



# Rochester Hills

## Minutes - Draft

### Planning Commission

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

*Chairperson William Boswell, Vice Chairperson Deborah Brnabic*  
*Members: Gerard Dettloff, Julie Granthen, Nicholas O. Kaltsounis,*  
*David A. Reece, C. Neall Schroeder, Emmet Yukon*

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Tuesday, November 17, 2015

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Chairperson William Boswell called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

## ROLL CALL

**Present** 6 - William Boswell, Deborah Brnabic, Gerard Dettloff, Julie Granthen, C. Neall Schroeder and Emmet Yukon

**Absent** 2 - Nicholas Kaltsounis and David Reece

Quorum present.

Also present: Ed Anzek, Director of Planning and Economic Dev.  
Sara Roediger, Manager of Planning  
Paul Shumejko, Traffic Engineer  
John Staran, City Attorney  
Maureen Gentry, Recording Secretary

## APPROVAL OF MINUTES

[2015-0481](#) October 20, 2015 Regular Meeting

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

**Aye** 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

## COMMUNICATIONS

- A) *Planning & Zoning News dated October 2015*
- B) *Letter from S. Cohen, dated Oct. 26, 2015 re: AH MLUP Amend.*
- C) *Letter from T. Srock, dated Nov. 17, 2015 re: Townhomes on Maplehill*

## NEW BUSINESS

### 2014-0258

Public Notice and request for Tree Removal Permit - City File No. 05-008.2 - Townhomes on Maplehill Condominiums, for the removal and replacement of as many as 222 regulated trees associated with the development of a ten-unit condominium development on 3.56 acres located north of Tienken, west of Orion, zoned RCD, One Family Cluster, Parcel No. 15-03-326-019, Ron Jona, Ron Jona Collaborative, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated November 13, 2015 and site plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Ron Jona, The Ron Jona Collaborative, 1066 Commerce Rd., Birmingham, MI 48009 and Greg Schneider, member of Townhomes on Maplehill, LLC.*

*Ms. Roediger stated the request, noting that the project was on 3.5 acres at the southwest end of the current Maplehill Rd. The property was zoned RCD, One Family Cluster, which allowed for single-family detached and attached housing up to four units per building. The applicant was proposing to construct five, two-unit buildings for a total of ten units, which would be for-sale condominiums. There was .06 acre of wetland on the on the site. It was reviewed by the City's wetland consultant, and the development would not impact the wetland area.*

*Ms. Roediger advised that the site fell under the Tree Conservation Ordinance, so the applicants were required to replace every tree that was removed. A temporary Natural Features Setback Modification was being requested, which was common as part of construction, for the pipe and spillway associated with the storm water detention basin. She noted that the project had been going on for quite some time, and all departments recommended approval. She showed elevations and floor plans for the proposed units. There would be two units attached by a common wall, each with attached garages - one side entry and one front entry garage to break up the front elevation. She said that she would be happy to answer any questions.*

*Chairperson Boswell asked Mr. Jona if he had anything to add. Mr. Jona said that it had been a little over two years since he purchased the property. They originally started working with Mr. Breuckman, and the project had 16 stacked units with detached garages. It had underground detention, and it ate up a lot more of the land at the far west edge. He found out that the density was too high at 16, and it should have been no*

more than ten. He was able to work with Ms. Roediger to get a better project, and he felt that she had made immensely good recommendations. The proposed units had walkout basements. There was a very steep grade toward the wetlands. Units nine and ten, which faced to the west, would not have walkouts, but they would look over a steep drop-off and have regular basements. They also eliminated the underground detention.

Mr. Jona said that he knew there was opposition to the project. He had reached out and met with residents more than once. He had heard from two residents on the north side of Maplehill that had a headlight concern. He represented in writing and on the record that he would landscape the front of their homes so headlights would not go into the homes. The response from the residents that he met was that they wanted to do anything they could to block the project. He was an architect, and his motto throughout 25 years of developing was to have a win win for a City, for the neighbors and for the developer. If there was something more he could do to ease the time of construction, which he believed was one of the major issues, he would. He pointed out that the property was beautiful and dramatic, and it would offer a great opportunity for residents to enjoy it. He had done everything he could to work with the City to meet the Ordinances, and he was hopeful that it would be something very nice that would get embraced.

