

---

1. CALL TO ORDER AND ROLL CALL

A meeting of the City of Rochester Planning Commission (PC) was called to order on April 7, 2025, at 7:00 p.m. by Vice Chairman Hauser.

PRESENT: Christian Hauser, Vice Chairman  
Nancy Salvia, Mayor  
Dan Bachmann, Commissioner  
Jessica Clauser, Commissioner  
David Hardin, Commissioner  
Richard Kendziuk, Commissioner  
Laura Murphy, Commissioner  
Matt Stone, Commissioner

ABSENT: David Gassen, Chairman

quorum was present.

Also Present: Nik Banda, City Manager  
Jeff Kragt, City Attorney  
Vidya Krishnan, McKenna Planner (Zoom)  
Lee Ann O'Connor, City Clerk  
Brian D'Annunzio, Deputy City Clerk  
Rose McKinney, Planning Clerk (Zoom)

2. PLEDGE OF ALLEGIANCE

Vice Chairman Hauser led the reciting of the Pledge of Allegiance.

3. PUBLIC COMMENT NON-AGENDA ITEMS

There was no public online or in person that wished to be heard.

4. APPROVAL OF MINUTES

A. Consideration of the Minutes of the Planning Commission Meeting of March 3, 2025.

MOTION by Kendziuk supported by Murphy to approve the minutes of March 3, 2025.

Ayes: Hauser, Salvia, Bachmann, Clauser, Hardin, Kendziuk, Murphy, stone

Nays:

Absent: Gassen

MOTION Carried.

5. PUBLIC HEARINGS

- A. Notice of Public Hearing: 816 Ludlow, Rochester Community House request for Special Exception of Temporary Tent for Outdoor gatherings.
- B. Notice of Public Hearing: 816 Ludlow, Rochester Community House request for Site Plan Approval.

City Manager Nik Banda gave a brief overview of the request for the Tent on the property.

Vidya gave her an overview of the project. New addition of a banquet hall in the basement. The sidewalk will be connected and barrier free. Existing parking on site is adequate. Clarification of outdoor furniture is still needed. The building is attractive, a minor change was made to the dormers on the new building. That was previously proposed.

It is recommended that the planning commission approve the Special Exception and Site plan approval with the following stipulations:

1. Clarify timeline of construction of eastside boulder wall area to prevent soil erosion.
2. Patio furniture in keeping with the building architecture style.
3. Fencing along residential properties.
4. The city planting of 29 replacement trees in the municipal park if required.
5. Planning Commission approval of original building architecture and material of what was previously approved with the minor modification to the dormers.

Alan Smith, Director of the Community House, was present. The tent will be situated in the same location as the previous years. The construction will be about seven weeks. The tent is sealed, and DJs are not allowed. The boulder wall was explained. The patio furniture is stored and nothing will change except for the foot path that will lead to the new basement. Replacement trees are down and were taken down about four years ago. Building materials will be white with a charcoal color roof.

Vice Chairman Hauser opened the public hearing at 7:23 p.m.

There was no public to be heard online or in person.

Vice Chairman Hauser Closed the public hearing at 7:23 p.m.

Motion by Salvia supported by Clauser for approval of items A. & B. with the five stipulations stated.

Ayes: Hauser, Salvia, Bachmann, Clauser, Hardin, Kendziuk, Murphy, Stone

Nays:

Absent: Gassen

MOTION Carried.

C. Notice of Public Hearing: 265 E 2<sup>nd</sup> St. – Request for Modification of Existing Site Plan.

Vidya, McKenna planner stated that the site was previously approved in August of 2024 for an open-air market and stage for outdoor events. It was discovered during the start of construction that the building was not as sound as previously thought. Some of the Changes are a new full metal shade structure. A new metal awning is being proposed for outdoor dining, however that awning is in the front yard setback and will require action from the Zoning Board of Appeals. The Sidewalk on E. Second and Water St will be connected. The barrier free ramp to the stage will be relocated as it was too steep in the original location. The space still meets the parking requirements. The façade will look bigger than previously approved due to the condition of the building that had to change. The lighting plan meets the ordinance requirements, however one of the fixtures shown in the new set of plans is not considered a shielded fixture. It is recommended it be replaced with the previous original fixture that was approved. The changes are an improvement, and it is recommended to approve the revised proposal with the following four stipulations.

1. Zoning Board of Appeals for front yard setback for the awning.
2. Minimum loss of any parking in the farmers parking lot.
3. The replacement of the light fixture.
4. Instillation of enhanced landscaping within the island of the Northeast corner of the stage.

Chairman of the DDA Ben Giovanelli along with Steve Auger Architect were present. Parking and landscaping areas were addressed.

