

7. *The emergency access gate shall be built in conformity with the plans presented to the Planning Commission at the July 16, 2019 meeting.*

Mr. Kaltsounis indicated that he would be watching the development. He would vote yes based upon the discussion, but he wondered if it was setting a precedent and how it would work out, noting that someone else could come in with the same plan or the applicant could come back to change it, because the residents were upset (Mr. Windingland promised that would not happen).

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

Aye 6 - Brnabic, Dettloff, Kaltsounis, Morita, Schroeder and Gaber

Nay 1 - Hooper

Excused 2 - Reece and Schultz

Chairperson Brnabic stated for the record that the motion had passed six to one, and she congratulated the applicants.

2019-0065

Request for Preliminary Planned Unit Development and Conceptual Site Plan Recommendation - City File No. 18-016 - Rochester Hills Trio, a proposed mixed use development consisting of residential units, office and retail space on 5.77 acres located at the northeast corner of Auburn and Livernois Rds., zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 12, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Peter Stuhlreyer and Joe Latozas, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307 MI 48315, Fred Haddid, OYK Engineering, 30700 Telegraph Rd., Suite 2665, Bingham Farms, MI 48025 and Aaron Fales, Attorney, 1080 Canyon Creek Dr., Rochester Hills, MI 48306.

Ms. Roediger noted that the project had been seen several times by the Planning Commission and was most recently tabled at the June 5 Planning Commission meeting. There had been some outstanding issues: The Planning Commission wished to see more clarification regarding the public benefit; there was direction to soften the façade of the elevations; and there were many concerns about maintenance, construction and screening of the garages. She advised that the garages along the northern property line had been replaced with carports, and a row of evergreens were added along the property line. The applicant was adding a safety path along Auburn to extend beyond their property line east to connect to the bridge that went over M-59.

Mr. Stuhlreyer recalled that in March of 2018, they approached staff with a

project. They were aware that a project had been proposed previously for townhomes that was looked down upon, and they were driven to get a better project for the site. They talked about the improbability of obtaining the gas station on the corner. They also talked about the PUD process and the FB Overlay. The crux of the discussion was about obtaining the gas station, taking out four curb cuts, and cleaning the site and incorporating it into a mixed-use development. The public benefit would be all of that, and the trade-off allowed in the PUD would be having a partial third floor. In the following month, they brought the plan as a discussion item to the Planning Commission. They felt that the proposal was received very positively among the members. As they developed, they engaged things like materiality and other code concerns. They found that the gas station had deed restrictions which did not allow residential and other uses. They could not sell packaged alcohol or have a convenience store. That was what drove the major change to the design. He claimed that the three-story version was always the full width of the easterly buildings, and it was now less because of the topography. He advised that the rear elevation had been modified to engage a more architectural complete front so that the apartments to the north had a more pleasing elevation to view. They spoke with staff again because of an issue with the fire lanes. That was resolved, but they were asking for a modification for the minimum setback. The building on the west was further from the street than the FB Overlay allowed. MDOT had an issue with the ingress/egress points, which they initially fought. They decided to take the recommendation and the right in right out at the west had become right in only. The Commissioners thought that some of the materials were not warm enough, and they made a modification. They changed the brick, which really was not black brick. It had some copper and brown tones, and was a much softer color than previously. The lighter of the gray panels was softened from a more stark white to a more neutral gray. He stated that the design was a very classic, contemporary but warm building, and he felt that it was a perfect transition for a major intersection that was primarily commercial to the apartments and single-family homes. He pointed out that the mosque across the street was at least 20 feet higher and more massive than their buildings. Upon the City's request, they met with the ownership of Pine Ridge, who were very positive about the development. They were not opposed to the garages or the screen wall in the rear or the dumpster locations. They had removed the large brick wall and made the north garages into carports, which reduced the height of the brick wall to, at its worst case, eight or ten feet. Most of it was behind the dog park and the dumpsters and a large hill, so it would not be an eyesore for the apartment dwellers. He noted that there had not been public opposition at the Public Hearing.