Mr. Dettloff understood that the cost of the units would be in the \$400k range, and Mr. Jona said that would be the minimum. Mr. Dettloff thought that would serve well as a property value booster for the surrounding area. Mr. Jona believed so. There were about 30 homes on Maplehill, which were smaller, and the values were not at \$400k. Their goal was to increase the values, and the density and price point seemed to make sense. With the walkout, the units would be 2,800 square feet.

Chairperson Boswell noted that Mr. Jona had mentioned construction traffic, and he asked if it would all come in on Maplehill. Mr. Jona agreed that it would. The previous owner of Mr. Jona's property had brought forward a preliminary plan showing access on Cliffview, and so they reached out to Cliffview's owner. Mr. Higgins. Recently, after seeing the plan, Mr. Higgins came to the City and said that he did not wish to have any traffic go through his private road in Cliffview Apartments. He was not willing to meet with Mr. Jona or look at any options, such as compensation. The City had asked for access for emergency vehicles, and Mr. Higgins had agreed to that. Other than some emergency traffic, everything would come in and out of Maplehill.

*Chairperson Boswell asked if water and sewer would come from Cliffview. Mr. Jona agreed, and said that the Engineering Dept. had planned for his site to be developed, and both water and sewer were stubbed to the property line.*

*Mr. Schroeder noted that the floor plans showed sitting rooms and attic rooms. He asked if they were included in the 2,800 square feet. Mr. Jona pointed out the middle level, which was 1,800 square feet. He counted 1,000 square feet below that. He did not count the back half of the walkout or the attic. Mr. Schroeder asked if those rooms would be habitable. Mr. Jona agreed that they would be like bonus spaces. With the low number of units, it would be a boutique development, and he would customize them. A resident might want to finish the attic space and expand upon the garden level space, as well.*

*Mr. Yukon asked the timeframe for construction. Mr. Jona explained that the engineering plans were quite sophisticated, and he had to profile the entire sanitary sewer for six miles back. He hoped to have the underground in before the spring, and he would like to start construction in the first quarter of 2016. Mr. Yukon asked if he would build all the units at one time or as purchased, but Mr. Jona had not been able to determine that. He wanted to get through site plan approval, and their preliminary marketing showed that they could probably get pre-sales. If they sold four units, they would build them all. If not, they would wait and put up a model and see how the market did.*

*Mr. Yukon noted that the Environmental Impact Statement said that construction traffic would be scheduled so as to not disturb existing residents, and he asked Mr. Jona to elaborate.*

*Mr. Jona said that they would do their best with scheduling. At one meeting, he told residents that he would like to set up a web site to keep them apprised of the operations. When he knew the schedule, he would forward that information. If there were any special considerations from the residents, he would take that into account.*

*Mr. Yukon referred to the rendering for unit nine and said that he did not see a driveway. He assumed it was off of Maplehill Ct. Mr. Jona agreed that because there was a turnaround at the end of the street, it would not be a side entry.*

*Chairperson Boswell opened the public comments at 7:17 p.m. and*

*outlined the procedures to follow.*

**Lisa Parsons, 291 Maplehill, Rochester Hills, MI 48306** *Ms. Parsons stated that she had lived at this address for 12 years, and that she was present to voice her disapproval of the condo development. She had two young children, and she was very concerned about their safety. They moved to Maplehill to be on a quiet, dead end street. She was at a Planning Commission meeting last winter when a property at the end of Maplehill was rezoned for the Silver Spoon restaurant, which would create construction traffic on the east, and they would be faced with years of road construction to the west. She noted that there were no sidewalks on Maplehill, and it was not wide. After years of construction, they would be facing another 20 cars making 100 trips down her road each day. She claimed that a nine-foot retaining wall was planned in order to build a road where the drop-off would be substantial, and it would be another safety concern. There were no speed bumps on Maplehill, and there was an unlit street corner at Orion Rd. where her kids waited for the school bus. Traffic entering and exiting her street was a problem during rush hour, and she stated that they did not need to add to that, in addition to adding traffic from the restaurant. She did not believe that the development conformed to the existing neighborhood. They would be taking a public City road and opening it up to a private road, which she was sure would bring extra snow plows and garbage trucks down her street. She believed that there needed to be more conversation between Mr. Jona and Mr. Higgins, the owner of the Cliffview complex, in order to get the road in the right place. She believed that the development was supposed to go through Cliffview, and it made no sense to her to use Maplehill regardless of the cost. She thought there would be a right price for Mr. Higgins. She brought up that the Green Space Committee also failed them years ago by denying to purchase the subject property. Talks between Mr. Jona and the Committee had not amounted to anything yet, but she stated that it would be in the best interest of the community for the Green Space Committee to use their tax dollars for the purchase of the property. For years, the property had been used for a park and for trails to the wildlife and wetlands there. She commented that they should work together to make it an official park, which would raise their property values.*

