

10. *Capacity of the total flood plain shall not be impacted.*
11. *Provide a plan to show that all storm water runoff from roofs shall be directed to the detention systems, prior to construction plan approval.*
12. *The plans shall show the revised flood plain line for units 27-30, prior to construction plan approval.*

Chairperson Boswell asked about the artesian well, noting that he did not see it on the plan. Mr. Michael said that the Engineering Dept. wanted proof that it was properly capped under the City codes and public health requirements.

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

Absent 1 - Yukon

Chairperson Boswell stated after each motion that it had passed unanimously. Mr. Schroeder asked about the price point of the units, and Mr. Michael believed that they would run from \$340-390k.

2014-0378

Public Hearing and request for Preliminary PUD and Conceptual Site Plan Recommendation - City File No. 14-012 - Barrington Park PUD, a proposed 148-unit residential development on 15.6 acres, located at the northeast corner of Auburn and Barclay Circle, zoned O-1, Office Business, Parcel No. 15-26-376-007, Gary Shapiro, IAC Barclay, LLC, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated October 17, 2014 and PUD Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Gary Shapiro, IAC Barclay, LLC, 6689 Orchard Lake Rd., Suite 314, West Bloomfield, MI 48322, and Brad Strader, LSL Planning, 306 S. Washington St., Suite 400, Royal Oak, MI 48067.

Ms. Roediger summarized that the applicants were at the meeting in September. She noted that the property was 15.6 acres, zoned O-1, Office Business, located on the northeast corner of Auburn and Barclay Circle. The applicants were proceeding with a PUD development option, which allowed the City some flexibility in zoning requirements in return for

a development the City considered of a higher quality than what could otherwise be permitted. Staff had reviewed the plans under the RM-1 zoning regulations, as they were the most applicable compared with O-1. Ms. Roediger advised that the PUD process was a two-step process, and the matter before them was step one. It was a concept level only, and site plan details would be flushed out during step two. A lot of the review comments were intended to provide direction to the applicant to make sure things were heading in the right direction. The proposal was for 148, three-bedroom, owner-occupied units in 30 different buildings, with 3-6 units in each of the buildings. At the last PC meeting, the topic of density came up. The development was 9.4 units per acre, and Staff provided some density calculations for other multiple-family developments in the community to give a range of densities the City had approved and that were constructed elsewhere.

Ms. Roediger advised that in addition to the units, the applicant was proposing 2.46 acres of open space spread throughout the development in six parks, and an offsite pathway to the north of the site was being provided for pedestrian connectivity to Hampton Circle. In terms of elevations, the applicant had provided some renderings of similar developments they had done in the past and what they would like to do at the proposed site. She turned it over to the applicant.

Mr. Shapiro related that they took a lot of the comments from the last meeting and incorporated them in two detailed submittals to Staff and the consultants. They had very extensive conversations about the traffic. He indicated that traffic was a problem in Rochester Hills, and the proposed use would have half than what the current zoning would allow and was approved for the Crittenton Urgent Care Center. He felt that what they were proposing was a down zoning. MDOT had advised that they had plans for 2016 to get coordination between the signal at Auburn and Barclay and Primrose Rd. There was also conversation about moving Barclay and connecting it to Primrose, which he did not think was a viable option, because it would create a drive-thru all the way through the Primrose neighborhood out to M-59. They showed a boulevard on the original plan, and they relocated the ingress and egress points on Barclay. Mr. Shapiro noted that the proposal was for townhomes with a brownstone look, and they added pocket parks for walkability. In the beginning, they explored commercial, office and mixed-use, all with higher densities, and they chose to do townhomes. They explored at length having on-street parking on Barclay to invite walkability. That was not well received, so they removed it. There would be parallel parking in front of the units. They proposed 1/3 more parking on the site. It had

been mentioned that some communities in Rochester Hills did not have enough guest parking. Staff said that it would be nice to have connectivity to the property owned by Hampton, which was the Oakland County drain catch basin site. They had since learned that there were mixed views about that, although they had moved the sidewalk closer to the office building and away from the homeowners on the east side. He felt that it was great planning and coordination, but he understood the other opinions, and it was not necessary for the success of the project.

Mr. Shapiro said that they always sought the neighbors' input. They met with the neighbors at the DPS garage. As a reaction to some of their concerns, he added another 15 feet of greenbelt along the eastern property line and added 1/3 more dense vegetation along the property line. There were letters in the packet from neighbors who wanted a brick wall. He did not think that was a good idea, and he felt that a brick wall made properties less valuable. It would make both properties look smaller, and there would be maintenance problems, and he would highly prefer not to put in a brick wall. They redesigned the proposal, and they would agree to put in a chain link fence. That would at least be transparent, and he was hopeful that would satisfy some of the people on the adjacent properties.