Mr. Stuhlreyer said that they removed the garages and pulled the asphalt back from the north property line and added about 70 trees to screen the parking and carports from the apartments to the north. They could fit the required vegetation on site. They were retaining the easterly garages, but they were set back from the street about 30-40 feet, which was shown at the last meeting. They would be hard to notice traveling west down Auburn, and it did open up the building. He also noted that they had added more of the wood product at the Commission's request. They added an extensive pathway (1,900 linear feet) east to the bridge to provide neighborhood connection. He stated that he went to great lengths to push some commercial and live/work activity out towards the edges of the

property so that the streetscape was activated. All the end caps would be commercial, and not everything on the street would be straight up apartments. There would be retail in the west building, including a restaurant on the ground floor, and on the second floor, there would be about 10,000 s.f. for a medical lab. He said that they would be happy to answer any questions.

Chairperson Brnabic said that before going forward, she wished to take the opportunity to address a memo to the Commission dated June 20, 2019, because she felt that there was a decent amount of inaccurate information stated. The memo stated that at the April 17, 2018 meeting, the design aesthetics were unanimously supported by all nine members of the board. She reviewed the minutes from that meeting, and only five Commissioners spoke that night. To state that the design aesthetics were unanimously supported by all nine members was inaccurate. The meeting was to get feedback on a very basic concept plan, and no vote was taken. The memo stated that the only material issue at the time was the board asking if the applicants could clean up the gas station and incorporate it into the design. She stated that the reference to the gas station in the April 17, 2018 minutes involved a question asking if the applicant owned all the property. The response was, "all but the Speedway, which was under contract." There was also a statement by Ms. Morita that the applicants were willing to use a former gas station and turn it into residential, which was very brave, and she hoped that it all worked out. Mr. Anzek made a statement that he was glad to see it totally incorporated into the development along the corridor. She reiterated that it was also inaccurate that the only issue at the time was the board asking the applicants if they could clean up the gas station. At that meeting there had also been questions about the elevation, drainage, wetlands and caution that the Commission would be critical of building materials used. The next mention was the February 19, 2019 meeting, which stated that the outstanding items were raised and addressed, and none were about aesthetics, and the applicants asked to come back to a subsequent meeting. She stated that was not true, because the garages were in question. More detail was asked for in regards to the garage design, elevation, height, retaining wall, roofline, three-story design, façade transparency and building materials which were short of the requirements, and the PUD option was questioned by Ms. Morita. Next, they skipped to the last meeting on May 21, 2019 and stated that after addressing outstanding items, several members changed their position on aesthetics, and the public benefit was raised for the entire project. They did not mention the April 16, 2019 meeting. At that meeting, in addition to the above, questions were raised in regards to the proposed balcony design and detail, the use of a PUD and the public benefit. There were comments by three members that night, so it did not just come up at the May meeting. There had been comments about amenities and increased quality, whether the owner got the major benefit of the PUD, and that the benefit to the community did not stand out. Their statement that the PUD qualifications were never an issue until the last meeting was not correct. The applicants did provide a list of the PUD benefits at the May 21 meeting. At that meeting, another Commissioner questioned the public benefit and whether the project qualified for use of a PUD. There were three additional Commissioners who spoke, raising the number to six that had questioned the public benefit and qualification for the project's use of a PUD.

