners comments or questions.

Ms. Denstaedt asked Mr. Bismack to elaborate on the content that would be created, and noted that she saw something about a podcast studio.

Mr. Bismack responded that they are promotion first and foremost and the gym is almost an afterthought. He explained that they have a competitive Muay Thai

league, which just was sanctioned in the State of Michigan last summer. He stated that they have the first promotion in the Michigan that runs Muay Thai competitions. He explained that it is not a very profitable sport and most of the money in the sport comes from promoting yourself, trying to get a big enough social media following and sponsorships. He mentioned that a lot of the athletes that compete in these organizations are trying to get on Team USA to go to the Olympics. He commented that this is a world where attention is a commodity; and as he would hate to admit, content creation is probably the most important part of these athletes' careers, trying to get on podcasts and build up a social media following to the point where they can actually make a living wage out of it.

Ms. Denstaedt questioned the hours, and asked if they are doing any training at 8:00 a.m. or before they get busy at 5:00 p.m.

Mr. Bismack responded that the facility is going to be mostly used by people who fight for their organization, who come from all around the country. He noted that a lot do come from Michigan, and they mostly offer training services to people who are actually competing for their organization. He stated that there would be morning sessions, with the proposed schedule of 8:00 a.m. to 10:00 a.m. in the mornings. Off time from training, they will have two content editing stations, and they will have a podcast studio similar to what they have now. He mentioned that right now if they want to do a podcast they have to travel across the state to find fighters in order to film podcasts, and commented that it will be nice if they can consolidate everything in one gym.

Ms. Denstaedt asked if there might be an opportunity to bring people here, and asked what the chances would be for people to buy homes or rent apartments here.

Mr. Bismack responded that for the event this weekend, there are 18 fights so far, and he believes that 12 are all local Michiganders with the rest coming from out of the state.

Ms. Denstaedt congratulated Mr. Bismack for being the first sanctioned in Michigan.

Mr. Struzik stated that assuming what he is being told about 20 people is accurate, he is not really worried about parking, which is one of the concerns the Commission sees in some of these industrial parks when non-industrial uses come in. He mentioned that often with a use such as a dance studio, industrial parks have traffic jams at times. He noted that his wife has been going to a rehab center there so he has been visiting that area a couple of times a week. He added that he has done a couple of evening visits to scope out the busier times, and it looks like there are no parking issues, especially if looking at 20 people for this business. He questioned the promotional content creation, and asked if it included photographic or videoing athletes.

Mr. Bismack responded that the podcasts are specifically just interviews that are short form content that gets published on Instagram and YouTube as a way to generate interest in the fighters' competitions. He added that apart from the podcast, much of the content creation is just about building up hype around

upcoming events and upcoming fights. He mentioned that this weekend a local fighter from Rochester will be fighting one from Kentucky. He stated that they will be doing a number of videos leading up to the fight to try and generate interest in the competition.

Mr. Struzik asked if there will be a boxing ring or a ring of some sort where people can compete or train. He asked for confirmation that events there will not really be public where they will sell tickets.

Mr. Bismack confirmed that was correct, stating that their events would not actually be able to fit there. He explained that their last event was at Masonic Temple in Detroit, which was sold out with just under 2,000 people there.

Mr. Struzik asked if the activities at the facility would potentially see any injuries arise that could generate ambulance calls. He commented that while the City has a very good fire department that responds to medical calls, hopefully this would not happen.

Mr. Bismack responded that there was always a possibility with martial arts training and he could not rule it out entirely. He commented that he has been in gyms his whole adult life; and the current gym he is in, Proving Grounds Jujitsu in Shelby Township, has not had an ambulance call in three years.

Mr. Weaver asked if the classes were geared more toward the current fighters and if they were anticipating offering classes to the general public.

Mr. Bismack responded that they will offer classes to the general public, as they will have the facility with the mats and the gear. He commented that it seems silly not to offer classes like that.

Mr. Weaver commented that he would imagine that it would be very beneficial, especially as Mr. Bismack is stating that this is an industry where people are struggling to make enough money and want to promote events.