Mr. Strader noted that about 20 neighbors joined them at the DPS building. He said that the changes to the plans came from a variety of sources: from comments they received from the Planning Commission; from comments from the neighbors; from the two sets of comments from Staff; and their team continued to tweak the plans. He noted that this was the first of four steps.

Mr. Strader outlined that the site was surrounded by a variety of uses. There was single-family on half of the eastern border; the Rochester Hills DPS garage was on the other half of the eastern border; there were offices to the north; multiple-family to the northeast; commercial and institutional uses to the west; and a school and a subdivision to the south. He felt that one of the advantages of the site was that they had access to a traffic signal at Barclay and Auburn.

Mr. Strader recalled that the Crittenton plan previously approved could have been a 24-hour ambulatory, medical clinic. The current zoning would allow a very wide range of uses and heights from 42-55 feet based on setbacks. They looked at a lot of uses and came up with a preferred site plan. They looked at commercial, but the site was not on Rochester Rd. - it was not a hard corner or visible location. Residential was

appealing, and the City's Master Plan called for a variety of housing types. They looked at the senior housing market, which was strong, but they did not feel it would be good at this location. He reiterated that the units would be owner-occupied, rather than apartment style. It would not be age restricted, but the idea would be that it would appeal to homebuyers as outlined in the Master Plan - independent, younger seniors, millennials and young professionals. They felt that the proposal would be a good transitional use between the commercial and the residential. He appreciated the work Staff did to show the other multi-family developments in the City, and their project was in the middle in terms of density.

Mr. Strader noted that a PUD was not a rezoning. It was a development option that gave flexibility in terms of design. They felt that they were offering a lot of amenities over the other uses that could be permitted on the site. There were sidewalks within the site, and it would be very walkable. Regarding traffic, they would have significantly less than other uses would. The traffic would be about 80% less than what the Crittenton project would have had. They submitted a traffic impact study to the City. There were problems at the Primrose/Auburn intersection, and that was why MDOT was looking at putting in an additional westbound lane and potentially signalizing Primrose. They were also considering realigning Barclay with Primrose, but the applicants felt that would be a bad idea. It would make their project unfeasible. They thought that people would cut through the subdivision to avoid the Auburn/Rochester intersection, and that there would be even more traffic on Barclay Circle. The option would be to signalize Primrose with Barclay with a two phase signal. HRC, their traffic engineers, did 24-hour counts on Barclay Circle, and they found out that the volumes were pretty high. The average daily volume was 6500, which was actually pretty low for a five-lane road, but high for a collector road. They did turning movement counts at the intersection. They found that the current level of service was F at the Barclay/Auburn intersection. With the MDOT project planned for 2016 to add a westbound lane, the level of service would rise to a B. The applicants found that a two-phase signal - one at Primrose and one at Barclay - would give a very good level of service and work more effectively than the current signs and pavement markings to try to get people to stop. They looked at crashes, and they had gone down by 50% each of the last three years because of safety improvements to Auburn.

Mr. Strader showed the plan they had submitted previously. They had some buildings pretty close to the property line and a 20-foot setback, and the pocket parks were not very well defined. He showed the revised

concept plan. They added trellises and benches and six pocket parks. There were sidewalks throughout, except for next to the pond. It would be their preference not to have a sidewalk there, because they did not want to invite people to be on the edge of the pond. They would be open to it, however. They added some pet stations, as Mr. Reece had suggested. Mr. Strader advised that they moved the building farther from the property line. One was 67 feet and the others were 77 feet away, and only 42 feet was required, so they were significantly deeper into the site than the Ordinance required. Regarding parking, the Ordinance required 36 visitor spaces, which was based on three-bedrooms, and they were providing 96 visitor spaces plus four spaces per unit - two in the garage and two in the driveway. They took out the boulevard at Auburn, and they would have a standard driveway, and they moved the road farther away from the property line. Mr. Strader pointed out that the Ordinance only required a 35-foot rear yard setback, and they were proposing a quite deeper setback. The Ordinance required about 75 trees in the buffer, and they were proposing 150. They were providing more evergreens, canopy, shrubs and ornamental trees than required. He showed a drawing of the fence, which would be a vinyl coated, black, chain link fence on the eastern property line. They would work with the neighbors on the landscaping, and they would try to keep some of the existing. Mr. Shapiro would prefer no fence or wall, because there would be three layers of landscaping between their road and the neighbors. Mr. Strader advised that the height of the buildings would be 31 ½ feet, and office zoning allowed 42-55 feet, and the R-4 district allowed 35 feet. They felt that the architecture met or exceeded the City's standards. They believed that they could meet any of the requirements the City had.