Chairperson Brnabic stated that she objected to the fact that on page two, as part of the qualification, the applicants said that they were developing a contaminated site and repurposing it. She maintained that the site was not contaminated. The gas station owners did all the work to remove the building, to remove the pumps and tanks and to totally clean the site. It should have stated that it was a previously contaminated site. At the February 19 meeting, Ms. Morita asked if the gas station was contaminated, and the applicant stated that there was almost none, because it had been cleared by the previous owner. Chairperson Brnabic referred to comment 7, for which the applicant stated that they were strongly encouraged to purchase and incorporate the gas station into their plan, and they relied upon the belief that the Planning Commission would approve the plan once they did that. It said that they were providing a viable alternative to the use of an otherwise obsolete and dangerous site. She said that she would agree with obsolete, but she did not consider the site dangerous. She wondered why the applicants relied upon the belief that the Planning Commission would automatically approve the plan if they contracted for the gas station property, because there was nothing in any of the minutes she read that would give that impression. The Planning Commission would never automatically approve any plan due to a purchase. She could say that perhaps if that property had been totally contaminated and the applicants had to demolish everything, take the tanks out and do the cleanup that it would weigh heavily as a benefit to the community. She knew that the applicants were proposing an extended pathway, which would be another benefit of the PUD. Regarding open space, the applicants had mentioned pocket parks, and she asked how the open space was distributed. She asked how many parks there would be and where they would be located.

Mr. Stuhlreyer replied that there were two components to the pocket parks that were public, and one was more of an outside dining component. He showed the parks, which he said would have cut-ins and sidewalks, small shelters, public art, water features and benches. They would provide pauses along the new pathway. They were "niches" to be used by pedestrians, joggers and bike riders, whether they were residents or not.

Mr. Kaltsounis asked what the letter was about. He appreciated Chairperson Brnabic going through it in detail and pointing out some of the comments and comparing them to the minutes. Mr. Stuhlreyer responded that the letter was a summary of what the team had felt were either housekeeping items, such as balcony details not matching on plans or unsurmountable ideas such as the Planning Commission could see no way to agree to a third floor. It was a summary, and he said that there was some rather harsh language. In defense of the document, it went through the entire team, and everyone had input on the wording. He felt that it was a reasonable summary, and some things talked about the unanimousness of what people liked when they were first showed the plans, because no one was in opposition to the project scope or architecture at the beginning. He agreed that it did not guarantee an approval, nor did the acquisition of the gas station. Their role in the gas station work was not a small piece. The rights that were given up to own that property was not a small thing, either. They felt that it was a good thing to redevelop a vacant site. Their ask to have half of the buildings have a third floor that was, in their opinion, conditioned upon the dropping of the grade, was not a giant chasm between benefit and cost.

They were surprised that it was not a public benefit. He said that not every community treated public benefits the same. They were a little gray. They had not come before the Planning Commission and gotten any kind of absolute debate about insurmountable ideas. When it came to access, fire, retaining walls, views and neighbors' approval, they had been able to accommodate. They softened the materials. He maintained that the density was not that great with regards to units per acre. They never felt as if they were up against a great wall. They thought that they had a very complicated site with a lot of issues they could housekeep their way through meeting by meeting. He suggested that perhaps the letter reflected frustration about that, and he apologized for that. He agreed that it could have used softer language and less summative language.

Mr. Kaltsounis said that he was concerned why the Commissioners even got a letter like that. Chairperson Brnabic had pointed out that there were a lot of statements in it that were contrary to the minutes. He said that if the project went forward, he would want the letter thrown out. He was not sure that they could, but he did not want it as part of the record, because it was untrue in most cases. They were not trying to swing public opinion. The first day he saw the development, there were garages on one level and massive walls of black 17 feet tall that went right up to Auburn Rd. They questioned the buildings and asked them to talk to the neighbors. He was particularly upset at the last meeting when they came and had changed the style of the outside of the building altogether. He had looked at a picture of a white industrial building with white vertical metal on the sides and back. It looked like what the applicants had shown at the last meeting. They had been going down a good path, and things were sort of pulled out from under the Commission. He was upset about that. The applicants were talking about changes again. As the development had progressed, it was looking like a property they could probably build compared with what was first presented. A lot of the back and forth were things to improve the development so as to be a benefit to everyone. Personally, he liked the site plan. It was a PUD, and there had to be give and take, but at the last meeting, he agreed with other Commissioners that it was more about density, and more one-sided. He questioned whether they would want to go into an agreement with an applicant that had slapped them across the face. He said that he would be interested to hear what others had to say.