Mr. Bismack responded that because they are a promotion that is affiliated with a bunch of gyms, they do not want to have a home team bias. He noted that the whole intention of getting a new facility is that right now they are operating out of one home gym.

Mr. Hooper asked for clarification on the hours and asked if they would be Sunday through Friday from 8:00 a.m. to 10:00 p.m..

Mr. Bismack responded that if it was listed differently, those were generally the hours. He commented that there would never be anything after 10:00 p.m.

Mr. Hooper suggested that this be made a part of the condition for approval, along with the agreement that no outdoor uses are proposed. He commented that the way he is viewing this is like a competition to a UFC type of thing.

Mr. Bismack responded that UFC has a striking element and a grappling element, and Muay Thai is strictly striking.

Mr. Hooper moved the motion in the packet to recommend Conditional Use approval to Council, and asked that Condition Number Two be slightly changed in the first sentence to include the wording "no outdoor use areas are proposed/allowed, and if the intensity of use increases", and then carry on with the rest of the three of sentences in that condition remain as proposed. And then in condition number three, "the hours of operation are limited and are Sunday to Friday, 8:00 a.m. to 10:00 p.m." The motion was seconded by Ms. Neubauer.

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

Mr. McLeod noted that they will try to have this item submitted for the December 2 Council meeting, although that may be tight. If not that meeting, it would be December 16.

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

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Excused 1 - Hetrick

Resolved, in the matter of File No. PCU2024-0011 (Mitten MuayThai Gym, LLC), the Planning Commission recommends to City Council Approval of the Conditional Use to allow for a health, recreation and physical education facility, based on documents received by the Planning Department on September 23, 2024 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing building and proposed conditional use have been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance 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. The limited maximum occupancy of 20 people for this business will be no greater than or even less than the occupancy for a light industrial type user that would be permitted by right.
3. The proposed addition of a health, recreation, and physical education facility should provide additional services being sought within the greater Rochester Hills community. There do not appear to be any similar type facilities that offer Muay Thai training along with ancillary promotional content creation within the City.
4. The existing development and proposed use are served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The existing development 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 building and the surrounding complex of buildings already includes

several other health, recreation and physical education type uses. Those other uses are of such a nature that they shouldn't necessarily be impacted by the introduction of the proposed use, as there is no proposed outdoor activity area, and the proposed limited number of persons to be serviced within the building do not directly conflict with normal business hours for the existing industrial type tenants.

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. No outdoor use areas are proposed/allowed, and if the intensity of the use increases to include operations such as competitions or occupancy greater than 20 people for other events or uses inconsistent as those 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.
3. The hours of operation are limited to Sunday to Friday, 8:00 a.m. to 10:00 p.m.

2024-0506

Request for Site Plan Approval for the Oaks at Hampton apartment complex to construct a new leasing center building and a maintenance garage building, located east of Dorset St. between E. Hamlin Rd. and Hampton Circle, Parcel No. 15-26-127-002, zoned RM-1 Multiple Family Residential; Stucky-Vitale Architects, Applicant

(Staff Report dated 11-11-24, Reviewed Plans, Development Application, Environmental Impact Statement, Nowak and Fraus Letters of 10-18-24 and 10-11-24, Stucky Vitale letter of 10-11-24, Landscape Cost Estimate, WRC Letter of 10-09-24, and Property Owners Association of Hampton Letter of 6-3-24 had been placed on file and be reference became a part of the record thereof.)

Present for the applicant were Mike Blaneck with Stucky Vitale Architects, Royal Oak, and Scott Snow representing the ownership at Oaks of Hampton Apartments.

Chairperson Brnabic introduced this item and noted that it is a request for site plan approval for the Oaks at Hampton apartment complex to construct a new leasing center building and maintenance garage building, located east of Dorset between East Hamlin Road and Hampton Circle. She invited the applicants to the front table and asked for the Staff Report.