Mr. Kaltsounis asked the distance from the lot line on the east to the road. Mr. Strader said that it was 35 feet. Mr. Kaltsounis asked Mr. Strader to point out the parks, which he did, and he clarified that the detention pond was not counted in the 2.4 acres of open space.

Mr. Schroeder referred to the drive approach by the detention pond off of Auburn, and he recommended that the applicants consider an excel/decal lane at that approach because of the fast-moving traffic. Mr. Strader responded that the traffic impact study by HRC looked at the MDOT excel/decal tables, and they were not required to have one because of the projected volume. He assured that they would continue to work with Engineering. Mr. Schroeder asked if there would be a berm along the east side with plantings on top of the berm. Mr. Shapiro said that was not planned. Their landscape architects recommended not putting in a berm. They would add a thick row of evergreen trees and

three layers of landscaping. Mr. Strader added that most of the neighbors did not like the idea of a berm; they wanted a living green wall and a fence. There was some concern from the neighbors about drainage. There had been some flooding issues not related to the subject property, and a berm could lead to drainage complications in the future. Mr. Schroeder thought that even a slight rise would look better and still assure no drainage problems. Mr. Strader said that some of the neighbors asked for a cross section, and they would provide that with the final submittal, but they could look at a slight grade raise. He noted that they were a little higher than the neighboring property already. Mr. Schroeder emphasized that the neighbors would not want a brick wall. It would be very degrading and commercial-looking, and what was proposed was a much better situation.

Mr. Hetrick said that he appreciated the green belt in the space abutting the neighbors. He suggested that there should be something besides a chain link fence - perhaps a vinyl fence like the one on Livernois. He thought that fence was better looking than a chain link, and he thought it would be more easily maintained and not be as stark as a brick wall. Mr. Shapiro asked Mr. Hetrick if mean a transparent vinyl fence, and Mr. Hetrick explained that it would be the equivalent of a privacy fence. He added that a vinyl fence would provide a little more screening for the neighbors on either side. Mr. Shapiro felt that anything solid would not be good for either party, but he respected other opinions. Mr. Hetrick believed that some of the other Commissioners had the same viewpoint as he did, and Mr. Shapiro said that there was not a right or wrong, and that they would be open.

Ms. Brnabic related that at the last meeting, several Commissioners expressed concerns about the density being too high. They started with 144 units and now the plans showed 148. She considered the comparison with RM-1, which would have a maximum density of 6.81 units per acre. She said that she was not necessarily asking them to go down to that, but she was not comfortable with 148 units. She had commented that she would not want to see the density any higher than 144, and she was thinking at that time of asking them to decrease it, but she did not. She stated that she would like to see the density a little lower. She did like a lot of the changes they had made, and they had paid close attention to everyone's comments.

Mr. Reece thought that the applicants had done a very detailed job putting the plan together. He had been one of those that talked about density previously, but with the changes made to the layout and the

landscaping and the parks, he was more comfortable with the plan. He agreed about the fence; with the amount of money they would be spending on the landscaping and how well it would look, he was not sure he would want to see a fence. He commented that everyone was entitled to their opinion, of course. Mr. Reece said that he liked the changes to Barclay Circle. He thought that the connection to Hampton Circle was an excellent idea for a lot of reasons, and he was very much in favor of what they had done.

Chairperson Boswell mentioned the fence and he asked Ms. Roediger if there was an easement through that area. Ms. Roediger agreed that there was a 20-foot drain easement along the eastern property line. As a policy, the City would not encourage the development of a permanent structure, particularly a masonry wall and its associated footings. It would be in the way of any future maintenance. She believed that a fence would be less impactful, but as a general rule, the City discouraged all structures in easements.

Mr. Schroeder asked if the easement was under the jurisdiction of the Drain Commission, which was confirmed, and he said that they would not allow any structures in that easement. They might allow a fence, but not a structure.

Chairperson Boswell opened the Public Hearing at 9:19 p.m.