**Glenn Parsons, 291 Maplehill, Rochester Hills, MI 48306** *Mr. Parsons acknowledged that Mr. Jona had met with them, and they appreciated it. Their goal was to keep their street a dead end street, and they hoped that the development would come off of Cliffview. Mr. Jona talked with Mr. Higgins, and the residents also spoke with him. He had a very different story than what Mr. Jona spoke of. It was completely at opposite ends. If*

*they could open that conversation and work things out, he felt that everyone would be happy. He reiterated that they wanted to keep Maplehill a dead end street.*

**Cavan and Violet Parsons, 291 Maplehill, Rochester Hills, MI 48306**

*Violet said that she liked the woods by their road and she liked to ride her bike. She did not want to go into a place where someone might run into her bike. Cavan read, "Hi, citizens of Maplehill Rd. I am Cavan Parsons and I want to stop the condos from developing because me and my family like to ride our bikes up and down the street, but we will not be able to ride our bikes because there will be too much traffic. I also like to walk in the woods, but I will not be able to walk because there will be too much construction."*

**Roy Kaiser, 370 Maplehill, Rochester Hills, MI 48306** *Mr. Kaiser said that he and his wife had lived on Maplehill since 1962. They raised four children there. They had been blessed to experience the quiet, friendly atmosphere for 53 years. The roadway was gravel with some large mudholes during the early years. Cars would get stuck in those holes in the early spring. Cars travelled slowly when their children were growing up, and there was no safety concern. In 1995, they were informed that Mr. Slavik planned to develop the land west of Maplehill and Elmhill to build condos. At that time, the only access suggested to the area was the extension of Maplehill, which dead ended at the woods. They were pleased when the Rochester Hills Planning Commission, the City Council and the Department of Natural Resources unanimously rejected the permit to proceed with the project. It was true that the project included many more condos than they were now calling for, but the impact on the environment and quality of life in the area was still the same. They were again told that the access to the new project was only through Maplehill. The quiet, residential, dead end Maplehill would again be considered as a thoroughfare to the newly created townhouses. A real concern was that this might be only the beginning of a larger project. The project appeared to be a piece by piece of the one rejected 20 years ago. The project was from the same playbook. The project in 1995 had plans for a Maplehill Ct., a Maplehill Lane, and a Maplehill. The proposed project appeared to be one of those concepts. If the plans were activated, it seemed plausible that in the future, Elmhill Rd. would also be opened to the area, which would be called Maplehill Lane. In time, all of those once denied plans would be built. Their community provided a quality of life to its residents, which he stated was the best. There would be traffic on a dead end road, a hazardous entrance on a curve which would invariably have a spill of gravel from gravel trucks and an entrance to Maplehill from Orion Rd.*

*which was one of the most dangerous intersections in the community. The project would not provide that quality. Maplehill was paved approximately 12 years ago, the cost of which was assessed to the residents. They knew that it would cause problems if they had construction traffic on the road. The Silver Spoon restaurant, which recently was approved (Rezoning was approved) would be located on Old Orion Ct. The entrance to the restaurant off of Orion Rd. was within a stone's throw of the Maplehill entrance. He maintained that it would become a safety hazard, and they were not situations that provided a quality of life that they were used to or that Rochester Hills was noted for. They did not think the changes should happen. If it was a necessity that the land locked, green space area adjacent to Kings Cove be developed, access to the land should not be at the expense of Maplehill. He respectfully asked that the current development be denied as it was rejected unanimously 20 years ago.*