Mr. McLeod explained that this is a simple site plan approval request for the leasing center as well as the maintenance building. He noted that the site is actually a conversion of part of the existing parking lot at the corner of Hampton Circle and Dorset, and is roughly a little bit less than an acre that is being impacted. He stated that the leasing building is proposed to be about 4,350 square feet under roof and the maintenance building is approximately 1,200 square feet. He mentioned that the applicants have gone through the City's site plan review process and all of the department reviews have come back positive.

He pointed out that they are providing additional pedestrian amenities, additional landscaping, and one additional curb cut, and he noted that it will fit into the overall context of the area amongst the entire Hampton development. He noted that there is some single family zoning in terms of the open space areas, but otherwise everything is multiple family. He displayed the proposed elevations for the leasing building, noting that it was basically a board and batten normal style of appearance at the top of the building, along with a stone foundation at the baseline of the building, with a series of columns and unique roofline to provide some additional interest to the building. He mentioned that there is a significant amount of glazing in terms of the leasing building, and noted that the overall floor plan shows fitness areas as well as lounge and office space for the leasing center. He stated that a model unit is included, not for habitation, but to show as a part of the leasing opportunities. He commented that the maintenance building would go to the north end of the improvement site. The south elevation is the site that would face it, and the leasing center does have an overhead door and a pedestrian door; and the other facades are limited in terms of architectural amenities with some glazing on those facades as well. He noted that it was pointed out that there seems to be a large amount of impervious surface or concrete on the east side of the building.

Mr. McLeod mentioned that the plan has satisfied Fire's requirements as a part of their review, and showed where the new curb cut would be that would allow entry to the site to provide direct access to the leasing building. He pointed out that pedestrian connections are being provided to the outside pedestrian ways along each one of the exterior roadways. He noted that there is a minor amount of parking associated with the maintenance building. He stated that the landscape plan provides all of the required landscaping along Dorset and provides even more landscaping along the maintenance building that will screen it from view of Dorset. One of the Planning comments is that additional landscaping should be provided along Hampton Circle, connecting to what is being proposed in the Leasing Center. He showed where the dumpster is proposed to be located, and explained that the dumpster also needs to be moved slightly to the north because right now it barely creeps into the right-of-way; and he noted the apron is more than sufficient to move it. He stated that all of the existing buildings remain in terms of multiple family units and buildings.

Chairperson Brnabic asked if the applicants had any additional comments.

Mr. Snow explained that they purchased the community back in 2019 and they are continuing to elevate the finishes of the entire community. He noted that they are renovating apartments and are continuing to update landscaping, and this proposal goes along with their entire plan of bettering the community, also giving them a more prominent leasing or sales position within the community. He added that they are currently occupying an apartment as their leasing center, a unit is their model, and one of the converted apartments houses a maintenance shop. He stated that three apartments will be returned back into service as rentable space and allow them to operate more efficiently and offer their residents a slightly better experience with a fitness facility.

Mr. Dettloff asked what their current occupancy percentage is, the average size of the unit, and the rental costs.

Mr. Snow responded that occupancy is currently between 95 and 96 percent, they have mostly two bedroom and two bath units between 1,200 and 1,300 square feet, and they are anywhere between \$1,300 and \$1,500 per month based on the level of renovation.

Mr. Struzik asked the total number of units, and what the hours of the fitness center will be, if there will be an extra charge for residents to use the center, and if it will be open to non-tenants.

Mr. Snow responded that there are 544 in total, including the three converted spaces he mentioned earlier. He added that they generally operate their fitness centers in their communities anywhere from 5:00 a.m. to 9:00 p.m. or 6:00 a.m. to 10:00 p.m. He stated that they do not offer 24-hour fitness services at any of their communities. He stated that they do not currently have a fitness center at this community. He added that there will most likely not be an extra charge, nor will it be open to non-tenants.

Mr. Struzik commented that the current apartments have a lot of siding and he sees this as a nice bridge between the way the current units look and what a fancier version of the exterior would look like. He noted that it maintains the character of what is surrounding it. He commented that he has seen over the years roofs, siding and windows being replaced and asked if there were any plans to update the facades of the buildings.