Ken Skrzyniarz, 2850 Sandhurst, Rochester Hills, MI 48307 Mr. Skrzyniarz said that he and his wife were original homeowners on Sandhurst. They had seen some changes over the past 35 years. They had enjoyed the transition from the Ferry Seed Farm to the Edinshire neighborhood. They had enjoyed the years from Avon Township, from Mayor Earl Borden to Mayor Somerville to Mayor Barnett. They had enjoyed the natural surroundings. They saw pheasants and skunks. They watched as the large strip mall was built on Rochester Rd. They welcomed the courthouse and sheriff's substation as neighbors. They loved it where they lived. They realized that a new development would become their neighbor, and they welcomed them. However, they also needed to protect their property value and their way of living. They would like a solid barrier - an attractive brick wall or attractive fencing like that on Livernois - to separate the properties. It would deter strangers, dogs and trespassers who might want to cut through their yards and park on their street or gain quicker access to Barclay Circle. He said that he was glad to see that the buildings would be set back a little farther. They understood they would be about 60 feet from their property line. He said

that there was also a gradient difference. The Barrington property was five feet higher than the property in Edinshire III. They were concerned about lights from the townhouses and lights from the cars peering into their yards. That was why they were asking for a solid barrier. He said that visitor parking appeared to be improved, but it was still limited. There were no fences allowed in their subdivision, but a small natural barrier such as a berm would not achieve what they needed. He would like to know more details about the plantings and the density of a natural barrier. He felt that there would be some problems with a walkway around the existing pond connecting Hampton Circle to the project. It was moved to the west side of the pond, but he wondered how attractive the walk would be along a "stinky" pond. He advised that the pond was not serving as a retention pond currently. They have had flooding in their yards because the pond was full. It was full of weeds, and the drain frequently got clogged, and there was a lot of runoff. He asked who would maintain the sidewalk with regards to snow removal and overgrown grass. He asked who would remove the litter. He hoped that lighting from the townhouse project would be directed so that it did not shine into their properties. It should include parking light fixtures and building fixtures, as well as car lights. Trash receptacles should be individual, as they were for other homeowners. He did not want to see noisy dumpsters. He said that snow removal should not be directed toward his subdivision's properties. He cautioned that snow piles could damage natural vegetation from salt and excess water from melting, and he wondered where that would go. He indicated that they needed some visual relief. The proposed homes would be very close to their property lines, and he stated that they needed some protection. He concluded that they had enjoyed their home for 35 years, and they wanted to enjoy living there for the rest of their time.

Scott Lazzara, 2866 Sandhurst, Rochester Hills, MI 48307 Mr.

Lazzara stated that he lived right on the other side of the proposed natural landscaping. He commented that there were plusses and minuses to a wall. From the neighbors' standpoint, there were a lot of young kids in the area, and their main issues were the height of the buildings, lighting to be directed away from the neighborhood, and being able to preserve their privacy from residents migrating into their neighborhood. They had issues with that in the past. He liked the changes that were made, such as moving the buildings further from the property line and the density of the plantings to help with noise and privacy. He reiterated that they wanted to preserve their properties from light, sound, traffic, etc.

Jason Beddow, 2818 Sandhurst, Rochester Hills, MI 48307 Mr.

Beddow agreed that the applicants did a good job on some of the

changes. He said that he would be directly affected by the walkway, however. They shared the concerns with regards to the vegetation wall versus a brick wall and/or a fence. It seemed like they were making some headway, and he hoped it would be worked out. He saw that the walkway was moved to the west of the basin, but he thought a walkway would invite strangers and people riding bikes to cut through the area. He thought that it would be best to save the money and have it put towards another use. When they invited traffic, it could be a safety hazard. He heard from someone at the last meeting who did not live close by who said that he would love to ride his bike through there. He reiterated that they did not want strangers invited to come behind their houses, and he did not feel it was necessary. He suggested that someone could walk to the front where there was a sidewalk and go around on Barclay, like people did now.