Chairperson Brnabic felt that in many ways, Mr. Stuhlreyer's response was a spin. She used the minutes to back up her comments. She looked at the statements in the letter and went over the minutes, and the information was inaccurate. She did not know how five people could have worked on one memo. It should have been done by someone who was at the meeting. They should all have conferred. She read, "All of a sudden at the May 21 meeting, the qualification came up for the PUD." She reminded that it had been mentioned in February and in April. On May 21, three additional members chimed in. She did not feel that he had taken responsibility for some of the inaccurate information.

Mr. Gaber stated that the points were well made about the June 20 letter. As a matter of proceeding forward, the comments would be on the record and would be transmitted to City Council for consideration, in terms of deciding what to do with the Preliminary PUD proposal. He wished to move beyond it and try to

move the discussion forward. He had asked for clarification about the ordinance deviations being requested. He knew the setback of the corner building had been mentioned, but he asked about the other deviations being requested as part of the concept plan.

Mr. Stuhlreyer did not think that there were many. One regarded the front minimum setback for the westerly building, and another was having a 3rd floor on half of the center and easterly building.

Ms. Roediger said that there were some building design and façade transparency modifications being requested for the FB Overlay as well as for the front yard landscaping and parking lot setbacks. Mr. Stuhlreyer added that there was more open space than required by ordinance.

Mr. Gaber noted the eastern area of the project. The garage was still shown, and he wondered why they were going to carports on the north side but keeping the garage on the east side. They had added a carport on the east side as well. Mr. Stuhlreyer stated that the carport would add a feature and benefit for the residents. Taking out the garages was taking the quality for some. He believed that garages would be preferred, but carports were a requirement at the level of apartment they were proposing. He felt that leaving the easterly garage was the least visually impacting, because it would be tucked into a very large stand of trees. Mr. Gaber asked if he felt that the retaining wall at the rear and the garage on top of it would be covered, and if the visibility for people driving westbound on Auburn would be minimal. Mr. Stuhlreyer agreed that it would be minimal and maybe zero. There would be eight feet of space behind the garage on their property, which would alleviate the concern about maintenance of the rear of the structures. Mr. Gaber asked Mr. Stuhlreyer if he had any diagrams or cross sections of the carports, which were shown on the overhead. Mr. Gaber asked if there was any concern about nighttime and lights from vehicles facing north into the apartments across the open space. Mr. Stuhlreyer said that there would be a brick wall to shield and a tremendous amount of trees along there. He noted the photometric, and said that there had been a bright spot that exceeded code, but it was 50 feet within their property. There would not be any light bleeding offsite.

Mr. Gaber asked to see the plan for the pathway. He asked if the IAGD was building any sidewalk with its expansion project on the south side. Ms. Roediger believed that they were required to add a pathway along their property, which she would confirm. Mr. Gaber said that Mr. Stuhlreyer had mentioned the pathway over the bridge, and he asked if there was a pathway to the east of that on the north side, which he did not recall. Ms. Roediger said that the pathway started immediately east of the first residential road. Mr. Gaber agreed that extending the pathway as far as they could to the east would be a public benefit of the project. He asked Mr. Stuhlreyer to talk about their plan.

Mr. Stuhlreyer advised that there was not a long-term phasing plan. It would not be doing one building and then two years later doing another. The site work would be done on the eastern side and the first building would be constructed, and they would work on the west. They would not want to create impassable parts of the site while it was being constructed. There would be a single-phase

of construction, but it would be building by building by building. They would not wait for a building to get full before starting another one. He reminded that it would only be 120 units. Mr. Gaber asked if there would be no objection to stating in the PUD Agreement that it was a single-phase that would be done as one consistent development at one time and to put up a completion guarantee. Mr. Stuhlreyer said that would be up to the developer, but the goal was as he had explained. Mr. Gaber realized that was the objective, but unless it was written into the PUD Agreement with a performance guarantee to ensure that, all they would have would be a statement on the record. Mr. Stuhlreyer agreed that it would be in the Agreement.