**Edward Capa, 270 Maplehill, Rochester Hills, MI 48306** *Mr. Capa noted that he had been a resident on Maplehill for half the time Mr. Kaiser had. He had raised three children under the same conditions, and he commented that it had been fantastic. He understood that Mr. Jona had the right to build, but the residents just wanted him to adhere to their codes. In the basis of all the design characteristics, he read that "The elements of the site design are harmoniously and efficiently organized in relation to topography, adjacent properties, etc.," which he stated the development did not do. They had small homes on large lots, and that was what they wanted. If the project came off of Cliffview or from Kings Cove, which had originally been planned, the residents would not have a problem. It would now become part of their community. There was a steep incline where they wanted to put the road, and things would be destroyed. When he read through other sections, it did not seem right that the road would be ten feet from a house. He claimed that it should be at least 30 feet. He asked who was taking that neighbor into account (Ms. George). She would have to deal with people walking by her house five feet away. He asked how the project could be approved that way. 25 years ago, someone could not put a road through there, and he wondered what had changed since then. He stated that nothing had changed, or someone would have done it back then. In the City's Ordinances, there were setback requirements for the road. If the road was moved back another 25 feet, it would be into the wetland area, which would be a bigger problem. For Ms. George's safety, there should not be people walking or driving by that close. He felt that something had to be done about where the road was placed. He stated that he was not opposed to people building there, he just wanted it to be done harmoniously as the*

Ordinance called out.

**Martin Duane, 431 Elmhill, Rochester Hills, MI 48306** Mr. Duane stated that he was present to oppose the development off of Maplehill. He agreed with his neighbors. When the project started, they heard that the parcel could not be landlocked, the only access was Maplehill, and if they met all the requirements, it could not be stopped. He asked how they got to this place. There were 3.5 acres split off in 2000. He remarked that he did not want to sound too crazy, but the proposal got rejected in 1995 and in 2000, a little corner was split off, and the only access was from Maplehill. They could not stop the development because access could not be denied to Mr. Jona's property. He said that apparently, if someone wanted to split land, a plot would be submitted to the Assessor and it went around to various departments, and it got approved, and it was done. There was no public forum. Going forward, if that was truly the process, he suggested that the City might need to review that, because residents cared. He agreed that it had always been zoned for condos, but residents cared whether something was split off with access from Maplehill. He bought his home 27 years ago. The woods were great and perhaps it was a de-facto park, and the Green Space maybe should have purchased it. Kings Cove owned all that land at one time, and they developed 2/3 of it. He assumed that Kings Cove would expand someday, and that there would be more condos at the end of his street. However, he did not think they would have road access from the end of his street. If Kings Cove had built that out, the residents would not be at the meeting. He felt that the issue started in 2000 when the 3.5 acres was split, and he was not sure what they could do about it now. He thought that before there was a final decision, that there could be a discussion about using Cliffview for access. That would make 40 residents who had paid taxes for 20-50 years very happy. They did not want to come across as the crazy residents, but no one wanted the vacant land next door built upon. He checked it out a little when he bought his property. It was Kings Cove property only, and it was zoned for condos. He was not sure how the Summit was connected or why the 3.5 acres was split. Maybe Mr. Jona bought it in good faith, and he wanted to develop it, and he probably was not the one that split it off, but the residents were surprised when it came up - a landlocked piece of property that could only be accessed off of Maplehill. He was not sure what that would do to a decision, but it did not seem right. He appreciated thoughts about home values going up. He was not that concerned about his home value. He would like it to go up, but he would like to keep his street the way it was. He said that he would take a little hit on his home value if his street stayed the same. Again, before a decision was made, he would like the



*Commission to consider the circumstances of how the property came to be, and before it was approved, to give the residents a chance to get the Cliffview party and the developer together to re-evaluate the road entrance.*

**Maggie Hay, 471 Maplehill, Rochester Hills, MI 48306** *Ms. Hay said that she concurred with everything said. She wanted to share a personal aspect from her point of view. When they moved to Maplehill 27 years ago, they had a son with a disability, and he still lived with them with another friend in a wheelchair. They looked all over Rochester Hills, and she had been a resident for over 50 years, because they wanted a safe environment for her son to have some freedom to move around in his community. They bought there knowing it was a dead end street that was safe without a lot of traffic. They were faced with a proposal back in 1995, when she brought her son with her. He was not able to come to the meeting, and she felt that it would be very upsetting to him to know that it was going on. She felt that there was a huge safety factor to consider for all of the residents. Her son and his friend got on an OPC bus twice a day. Wheelchairs were not always easily seen, and she did not know how construction traffic would be feasible. She felt that the bigger issue was the access through Maplehill. No one was 100% opposed, although they were not happy about it, and they would like to keep some land in Rochester Hills scenic and treed with places for people to walk and enjoy the environment. If the project had to be built, she did not think it should be accessible through Maplehill. It was a dead end street, and she had huge concerns about safety in the long run. After the condos were built, there would be a lot of traffic on the street. They saw cars down the street looking at homes, and they flew down the street. People who lived there knew to go slow, but when 20 cars were added several times a day, she maintained that it would be horrendous. She hoped the project would be denied. She did not see any purpose in it to access through Maplehill, and she thought it would cause a great deal of stress and safety concerns in the long run.*