Mr. Snow responded that potentially there are, and explained that they are long-term investors and tend to invest for 15 years or more. He stated that they try to get as much done as they can in the first few years, and mentioned that one of their long-term plans in addition to constructing this building is upgrading facades including siding and potentially some different things like faux brick cladding, and partial fencing around patios to provide some privacy. He stated that these have been items in discussion since they purchased the property.

Mr. Struzik stated that this building if constructed could be a good jumping point to pull elements from that would update the facades of the existing buildings. He commented that this is near his neighborhood and he walks and bikes through there a lot, and it is nice to see people putting money into maintaining structures. He asked if parking is currently sufficient.

Mr. Snow responded that they do not have a parking problem, noting parking on both sides of the adjacent buildings spanning the distance, and the parking on the west sides are typically not used. He commented that it is overflow parking, but many times they are vacant spaces.

Mr. Struzik asked if the parking situation is right for the rest of the buildings.

Mr. Snow responded that even though it is a very dense site, with 55 buildings on all the parcels, it is pretty adequate. He commented that some of the other communities they manage have worse parking issues, but that does not seem

to be a problem here.

Mr. Struzik commented that he sees the fitness center as being the thing that generates the most traffic.

Mr. Snow responded that apartment communities typically have them as a marketing bullet point, and they are certainly there for residents to enjoy; however, he sees that after the initial fervor of opening, people do not always use them.

Mr. Struzik stated that this is already one of the most walkable areas in Rochester Hills, within walking distance of a pharmacy, shopping center, and elementary school. He noted that he sees many people out along Hampton Circle in the evening. He commented that bringing a fitness center as another amenity within walking distance is a big win.

Mr. Gallina asked if having a building with a model, a leasing center, and a fitness center is a unique or common thing.

Mr. Snow responded that it is not necessarily common in the industry in general anymore, but their owners have been in the business for 48 years and there are certain things they insist upon having and one is a model sales unit inside the office.

Mr. Gallina stated that he happens to like the idea as it is unique. He commented that it is a sharp looking building.

Mr. Weaver asked if the fitness center will be by key card or be under lock and key to keep the general public out.

Mr. Snow responded that residents will have fobs.

Mr. Weaver noted that in the aerial photo given, the parking area that will be developed only has six cars in it; and he does not see a problem using the parking area. He asked if the parking that remains will be enough for the anticipated use of the building itself, and what the leasing office hours will be.

Mr. Snow responded that typically the leasing hours are 9 a.m. to 6 p.m., Monday through Friday, and 10 a.m. to 4 p.m. or 9 a.m. to 4 p.m. on Saturday. He commented that typically at the Oaks at Hampton, the leasing center is busiest from perhaps 2 p.m. to 5 p.m. He noted that there are 14 spots to be lost with two handicap spots being added. He stated that he strongly feels that parking will be adequate, and he pointed out that there are carpools on the other side of the building.

Mr. Weaver asked how many employees would be there and if they live in the community or might walk.

Mr. Snow responded that they have six employees in the office and then have maintenance employees that are in and out. He stated that five will occupy the building. He mentioned that some live in the community and might possibly

walk. He added that they ask their employees not to park in the prime parking spaces at the leasing offices.

Mr. Weaver noted that he just counted 18 spaces plus the two barrier-free spaces. With five employees, that still leaves 13 parking spots, and he commented that he cannot imagine 13 people will be working out at the gym all the time.

Mr. Hooper noted that his parking questions had been answered. He noted however, that the hours in the packet are different than what was just stated and list 9 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. He commented that he wanted to clarify the hours for the motion.

Mr. Snow stated that to be perfectly honest he believes it is 9 a.m. to 4 p.m. He added that they typically operate the fitness center from 6 a.m. to 10 p.m. seven days a week.

Mr. Hooper asked how the pool renovation was coming along that the Commission reviewed.

Mr. Snow responded that the Hampton Property Owners Board had their annual meeting last night at the Library and did pass their special assessment to finance the project, and will continue to move forward with it. He explained that they hope to move quickly, and start demolition within 60 days or so if they can get permits lined up.

Mr. Hooper moved the motion in the packet, adding a third condition that leasing hours are limited to 9 a.m. to 6 p.m. Monday through Friday, 9 a.m. to 4 p.m. on Saturday; and fitness hours are 6 a.m. to 10 p.m. seven days a week.