Vice Chairman Hauser opened the public hearing at 7:39 p.m.

There was no public online or in person that wished to be heard

Vice Chairman Hauser Closed the public hearing at 7:40 p.m.

Mayor Salvia commented on the improved building materials that will mean less maintenance in the future on a city owned DDA building.

Motion by Murphy supported by Salvia to approve the modifications with the four stipulations.

Ayes: Hauser, Salvia, Bachmann, Clauser, Hardin, Kendziuk, Murphy, Stone

Nays:

Absent: Gassen

MOTION Carried.

D. Notice of Public Hearing: 203 E. University – Request for Special Exception for outdoor dining and payment in lieu of parking requirements.

Plans were not able to be available yet by the developer.

Motion by Salvia supported by Bachmann to table for the May meeting.

Ayes: Hauser, Salvia, Bachmann, Clauser, Hardin, Kendziuk, Murphy, Stone

Nays:

Absent: Gassen

MOTION Carried.

E. Notice of Public Hearing: 626 N. Main – Request for Site Plan Approval and Façade Change.

Vidya, McKenna planner shared the site plan. The facade change was made without Planning Commission approval. Vidya went over the items on the letter from the previous review. There will be a new trash enclosure. The building had two dormers previously and one dormer was removed, and the gable was added which made a change to the building. A gable should have been placed to balance the building, or the former dormer should have been maintained. The Commission provided the applicant with feedback and the applicant has provided the exact same site plan as last submitted. The response letter stated that the changes are an improvement and need no further changes. We do not want Symmetry. It is my recommendation that it does not provide balance or enhance Main St. façade. It is not recommended to accept the site plan as it stands currently.

Vice Chairman Hauser asked Vidya if she could give the process of what an applicant does to submit for a Façade change to the planning commission. Vidya explained the submittal process and stated that the city does a wonderful job of guiding business owners. Which is why businesses want to come to Rochester.

Commissioner Murphy asked if she were to have a business and changed her façade without permits or Site Plan approval, what would happen. City Manager, Nik Banda stated there would be a stop work order issued and that they can be told to tear down the façade unless they get approval from the Planning Commission for the proposed changes.

Bruce Calhoun Architect was present along with James from Cottage Inn. Bruce explained why another gable was not going to be added. It would be too much structure with snow on the roof and direct water to the center of the building. Bruce handed out an elevation to the Commission at this time. The barrier free parking and the light can be updated on the plan. Greg Carr of Universal Signs was present and stated that the building did not have a practical place for signs. Greg was told by the general contractor that the permit was in place, which is why the sign was placed.

Discussion ensued regarding the condition of the building. The second dormer is not in the best condition. The corner moldings are missing along with a gutter in the front, the front gutter appears to be patched and leaking. The back has missing downspouts. The Decision for this process has been taken away from the Planning Commission to review and discuss. There is a process that everyone else has had to follow. At the last Planning Commission meeting it was clearly stated that the design did not appeal to the Commission. If this would have come before the Commission properly the Commission would have had the chance to review and discuss.

Vice Chairman Hauser opened the public hearing at 8:05 p.m.

There was no public online or in person that wished to be heard.

Vice Chairman Hauser Closed the public hearing at 8:05 p.m.

Motion by Stone supported by Kendziuk to return the project back to the original elevation look prior to the construction. An updated set of plans with the planners' comments addressed must be submitted and the modifications to the roof line restored to its original condition or the temporary C of O should be rescinded.

Ayes: Hauser, Salvia, Bachmann, Clauser, Hardin, Kendziuk, Murphy, Stone

Nays:

Absent: Gassen

MOTION Carried.

A letter will be sent with a thirty-day time frame to comply.

- F. Notice of Public Hearing: Consideration to Amend the City of Rochester Official Zoning Map in accordance with the Michigan Zoning Enabling Act Pub Act 110 of 2006 as amended.

City Manager, Nik Banda gave a brief overview of how the process has been since getting to this stage. Once complete this issue will not come back up until 2027.

John Jackson, McKenna was present and gave an overview of the proposed map and changes. John explained that no action would be taken tonight regarding the proposed changes. Office hours will be scheduled in future to talk with us on your property and the process. Understanding that not everyone will be happy with the outcome. Tonight's feedback will be processed. The future land use plan map and the proposed Zoning map were placed on the screen and explained. The next steps of the process were explained. The special project designation was explained and how it works on the map and in process.

Vice Chairman Hauser let the public know that emails have been received, and they have spoken to many residents.

Vice Chairman Hauser opened the public hearing at 8:25 p.m.

Sandy Yezak of 986 Churchill Cir. And member of Assistance League at 440 South St. Spoke about what the Assistance league provides to the public. Voiced her concern on retail sales on South St. not being allowed as they do not compete with Main St.