**Janet Maxim, 504 Maplehill, Rochester Hills, MI 48306** *Ms. Maxim noted that her house was directly north of the property, and that headlights would come in to her bedroom. She had an 11-foot window on the west side, and she would have a good view of the condos. She met with one of the developers and people from the City, and they knew the concerns about the headlights and about having a lighted sign. She did not remember the year, but a fire hydrant was put on the easement in front of her house. When the fire hydrant was used to extend water to the Summit, they clear cut a swath of 20 feet wide, and the amount of runoff*

*was incredible until the growth was able to contain the water. She was sure that it was addressed during the planning review. There was a steep fall in elevation, and she wanted to make sure that was addressed adequately. She had the pleasure of watching children on their bikes. They started at the top of the hill where she lived and used the whole stretch to ride, because there were not sidewalks. She was aware of the bus that came for Ms. Hay's son. That concern would have to be addressed, because it came at least twice a day. She bought her home in 1988, and she was assured at that time that Maplehill would not be the ingress/egress to the property to the west. The plat showed Cliffview as the ingress/egress. Every year when she paid her taxes, she would check to see if anything was happening at the end of Maplehill. She had met all the predecessors, who were always polite and friendly. She loved having the property next to her. She spoke to two realtors, and they felt that it would absolutely decrease her property value, going from natural beauty to a lighted sign for a development. She thought that the City would lower her property taxes (she added that was a joke). She had a new neighbor across the street, and her 11-foot window was in the back of her house. The sweep of the headlights would be a major problem for them. Also, changing the nature of Maplehill made it hard to understand why Kings Cove could piece meal selling the property. She noticed the funny shape of the subject property when she paid her taxes a few years ago. She hoped that 222 trees were absolutely necessary to remove, and she hoped there was a concentrated effort to save as many as possible to help with the runoff that would take place. She said that she appreciated the Commissioners listening to their concerns.*

**Richard Evans, 490 Maplehill, Rochester Hills, MI 48306** Mr. Evans said that he had lived at his home for 43 years. When he moved in, they were just finishing Kings Cove. He had every expectation of seeing condos throughout the unbuilt portion. He never expected to see a dead end street turned into a thoroughfare to a little neighborhood off the end of their street. He brought up to the City a couple of times the fact that the most logical way to the development would be Cliffview Dr. He was told that the City could take it over if it wanted, but the City did not want it because it was not built to City standards. The money they were putting into the road could be put in to bring Cliffview up to code so it could be used. He claimed that it would impact Cliffview much less than it would the people living on Maplehill. The people in Cliffview had a parking lot between the street and their homes, but he and his neighbors lived right on Maplehill. He walked his dog along Cliffview all the time, and he hardly ever saw anyone walking. He thought that typically, older people lived there. There were no kids riding bikes up and down the street. He

was not sure if anyone from Kings Cove was present, but he said that there were a couple of catch basins in the back, and there was a tremendous drop. He wondered if all the construction would cause water to rush into the backyards of the people in Kings Cove. He said that he echoed everyone else's comments.

**Lisa George, 505 Maplehill, Rochester Hills, MI 48306** Ms. George related that she was the newest resident on Maplehill. She began looking for a house in January of this year after taking care of her mom the last couple of years and working with hospice as she passed away. When she lost her mother late last year, she started looking for a place to heal and to continue her future in a peaceful manner. She was a yoga instructor and she loved dogs, and the home was her dream house. Her house would face the retaining wall that would be eight feet from her 11-foot window with a 12-foot drop down. She wondered what her future would look like. She encouraged the Commissioners to take a walk down Maplehill before they took a vote. She encouraged them to see her at her house and look at her 11-foot window that would face the retaining wall. She invited them to look down the edge of her property because five feet past the old, rickety, wired fence along her property line, it took a deep dive down to a bog at the bottom. When she bought the house in July, there was water down there and frogs and ducks. She was flabbergasted that the little stretch of property was not being protected. As she did her research, she found that everything people were saying was true. If she had had the time she would make a list of things that did not jive, like reversed property lines, the property being carved out and how Maplehill was so small that sometimes her jeep took up almost the whole road. She could not fathom how construction trucks would go up and down the road let alone go in the little cul-de-sac in her front yard. She installed an invisible fence for \$2k, because she liked to rescue dogs. When her dogs reached 13, she rescued one or two more. Part of her plan for her life was to have her dogs, teach yoga and have peace. She wondered how that would go now. Some of the specific things that concerned her were her wood shed and her family room windows. She found the terms and conditions that protected her, which said that since she had an open view to the development, that she would get an extra 15 or 25 feet to the retaining wall. She wondered how she would know for sure that she would get that. She added that the retaining wall was supposed to be put in for the road to protect them from the bog that was not really there but was there at the bottom. She said that she would be interested to know how the development went from four units to a lot more than that. She said that she was told by landscapers that 90% of the trees in berms died. They would not be taken care of or fertilized. She would get a great