The motion was seconded by Ms. Neubauer.

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

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

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Excused 1 - Hetrick

Resolved, in the matter of City File No. PSP2024-0032 (Oaks at Hampton Apartments Leasing Center and Maintenance Building), the Planning Commission approves the Site Plan, based on plans received by the Planning Department on October 17, 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 accessed from a singular driveway to Dorset Street, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed buildings will be fully integrated into the overall multiple family residential development.
4. Off-street parking areas have 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 proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
7. The proposed increase in landscaping brings the overall site further into compliance with the City's landscaping requirements.

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. Provide a landscaping bond in the amount of \$44,474 based on the cost estimate for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff prior to temporary grade certification being issued by Engineering
3. Leasing hours are limited to 9 a.m. to 6 p.m. Monday through Friday, 9 a.m. to 4 p.m. on Saturday; and fitness center hours are 6 a.m. to 10 p.m. seven days a week.

DISCUSSION

2024-0519 Discussion of Planning Commission Bylaw Updates

(McLeod Memo dated 11-13-24, and PC By-Laws Potential Updates dated 11-13-24 had been placed on file and by reference became a part of the record thereof.)

Mr. McLeod explained that one of the items on Staff's to-do list for quite some time is to update the By-Laws of the Planning Commission. He noted that he, Ms. Roediger, and Ms. MacDonald have gone through the By-Laws and proposed what he feels are probably fairly minor changes to try to modernize the By-Laws as well as bring them up to speed with any changes in Zoning and Planning Law. He commented that if anyone has any questions on any particular change, he will be more than happy to explain why that change is proposed. He stated that if the Commission finds them acceptable or acceptable with any announced changes made tonight, the Commission will be able to vote on them at the next Regular Meeting.

Chairperson Brnabic noted that on Page 4, Section 7, it states that anytime the

Secretary is absent, another commissioner must be appointed to serve that night.

Mr. McLeod responded that it is permissive, but not required.

Chairperson Brnabic noted that the word "may" meant she can or cannot.

Mr. McLeod explained that the way it is written, the Chair may appoint an acting secretary at the Chair's discretion if it was felt necessary to do so.

Chairperson Brnabic noted that in Section 5, on Page 6, the addition is that the City would like to see the Planning Commission have roll call votes on all motions for business.

Mr. Hooper added that it is "except as modified by Chairman".

Chairperson Brnabic noted that she could make the choice for a voice vote, but it looks like what is listed is to for a roll call.

Mr. McLeod responded that for anything that requires affirmative action such as a permit or a development, it is always best practice to have a roll call. He added that anyone can request a roll call at any point for any motion; but if it is for minutes or correspondence, or anything that is acceptance of correspondence, those things can be done as a voice vote.

Chairperson Brnabic mentioned conditional use, site plans or tree removal permits, and commented that it is sort of like a verification, and they would like to see roll call votes.

Mr. McLeod responded that he did not know if the Commission feels differently as a whole, but that is the recommendation at this point. He stated that if they do not want to read it that way, it can be redrafted; but otherwise if this is adopted, it would be a roll call for each one of those.

Chairperson Brnabic noted that the draft has added the Secretary as an officer in the event that the Chair and Vice Chair are missing. She commented that this usually doesn't happen but it is a good option. She stated that she has missed two meetings in nine years as Chair. She expressed surprise that it states that if the three officers are not present, the Commission would get together and by voice vote name a Chairperson for the night. She asked if that was common because she does not believe she has ever seen that in an organization.

Mr. McLeod responded that it has happened in his past, and while highly unlikely it is possible. In that instance the Planning Commission, by lack of any other direction, would have to take that vote, and noted that it is simply a motion for someone to nominate someone to be Chair for that night, a second to the motion, and a vote.

Chairperson Brnabic stated that she did not have any objection, but just found it different.

Mr. McLeod responded that hopefully it will never happen, and is one of those provisions that sits there forever and everyone wonders why it is there and it is never used.