Heather Molitoris, 2876 Sandhurst, Rochester Hills, MI 48307 Ms. Molitoris noted that she lived at the end of the cul-de-sac. She had a question regarding the Sandhurst property line and the easement on top of the setback. She asked the total distance from the Sandhurst property line to where the road would begin. Mr. Strader advised that it would be 35 feet, and the easement was part of that. Ms. Molitoris said that she read the Ordinance, and it said that easements could not be used towards setback counts. Her concern was that the setback should be 60 feet, based on her understanding of the Ordinance. It concerned her because she had young children, and with the outlet on Auburn Rd., it would increase the traffic. It was basically right in her backyard. She would have about 60-plus cars coming out where her daughter could get hit by a car. She said that people cut through Barclay all the time. They would cut through the Auburn outlet into the proposed sub and drive around. They were not allowed to put up fencing in her neighborhood, and the landscaping they were proposing would provide a lot of movement for her daughter to get hung up into. She asked if they could relook at the distance from the property line and not include the easement. She read the Ordinance (Section 138-6.102), and it said that there should be a 35-foot additional setback for RM-1. She looked in the Ordinance to see how many units could be considered as part of a building. She thought she read that only three-four units could be incorporated into a building. She asked why some buildings had six and some had four. The most populated buildings would be right behind her backyard, which would increase foot and car traffic. She said that she was not in love with the fence, and she felt that it was the developer's way of not putting up a structure and putting up the ugliest thing he could find to get his way. She thought that the Livernois fence was a lot more attractive, and that it should be considered. She also had a strong concern about the maturity

of the trees to be planted. There could be a lot of light pollution and noise until the trees matured. Her primary concern was still the amount of car traffic from Auburn Rd., the amount of direct garage access points and parking, and she thought they should relook at the 35 feet from the property line. She did not think it was a good enough distance.

David Wong, 2861 Sandhurst, Rochester Hills, MI 48307 *Mr. Wong stated that his house was on the cul-de-sac, and he was concerned with visitor parking. He thought that people might park in the cul-de-sac and walk into the proposed development. He was agreeable with a vinyl fence. A couple of years ago, they had a bad rainfall, and it flooded the area pretty badly. He was concerned if, with a lot of building going on, the retention pond was big enough. He hoped that the City's Engineers would determine that.*

Pam San Jose, 2834 Sandhurst, Rochester Hills, MI 48307 *Ms. San Jose stated that she was the second of the two original homeowners that had been there for 35 years. They were at the northeast corner of the development. The present plan called for a green area to be in the corner of the development, which would end right in the middle of her lot. She would like to ask for a solid wall, but she would be open to a vinyl fence. She could foresee people parking on Sandhurst in her front yard and walking through her yard. She had many of the same concerns as those raised. She was opposed to the walkway. She and her husband did not see any visual value for walkers, as the pond was full of cattails and wildlife. The sidewalk would go to Hampton Circle, where there was no sidewalk or any buildings. She could see it as a dog run. They understood that the developer would maintain any green areas for a period of two years. Their concern was how well their area would be maintained after the two years. That was another reason for requesting a solid wall, and she felt that it would last much longer and require less maintenance. She stated that it had been her home for 35 years, and they did not have another 35 years for the berm or the green areas to mature and camouflage the development. She realized that it was a business for the applicant, but for the residents, it was their daily lifestyle. They were asking that the development not be a game at the neighbors' expense. She stated that she appreciated the changes that were made. Because the lot ended at the middle of their property, they would like to see the wall form an L so that people did not walk around the wall or into the berm to get to her property.*

Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307 *Mr. Beaton said that to quickly disclaim himself, he used to be a City Council*

representative for the residents in the area. He maintained that they were a fantastic group of residents. Their homes were built in the late 1970's, and they had been there longer than some people had been in business. When he read through the Planning Commission material, he noticed that a lot of the residents had crafted some very thorough, detailed letters. They had done a great job of keeping up their neighborhood, although he commented that the City needed to redo the streets. He mentioned that a lot of the people went to the church on John R, and that there was a great sense of neighborhood. When he looked at Mr. Shapiro, he had to smile, because they were 90% there. To think about what could have happened with the property - three-story, walk-up apartment complex, rentals, a tall red brick wall by a strip mall or sports bar or an office complex where at 2:00 in the morning the Oakland County Sheriff's office could be there chasing teenagers away - the neighbors could have gotten stuck with so much worse. He had googled Mr. Shapiro, and he learned that Mr. Shapiro had won awards nationwide. Mr. Shapiro was a top-notch, Bloomfield Hills developer. When he talked about the landscaping that would be provided between the homes and the development, he was not joking. People could drive over to the developments he had done in Bloomfield Hills. He would put a class act in the neighbors' backyards, and they would reap the privilege of staring at those millions of dollars. The neighbors would reap the benefits of staring at all that money he would put into it, and if they wanted to put in a brick wall, he agreed that it was not a good idea. He said that his son was in the real estate business, and if he was asked to give an appraisal of a home that looked at a big, red brick wall and a home that looked at Bloomfield Hills landscaping, he would say that the home that looked at the landscaping was worth a lot more and would have a higher resell value than a home that looked at an ugly brick wall. The residents would have to then spend their own money to put in pine trees to make the wall look good. He asked why they should do that if they had a developer that would put Bloomfield Hills in their backyards. He asked them to think twice before they were solid about the wall. Mr. Shapiro had computers that could take pictures out of someone's upstairs windows or from the deck, and he could generate a realistic illustration of exactly what the neighbors would see. He could also show them what a red brick wall would look like. He commented that a picture was worth a thousand words. Regarding the pathway, every wonderful urban planner, even Frank Lloyd Wright, wanted to connect the world with pathways and have residents communicate with each other. Planners wanted residents to be able to walk from one development to another and for theirs to become more of a neighborhood. He agreed that there would be a question of maintenance. If the residents did not want the pathway and the responsibility of inviting people to a swamp, he