*promise from the developer that a beautiful berm would be installed along her property line, but she wondered if she would end up looking at a cement wall. She hoped that the trees would be well taken care of, and that she would not be really disappointed.*

**Patrick Higgins, 1691 Cliffview Dr. Rochester Hills, MI 48306** Mr. Higgins was the owner of Cliffview Apartments, which were south of the proposed condo complex. He said that he had heard his name mentioned a few times, which was humorous to him due to the fact that when he found out about the project, he went into the Planning Dept. and he was told that he had already given permission for access from Cliffview. He stated that it certainly was not the case. Mr. Jona called him and had a short conversation, since he had already misrepresented Mr. Higgins to the Planning Dept. Mr. Higgins felt it was important to attend the meeting and make sure, even though the project met all the guidelines and Planning had already given approval, that there were no concerns. He said that he had a lot of issues when it came to Cliffview. It was a multi-family development with 126 apartments that had been there since 1972. There were cars lined up on Cliffview Dr., because they had a supreme parking shortage. When it was originally developed, it was done without enough parking. At night, Cliffview literally became a single lane road because of the people parking on it who lived there. Cliffview was also a privately maintained road. He would oppose any kind of entrance to the project for emergency or otherwise. He was told that emergency access would be needed, but he saw no validity to that. Cliffview was a dead end, and Maplehill was a dead end, and he did not believe in the odds of needing two egresses for fire trucks. He noted the Kings Cove road that ended right on the corner of the subject parcel. He thought of the construction on Tienken they had lived through and how many residents he had lost because they did not want to go through that. People could not make a left turn out of Cliffview due to the traffic flow on Tienken. He concluded that if they wanted to add more people, Kings Cove had a beautiful stop light, and the project should connect to its road.

*Chairperson Boswell closed the Public Hearing at 7:56 p.m. He indicated that safety was always a big concern.*

*Mr. Jona wished to address some of the comments. The original conversation with Mr. Higgins was held with his associate. Mr. Jona did not appreciate that Mr. Higgins said he misrepresented anything. Mr. Jona said that he never spoke to the City at all about what Mr. Higgins would or would not do. There was a conversation with Mr. Schneider with Mr. Higgins that construction traffic would be possible. They never took*

*that for granted, nor did they think anything would happen without his ultimate approval. The reality was that Mr. Jona had one phone conversation, and the reason it was short was because Mr. Higgins would not agree to a meeting. He said that he encouraged Mr. Higgins to refute that, because he absolutely would not have a meeting. Mr. Higgins said that Mr. Jona misrepresented him about allowing construction traffic which was not true, and Mr. Jona said that he did not appreciate it. He did appreciate many of the comments from the residents. He said that he grew up on a street in Southfield that was a dead end with 30 homes. They had someone in a wheelchair who became part of the community. There was signage. After living a long time on a dead end street, new homes were built, and it did not seem to disrupt anyone. Neighbors were willing to welcome new neighbors. He acknowledged that there would be some construction traffic, but there was no reason to think that there would be a safety issue at all. There would be some increased traffic. Sometimes a situation such as this was an opportunity to do something that could actually solve a problem. Maplehill would still be a dead end street. If they were connecting to Cliffview or Kings Cove, it would no longer be a dead end street. Ten residences would be added, but it would not connect to any other roads. If they connected to another neighborhood, it would not be a dead end. For an increase of ten homes and the continuation of a dead end street, he felt that there was a mischaracterization.*