Mr. Struzik mentioned the section where it says members of the Planning Commission may hold no other municipal office and asked if that would include boards like Public Safety and Infrastructure Technical Review Committee.

Mr. McLeod noted that this requirement gets a little unclear. He stated that the nature of the law basically states that Commissioners are not supposed to hold another paid position, as in the Zoning Board of Appeals standpoint. He stated that Public Safety is not paid.

Mr. Struzik expressed concern that someone might read and interpret it that way.

Mr. McLeod responded that something could be drafted that says unless otherwise appointed to a non-pay committee.

Mr. Struzik stated that he would want to see some clarity, and he pointed out that Mr. Hooper sits on other boards as well. He commented that he would hate to lose some of those voices on other boards through ambiguity. He asked if there was a place that defines the duties of Secretary, and ask if that should be clarified; such as specifically generating a year-end report or keeping notes or notices.

Mr. McLeod stated that most notices come via the Chair, and do not come via the Secretary and commented that this should probably be updated as well.

Mr. Struzik stated that he would appreciate seeing the definition in writing as to how things are done.

Mr. Hooper mentioned Section 3, Page 2, noting that a member may after written charges in a public hearing be removed from the Commission by the City Council for misfeasance, malfeasance and nonfeasance in office. He stated that malfeasance is intentional conduct as wrongful or unlawful, especially by officials or public employees, and he understands that misfeasance refers to an action that is unintentional; while malfeasance is the willful act. Nonfeasance is the omission to perform a required duty or the failure to act when a duty to act existed, and he stated that it can be more loosely defined as not doing something which you ought to do. He asked how that would be defined in terms of the Planning Commission. He commented that it is a slope where one could see both sides of every argument on that one.

Mr. McLeod noted that this is basically out of State Law and how it is defined. He stated that for nonfeasance, if a Commissioner refuses to vote on something because they do not want to look bad or do not want to commit one way or the other, that would be nonfeasance because they are required to vote unless they have an issue in terms of monetary conflict or other conflict of interest. He commented that nobody can vote "Present" or abstain just

because they want to.

Mr. Hooper stated that he has never seen that and it was not even in the City Council items.

Mr. McLeod noted that it was one of the terms that was actually amended into the State Law and something they had to update.

Mr. Hooper asked if Mr. Staran reviewed the By-Laws.

Mr. McLeod stated that he can send them to Mr. Christ now, as they are not certain what Mr. Staran's status is as he is not reachable at this point. He stated that he will write in the amendments that Mr. Struzik brought up and run them past the City Attorney.

Chairperson Brnabic noted that determination of a quorum was removed and asked why. She stated that she previously had to state that there was a determination of a quorum during attendance.

Mr. McLeod noted that it does not show up on the actual agenda order and it was taken out to match the order of business.

Chairperson Brnabic asked if this will move forward to the City Attorney and then come back to the Commission for approval.

Mr. McLeod confirmed that they would.

ANY OTHER BUSINESS

Mr. McLeod noted that one other item that Staff has been working on in conjunction with the By-Laws is that they do not have a good way for onboarding a new member. He stated that the thought was to try to create a one-stop shop which will ultimately include the By-Laws and will be a private link to a web space designed for Commissioners. He added that the Zoning Board of Appeals will get their own space, and on down the line to the other Commissions. The links will include administrative documents, training, strategies of application, participation plan, and By-Laws and links to Ordinances that they deal with on a regular basis. He asked how the Commission would feel about contact information being shared on there.

Links would be provided to agendas, minutes, the development map, annual report, and the Redevelopment Ready website. He stated that the idea is that while the current members know most of these things, a new member is trying to figure out what they need to know, and this could provide guidance. He commented that this will be ready in the next month or so and hopefully the link will be provided to the Commissioners once it is determined that everything works right.

Seeing no other additional business, Chairperson Brnabic wished everyone a Happy Thanksgiving.

NEXT MEETING DATE

- December 10, 2024 Work Session, 5:30 p.m.
- December 10, 2024 Regular Meeting, 7:00 p.m.

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 8:02 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Jennifer MacDonald, Recording Secretary