felt that they should get rid of it. He read that the look of the development should match the homes, but they had vinyl siding and brick, and they were somewhat dated. Mr. Shapiro would probably use wood siding and stone and brick, and the buildings would look residential, but they would be gorgeous. He read that there would be no clubhouse or pool, and he agreed that those were not used a lot by people nowadays. They took up green space, and they were expensive to maintain. The proposed development did not lend itself to a pool, and it would become a liability. He said that he was glad Mr. Shapiro was walking away from those kinds of ideas and putting in more green space. He heard someone ask if the pond would be kid-friendly. He did not know what that meant, but he was sure that Mr. Shapiro would put up a "no swimming" sign. To fence it off would be a horrible idea. It would deter the deer and other animals from being able to use the pond, which would be used by nature. He hoped that area would be kept as natural as possible. He said that he liked the vinyl fence on Livernois, and if that was what the neighbors wanted, it could be a good idea, although he did not think it would be the best idea. He thought that a vinyl coated chain link fence would be an even more horrible idea. There was another fence on Livernois, which was a decorative, translucent, black wrought iron fence, and he would rather see them explore that idea.

Mr. and Mrs. Nabeel and Georgette Azzam, 2842 Sandhurst, Rochester Hills, MI 48307

Mr. Azzam said that he liked the improvements that were made, and he liked the wider tree line. He asked if people would be able to park on the road next to the tree line. If so, it would be a problem for all of the residents that lived along that property line. He echoed all of the concerns his neighbors had about privacy, a wall, etc. There were a lot of positive changes, and whether having a wall or not was something that they would have to discuss with all of the neighbors. He concluded that things were looking positive.

Discussed

Terry Treat, 2826 Sandhurst, Rochester Hills, MI 48307 Mr. Treat said that he lived off the end of the "lovely" pond. He thought that the plan had improved, but he was concerned about the setback. If they were in compliance, he had no problem, but he thought there was an issue with that based on what Ms. Molitoris said earlier. He agreed with everyone about the walkway. He thought that maintenance and access would be an issue. There had already been enough kids and grownups plodding through there, and they did not need any more. They did not need messes from dogs, and they did not need the walkway. He did not know what purpose it would serve going to Hampton Circle, because there was

no where to go from there. He stated that they might as well walk on Barclay. There was nothing on Hampton Circle to attract anyone. As far as making the neighbors bond, he said that would happen as a natural course of affairs; they did not need a walkway for that. Regarding the wall, he also shared a concern. The idea of a green zone was not so nice. He was not sure how it would be maintained after the developers were gone. He had a problem with the way a fence looked sometimes, but if it was a decorative fence or a nice brick and mortar, they would not be worried with runoff or maintenance on the applicant's side. It would keep a community a community, and the more they kept Barrington Park a community, the better off he felt they would be. He thought it was curious that a walkway was not proposed for the development's detention pond, and it had been stated that it was because of a safety issue. He thought that there would be a safety issue putting a walkway around the Hampton detention pond, and that would be the residents' problem. He was not sure of the requirements for barriers between Barrington Park and the medical buildings to the north, but if a wall was required, he would like to see it continued on the north side as well. He suggested that they could make it an enclave and sell it as an enclave, which had been done before. He felt that the density was an issue, and that there were too many units. He was not sure what type of variance the applicants would be getting, but if that was supposed to duplicate RM-1, which was 6.8, he thought they should keep it in that range.

Chairperson Boswell closed the Public Hearing at 9:55 p.m. He noted that there was a question about the distance from the property line to the road and about the setback requirements.

Mr. Anzek advised that setbacks were measured from the property line, not in addition to an easement. He read the section that Ms. Molitoris had mentioned, but he could not even find the word easement. Mr. Hooper mentioned that his rear yard setback had a 20-foot easement, and it was part of the setback.