Jeff Russell, Owner of Albertson LLC at 322 and 326 Albertson was present and was in support of the changes. Jeff gave a presentation of the past, present and future of the property 322 and 326 Albertson change that is proposed and why he supports the change. Jeff also explained how the fuel oil had contaminated the soil at the property. Grants to clean up the property were not available.

John Gaber, Attorney for Albertson LLC, gave his opinion on legal perspective regarding the changes to the 322 and 326 Albertson through the years and the current ordinances. Also explaining how the site cannot be cleaned up for residential.

Kurt Koella was on Zoom from Lakeshore environmental specialist for 322 and 326 Albertson. Stated It is not LLC's responsibility to clean up the site as they did not contribute to the contamination from Amaco. Kurt also explains what it would take to clean the site.

Margaret Mountain of 160 Albertson St. spoke on the 322 and 326 Albertson going from residential to light industrial is not in favor of the change.

Pete and Linda Gamage of 333 Griggs were not in favor of the change for 322 and 326 Albertson.

Tammy Snow of 159 Woodward was in not in favor of rezoning without a traffic mitigation plan.

Michael Coleman of 337 Griggs said that he would like 322 and 326 Albertson to remain in its current zoning. Michael also spoke about non-conforming areas.

Ann Wing of 318 Griggs spoke on 322 and 326 Albertson and was not in favor of the zoning change. There is a bus stop nearby with the area booming with families and children.

Cody Smith of 528 Ludlow had concerns of the Dillman/Upton and Solaronics area. Would like to see no deviation from the master plan and get that in writing and have justification to look back on.

Andy Norton of 312 Griggs was not in favor of the change at 322 and 326 Albertson at some point there seems to be the need for a long-term solution.

Jane Pitchford of 177 Albertson stated the property is a challenging situation and is not in favor of the change at 322 and 326 Albertson.

Kim Russell 345 Lysander property owner 322 and 326 Albertson. Kim gave some background information on the history of the Albertson property and its challenges. It is a non-conforming property and cannot be cleaned up, homes would be preferred for this site.

Lauren Coleman 337 Griggs spoke and the question at hand is what is best for this property and the residents moving forward. Changing zoning to light industrial will affect the surrounding homes. The business there has been good neighbors.

There was no online public that wished to speak.

Vice Chairman Hauser Closed the public hearing at 9:35 p.m.

Vice Chairman Hauser asked that administration place notifications/information on the website and stated that all the commission members have emails for correspondence. It is also asked that Mr. Jackson from McKenna set up meetings for residents to attend inside city hall.

Commissioner Clauser had comments on the south side regarding retail, can those areas be looked at to allow retail flexibility. The Albertson/Russel property makes a compelling case should it be kept at the lesser intensity option and keep special exceptions. Woodward/Ludlow area some areas change to residential some stay light industrial one. That area seems to have some inconsistencies.

Commissioner Murphy also spoke on Albertson property and lives in the area. They have been great neighbors and never had an issue, and this property needs more discussion.

Commissioner Bachmann felt the comments were very helpful to the commission. The question was asked of attorney Kragt on the best and highest zoning use. Attorney Kragt answered "Highest and best use is a planning term, but in who's eyes. What is best for the property owner does not mean it is best for the City, so best in what sense. John Jackson stated the highest and best is more a real estate term as to what use would generate the value/profit to a property. Highest and best use is not a guiding principle. Attorney Kragt also mentioned eliminating non-conforming to match the zoning does not make it legal. In other words, you do not rezone it to make it legal.

Mayor Salvia spoke about this being an aggressive task updating the Future Land Use Map. The map has not been current in a long time and that could create problems for the Planning Commission. Mayor Salvia thanked everyone for their hard work in getting to this point.

Motion by Salvia supported by Stone to table to a future meeting.

Ayes: Hauser, Bachmann, Clauser, Kendziuk, Murphy, Salvia, Stone

Nays:

Absent: Gassen

MOTION Carried.

#### 6. CONSIDERATIONS

There were no considerations for this meeting.

#### 7. MISCELLANEOUS

Commissioner Kendziuk inquired if the Brownstones are for sale. The City Manager stated that two of the units are for sale.

#### 8. PUBLIC COMMENT

Brian Bower of 415 W. fourth St. spoke that he and some others were there on other properties and wanted to make sure the Commission knows and to please not rush through the process. Nik Banda asked for Brian to make an appointment so they know what other properties are in question so that they can address them.

#### 9. ADJOURNMENT

Hearing there is no further business to discuss, the meeting was Adjourned at 10:00 P.M.

Respectfully Submitted,  
Rose McKinney, Building and Planning Clerk