Mr. Gaber wanted to make sure that the two pocket parks were not too dense with trees and shrubs. He said that it looked they were putting quite a bit into very small areas. The occupants would need the ability to enjoy the area and not just look at it.

Ms. Morita said that she assumed that Mr. Staran would review the PUD Agreement before it was signed, but she asked who would draft it. Ms. Roediger said that it would be the applicant. Ms. Morita asked if there was an escrow for Mr. Staran's legal fees. Ms. Roediger advised that there was an escrow for all reviews. She would confirm how Mr. Staran billed for his time. Ms. Morita asked if there was a limit as to how much the applicant was charged for legal reviews. Ms. Roediger agreed that it was a pass-through. Ms. Morita said that she did not appreciate the letter, either. There had been some blatant mistruths that she found extremely troubling, and if the City was entering into an agreement with the applicant that was highly problematic. There had been a lot of issues with the plans that came forward, including the zero setbacks, the lack of trees, drainage and the plethora of other issues to be addressed meeting after meeting. The Commissioners tried to work with the applicants. If there was an issue, they brought it up and expected it to be handled. She agreed with Mr. Gaber that the plan was better than what they had seen in the past, and she liked it better, but they did a lot of damage with the letter. Her concern was that the City would enter into an agreement with someone who, despite the minutes, which were public record, would try to submit something into the record that was not accurate. She said that she would appreciate an apology letter. She thought that it would be nice to have it as part of the file to explain that they had an opportunity to review the minutes and that maybe some of things that were said in the letter were not quite accurate. The fact that the applicants indicated at a prior meeting that the site was no longer in need of clean up and it was not contaminated anymore when she questioned them, and that the client did not do the cleanup; it had been cleaned to nonresidential standards before the purchase would go a long way towards mending the situation if stated. She said that it would be helpful if the applicants looked at the minutes. Mr. Stuhlreyer had said that it was his signature on the letter, and she felt that he should read the minutes and not leave it up to his staff, and that he should write the letter himself. That said, she appreciated the changes that had been made with the carports versus the garages, because it made it look less like a building behind a wall. She liked the trees bordering the carports, which she felt was more inviting. The things they were looking for the PUD Agreement such as the allowance for a two-foot setback instead of a ten-foot required setback with the changes with the trees and carports as opposed to the garages, were much

more acceptable. The colors were better, and she appreciated the variation. Going back to the original design scheme from April 17, 2018, there were no garages behind the building. In June, there were carports. They were missing that in between when the garages came in. She felt that it was important to note that the plan had gone through several changes. She was not convinced that the pocket parks would provide any public benefit at all. She did not think that they would be used by the public. She liked the fact that they were extending the trailway as a public benefit. She said that she would like to see a letter clarifying the misunderstandings which would help her a lot. She would like it to become part of the file.

Mr. Dettloff said that Mr. Stuhlreyer indicated that he met with the Pine Ridge owners and received a letter from them in support. He asked if Mr. Stuhlreyer would share some of the discussion or their initial concerns and the remedies that were proposed.

Mr. Stuhlreyer said that the owner and the property managers came to his office two versions ago with the garages. They were shown all the different elevations and different photo inserts of the back wall which would be brick and 17 feet tall. The neighbors would be getting 70 trees if they wanted. They said that they liked the brick wall and the security. They did not want the future residents to drive through their development, so a "Residents Only" sign would be at the cross access easement entry point into Pine Ridge. The Pine Ridge people had some problems with their retention pond, and they did not want that made worse. The applicants added underground detention, they pulled the outlet back, and it would be dumped back in the same course and volume that had existed. They would not be adding load to the neighbor's pond. Pine Ridge did not want their trash bins used for construction debris. They were very nice, welcoming people. They were excited about having a little commercial nearby.