Chairperson Boswell said that someone had asked about the number of units per building. Ms. Roediger said that she compared the proposal with the RM-1 district. There was not a limit to the number of units; there was a limit on the length of the building. If it were over 180 feet, there would be an additional setback requirement. The buildings were well within the building lengths permitted in the Ordinance.

Mr. Shapiro emphasized that he took a lot of pride in doing something good in a community. It was a collaborative effort, and he thought that for

the conceptual stage, they had come a long way. He clarified the PUD endeavor they embarked upon, which was to look at the highest and best use for the property. At the earlier meeting, he had shared a 320-unit PUD, which would have complied, and he thought that he could have done an excellent job. It would have had a lower price point, and it would have served a different population. He said that more was not always bad, but quality and good planning was good. He wanted everyone to be happy, and there were a lot of things that had to be balanced. They had a long way to go in the process. He had heard a lot of good things, and his job was to create communities. The buffer for his development was as important to the prospective homeowners as it was to the neighbors. He looked forward to working with everyone in the future. He advised that there would be a condo association that would take care of the snow and the landscaping. That would all come out in the condo documents and in the PUD Agreement.

The Commissioners took a break at 10:05 and returned at 10:17 p.m.

Regarding a brick wall, Chairperson Boswell stated that it could not happen, because the Drain Commission would not allow it over an easement. He did not believe that a decision about a fence had to be made at this point.

Mr. Kaltsounis stated that there used to be a paragraph in the Ordinance against loop roads, and he did not see one loop road in any subdivisions in the City. He looked through the new Ordinance, and he did not see anything about restricting loop roads. He thought that might have been missed. He said that he scanned the entire City, and outside of the senior living home off of South Boulevard, Barrington Park would be the first development with loop roads. He had an issue with loop roads. He asked Mr. Shapiro what the plan was for trash removal.

Mr. Shapiro said that there would be individual trash removal managed by the association. It would be the same as individual homeowners had. Mr. Kaltsounis clarified that there would not be any dumpsters. He addressed the density. He agreed that there was development surrounding it with more density, and that they might have been able to put in 300 homes, but he reminded that a PUD was also an agreement with the City about what would be the most beneficial for the City, and that would include the density, the buildings, etc. Mr. Kaltsounis said that he appreciated the plan and the changes made, but with regards to the density, he felt that 148 homes was way too high, and to him, it was the biggest negative regarding the project.

Chairperson Boswell asked Mr. Kaltsounis his objection to the density and if it related to traffic or something else. Mr. Kaltounis said that they discussed traffic with every development, and there had been concerns about getting in and out. When he looked at the loop road, he thought about headlamps shining on the neighbors' properties. He felt that the density was high for that corner, and it did not flow into the other developments as nicely as he hoped it would. Chairperson Boswell said that they could go back to the argument that if Crittenton had developed as they wanted, then he could really complain about density and traffic. There would easily have been twice as many cars if not four times as many.

Mr. Hetrick said that he would support what Mr. Kaltsounis said and suggest that the maximum density should be 148. It would be a relatively dense development, and since the comparisons they were given showed that the density was considerably higher than others, he stated that 148 should be the high number. He reiterated that he would not prefer a chain link fence. He agreed with the neighbors that the walking path to Hampton Circle would not serve much purpose.

Mr. Hooper said that he was o.k. with 148 units. With the open spaces, pocket parks and walkability, he felt that it was compensated. Regarding the walkway to Hampton Circle, if it connected to something, that would be fine, but it did not, so he did not see a need for it. Regarding the screening for the east side of the development, he would much rather see a vegetative screen. A thick, 8-foot tall, non-deciduous evergreen screen that was appropriately staggered would screen headlights or people between the developments, and he would much rather see that. The Planning Commission had asked for that a number of times in other developments, and especially since it was residential to residential in this case, he would prefer that. The DPS did have a wall, but it was commercial against residential, and there was a noise situation that the proposal would not have. If it turned out that the majority wanted to have some kind of a fence, he would go along, but his preference would be a vegetative screen.

Mr. Schroeder said that as far as the density, if they reduced it, it would not look any different from the outside, and it would not be any different to the adjacent neighbors. He stated that the project was not unreasonable, and the alternatives would have been much worse, in his opinion. It was residential, and it would not be that intrusive. He agreed that they could not have a brick wall because of the easement, but he stated that they

would not want one in their backyard anyway. If they wanted a fence, that would be fine, but a vegetative screen was a far better idea in the long run. It would have a much nicer appearance, and it would be a much nicer treatment for the backyards. Regarding the sidewalk, if it was that much of a concern to the neighbors, the developer would not put it in.