Mr. Dettloff asked about the split rail fence, and Mr. Stuhlreyer said that it was a detail for the southeast corner of the parking lot where there was an elevation change. It would give a rural landscape feel. Mr. Dettloff said that he thought that some of the changes made were good, but he considered that the letter could come back to bite. He agreed with Ms. Morita that addressing it in a timely fashion would be good so things did not linger, and there was a sense of trust going forward.

Mr. Hooper said that from the last meeting, the items left that did not technically comply were the front yard setback, which was greater than the ordinance requirement; the minimum façade transparency, where the two buildings could be averaged and the intent would be met; building materials, which he thought were fine as presented; a spot on the photometric that was not compliant for which the fixture would be adjusted; the minimum parking setback of two feet proposed when ten was required, which he did not have an issue with since it would be surrounded by vegetation; and a waiver for eight trees. He thought they said they would be able to plant all the trees and not need a waiver.

Mr. Latozas said that they were short eight trees in the right-of-way of Auburn Rd. There was not enough room due to the building having to be so close to the road, the utilities and the drive around the west building. They were providing

eight, but they were on the northern property line in between the proposed project and Pine Ridge.

Mr. Hooper said that on the whole, he felt that they had met the intent of the standards for using a PUD. He supported the project's most current iteration. He thought that it would be a good benefit for the community. There was an obsolete corner that would be put back into appropriate use. He felt that they should move forward, and he intended to support. He indicated that he would not belabor the letter. He had seen it before in his line of business. He did present that "you don't poke someone in the eye when you're shaking their hand."

Mr. Kaltsounis proposed additional conditions regarding single phasing for the PUD Agreement and about providing a letter that apologized and corrected all the inaccuracies listed in the June 20, 2019 letter to staff. The applicants accepted the conditions. Mr. Kaltsounis recommended doing a short and sweet letter that did not get into much detail. Hearing no further discussion, he moved the motion below (with the two additional conditions).

Mr. Gaber realized that he was the newest member, and he was trying to get up to speed with the project. He felt that it had come a long way from what he had originally seen. He felt that the public benefit had been demonstrated to justify the use of the PUD option, and that it made sense to have the proposed, high quality development at that intersection to improve and enhance the corner. He thought that the project was warranted for the location. He appreciated the changes and upgrades that had been made and that the applicants had worked with the Planning Commission to address the concerns to move the project forward. He restated condition eight for clarification (see below). Mr. Kaltsounis asked if a financial guarantee would be made.

Mr. Davis said that it had not happened much since he had been with the City, but he recalled an instance when the Village of RH was redeveloping, and there was a big incentive for that to happen, because there was a \$2 million forfeiture bond. That bond guaranteed that the property was redeveloped as it was currently. As far as getting a bond to ensure the improvements got in place, he remembered that Arcadia Park had something like that. The infrastructure went in before the developer went belly up, and ultimately that subdivision was redeveloped. The second owners were handicapped by some of the utilities that were already in place, so he cautioned that they would not want to install something for a future developer that might want to do something different and perhaps not want water or sewer lines in a certain location. He felt that it would be better to have more of a forfeiture cash bond put up to the City's benefit. It would take a lot for the City to try to pursue a performance bond to make sure improvements were done.

Chairperson Brnabic reminded that they were reviewing the Preliminary PUD, so the issue of timeframes and other items would be addressed when there was a PUD Agreement at Final. Mr. Gaber said that was fine; he could not recall if the PUD Agreement went straight to City Council or if it came before the Planning Commission. Chairperson Brnabic advised that it went before Planning Commission first.

Mr. Gaber thought that having a second condition about the letter was a little heavy handed. He felt that in the spirit of cooperation and good faith that instead of obligating the applicants to do that, he would expect that. The project would come back at Final, and he would expect to see something then. He did not think that it needed to be a condition.