Mr. Dettloff said that Mr. Shapiro had reiterated several times what the alternatives could be. Mr. Dettloff personally felt that Mr. Shapiro would be bringing in a total quality development to the community. Mr. Dettloff thought that the effort Mr. Shapiro had put forth was absolutely amazing, and continuing to being open minded moving forward spoke volumes about what Mr. Shapiro did in his line of work. Mr. Dettloff said that he totally supported what he saw. It would also be a great product coming in to the City, and it would have a lot of appeal. He said that he applauded Mr. Shapiro for his efforts so far.

Ms. Brnabic said that she agreed with Mr. Hooper about a vegetative screen wall, and she noted that it had been tripled from the original plan. She also agreed that the walkway was not going over well with the neighbors, and she did not see the purpose for it. It was considered an amenity originally, but people were not seeing it that way, so she recommended dropping it. She stated that she was impressed at how well Mr. Shapiro had worked with the neighbors, and that he took suggestions from the Commissioners. She also believed that Mr. Shapiro would provide a quality development for the community.

Hearing no further discussion, Mr. Reece moved the following motion, seconded by Mr. Hetrick.

MOTION by Reece, seconded by Hetrick, in the matter of 14-012 (Barrington Park PUD), the Planning Commission recommends that City Council approve the PUD Concept plans dated received October 13, 2014, with the following four (4) findings and subject to the following four (4) conditions.

Findings

1. The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development 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.*

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 and tree removal 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. *The maximum density shall be 148 units, as shown on the plans dated received October 13, 2014.*

Chairperson Boswell said that the chances were that once the applicants did more engineering, they might lose a building or some units.

Recommended for Approval to the City Council Regular Meeting

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Nay 1 - Kaltsounis

Absent 1 - Yukon

Chairperson Boswell stated for the record that the motion had passed seven to one. Mr. Shapiro thanked the Commissioners and Staff. He said that it was not often that he heard a mandate for a walkway, but he stated that it would not be part of the next plan.

Mr. Strader said that some of the residents had asked when the matter might go to City Council so they could attend. Mr. Anzek said that anyone who spoke would be notified when it was going to Council. He believed that it might not be until December, but he would try for

November if the Council President approved it.

Chairperson Boswell announced that the item under Any Other Business would be postponed at the applicant's request.

2014-0451 Public Hearing and request for Conditional Land Use Recommendation - City File No. 87-823.2 - to construct a drive-thru at a proposed 1,929 square-foot Tim Hortons in conjunction with demolition and reconstruction of a new, 5,391 square-foot gas station and convenience store on a .92-acre parcel at 2995 Walton Blvd., located at the southeast corner of Walton Blvd. and Adams, zoned B-5, Automotive Business, Parcel No. 15-17-102-003, Sean Awdish, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated October 17, 2014 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Sean Awdish, 3853 Spanish Oaks Dr., West Bloomfield, MI 48323; Ghassan Abdelnour, G.A.V. & Associates, Inc., 24001 Orchard Lake Rd., Suite 180A, Farmington, MI 48336; and Teon Sujak, Sujak Engineering PLC, 4031 Coolidge Hwy., Troy, MI 48098.

Ms. Roediger stated that the proposal was a request for a fuel center/convenience store and a Tim Hortons at the southeast corner of Walton and Adams. The parcel was just under an acre and zoned B-5, Automotive Business, and it currently housed a Mobil station. The underground storage tanks would be removed and relocated as part of the project. The only thing that would remain would be the existing wall along the south and east property lines. The applicant was proposing a 7,320 square-foot building. Ms. Roediger pointed out the drive-through stacking lanes, which would be along the south and east property lines. Staff had worked with the applicant to try to improve access to the site. It currently had four curb cuts - two on Adams and two on Walton Blvd. - and the applicant had agreed to close the northern most driveway on Adams and convert the two existing driveways on Walton. The westerly one would be in-only and the easterly would be out-only. Ms. Roediger advised that parking modifications would be requested, as the parking was short five spaces over what was required. Tim Hortons had provided a letter showing evidence as to why they believed they could function with less parking. The restaurant had a heavy drive-through clientele (80%), and the gas station users pumped gas and perhaps went in to pay or pick up something and left. Regarding the elevations, the building appeared to be two stories with primarily brick and brick veneer with almost a quarter of block on the rear and east façades, and 15% glass and EFIS being used