Ms. Morita said that she agreed. She did not think that it needed to be a condition. Mr. Stuhldreier came before the Planning Commission regularly on different projects, and she was sure that he wanted to maintain a good working relationship with the City. She was sure that he would do what he needed to keep that relationship. She was certain that Mr. Staran would be put on notice so that when he was reviewing the PUD Agreement, there would be no issues. There had been several Commissioners expressing displeasure, including one who also sat on Council, so hopefully, the right thing would be done. She asked Mr. Kaltsounis if he would amend his motion to remove that condition unless the rest of the Commission felt that it should be there.

Mr. Hooper agreed that in his perspective, it was not needed. Chairperson Brnabic also agreed that it did not have to be a condition. She felt that it was pretty plain what the applicants needed to do. Mr. Kaltsounis said that hearing the will of his fellow colleagues, he would remove the condition about the letter. Mr. Dettloff agreed, because, he joked, he had never been one to disagree with two attorneys. Chairperson Brnabic asked about the other condition (eight). Ms. Morita said that she felt that it should remain. The applicant could at least clarify that the phases would not be how they were normally thought of but that the development would be constructed at the same time. Mr. Kaltsounis agreed that Council needed to know that at the concept level. Ms. Morita said that the idea was not to have one building done one year and another done another year - it should be a continuous build.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of 18-016 (Rochester Hills Trio PUD), the Planning Commission **recommends** that **City Council approves** the PUD Concept plans dated received May 2, 2019, with the following seven (7) findings and subject to the following eight (8) conditions.

Findings

1. The proposed PUD Concept Plan meets the criteria for use of the PUD option.
2. The proposed PUD Concept Plan meets the submittal requirements for a PUD concept plan.
3. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
5. The proposed development is consistent with the Master Land Use Plan to provide an alternate housing option and flexible uses.
6. The front yard arterial setback for Livernois, minimum façade transparency, building materials and parking setbacks are modified as part of the PUD to

allow flexibility and higher quality development.

- 7. *The minimum number of deciduous trees required along Auburn Road as part of front yard plantings in an FB District is modified from 16 required to 8 due to lack of planting space.*

Conditions

- 1. *Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.*
- 2. *The site plans, including but not limited to landscaping, engineering, tree removal and setback modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.*
- 3. *The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.*
- 4. *Recommendation by the Planning Commission and approval by City Council of a PUD Agreement, as approved by the City Attorney, at Final PUD review.*
- 5. *Obtain a Tree Removal Permit at Final PUD Review.*
- 6. *Provide landscape and irrigation bond in the amount of \$107,009.00, plus inspection fees, as adjusted as necessary, prior to issuance of a Land Improvement Permit.*
- 7. *Address comments from applicable City Staff memos, prior to Final PUD submittal.*
- 8. *Developer shall provide in the PUD Agreement that the development will be constructed simultaneously (not phased) and a completion date.*

Voice Vote:

Ayes: *Dettloff, Gaber, Hooper, Kaltsounis, Morita, Schroeder*
 Nays: *Brnabic*
 Absent: *Reece, Schultz*

MOTION CARRIED

Chairperson Brnabic stated for the record that the motion had passed six to one. She congratulated the applicants on moving forward. There was a break from 8:48 p.m. to 9:00 p.m.

NEW BUSINESS

2019-0286 Public Hearing and request for a Permit to have a Private Horse Stable - City File No. 19-024 - Trimble Private Stable, proposed for up to three horses on four acres located at 1381 N. Livernois, on the west side of Livernois between Tienken and Dutton Roads, zoned RE Residential Estate, Parcel No. 15-04-427-019, Aubrey Trimble, Applicant

2019-0293 Public Hearing and Request for Conditional Use Recommendation - City File No. 19-015 - to construct a drive-through associated with Level One Bank, a