*Mr. Jona said that he did not get an opportunity to meet with Lisa George. They met with the neighbors to the north. He knew that Ms. George's would be the most affected home. The gentleman that was there at the time was not willing to talk. He told them that it was his property that they were developing, and that was why he bought it. Mr. Jona assured that he would be willing to meet with Ms. George individually. They were showing coniferous, dark green trees, and she would be looking at trees, not a wall. The subject property dropped off steeply at the edge of the homes. Where the road was coming in was actually upland, and the wall at the far end of the sidewalk was where it dropped off. He said a portion of her house would not be looking at the condos, and he felt it was the same for the two neighbors to the north.*

*Mr. Jona had brought an aerial of the region, and he pointed out the existing cul-de-sac on Maplehill and Cliffview Rd. He showed where the development would stop. There would be access to the property to the north from the road if residents of Maplehill and Elmhill wanted to access it. The portion they were developing closer to Cliffview was higher and there would be homes, but he pointed out that the wetland area was still*

*accessible for walking.*

*Regarding the trees, they had to survey every tree, and they went to a great deal of care and expense. He guaranteed that, for numerous reasons, starting with the fact that a parcel such as this would be attractive to future residents because of the trees, they would not take down one more tree than was necessary, and they would replace all of them. Ms. George talked about how trees died, and he agreed. However, they would post a bond which would make sure that the trees were healthy for at least two years. The last thing he would want would be dead landscaping. He stated that he did not develop that way.*

*As part of the approval process, the City had the applicants agree in writing that any damage to Maplehill through construction would be repaired. They would have to post a bond for that as well. In closing, Mr. Jona said that he could not obviously address too much of the concerns about construction traffic. He acknowledged that there would be construction traffic. He claimed that the price point would be larger than for the existing homes, and he did not believe that there would be undesirables. He did not see why the ten residents that would live south of the people on Maplehill would be a detriment. He knew that there were some traffic issues, but it might precipitate something more with the traffic, and he would be willing to talk about it to perhaps help the situation. The ten homes would not hurt the value of the current residents in the area. It would not be a situation where everything people had experienced living in Rochester Hills would change dramatically. He honestly believed that quite the opposite would happen. Once it was built, he thought that ten residences was a very small amount that would have little impact on people's way of life. If he was building 50 homes, he would understand the concerns more. He was not part of the history that the neighbors were, but he bought the parcel two years ago and spent an incredible amount of money working with the City to do what he had to create something he felt would be a very nice development for ten new residents to enjoy. He would still be willing to talk about other things he could do for the neighbors if there were things. He thought that Ms. George's home would be most impacted, and there might be some special considerations.*

*Mr. Dettloff noted that he lived in Kings Cove. In hearing the presentation and in hearing from the residents, he wanted them to know that he lived through a similar situation that was far more extensive. At the end of the day, the Summit development had enhanced the values in Kings Cove. He wished Mr. Jona was around at the time to do that property, because he knew for certain that it had changed hands three times. He could*

*remember going to public meetings with the first developers, and they talked about the wetland issues. They had one way in and one way out. He was glad to hear Mr. Jona's willingness to work with the residents and listen to their concerns to try to come to a reasonable agreement. He commended Mr. Jona for that, and said that he knew there were developers who would not give others the time of day. The people in Kings Cove had a concern about the drainage and erosion issues when the Summit was developed. They talked with the City's Engineering Dept., and Ms. Roediger was kind enough to get an answer for them about the proposed project, so they were comfortable that there would not be any type of severe water runoff that would affect residents of Kings Cove. He asked Mr. Staran if there was anything that was questionable or did not follow the letter of the law.*

*Mr. Staran said that he had not been involved in the site plan review process, but he was not aware of any non-compliance issues.*

*Mr. Yukon said that generally tree removal was on a one-for-one basis, but the plans showed replacement of 111 trees at two credits each. He asked for clarification. Mr. Anzek explained that they were planting a larger diameter tree so they could get dual credits, which Staff preferred.*

*Ms. Brnabic mentioned that she heard Mr. Jona say he was willing to repair any damage to Maplehill due to construction, if necessary. She wanted to verify that he would be willing to make that a condition, to which he agreed.*

*Mr. Shumejko added that as part of the site plan review process, there was a condition noted on the plan that the developer would take a pre-construction video of the condition of Maphill, post a bond, and then based on the construction activities, if there was any damage identified, the developer would be responsible.*

*Mr. Yukon asked if there had been any discussion regarding traffic calming devices, such as speed humps. Mr. Jona said that he had not discussed that with Mr. Shumejko. It came up earlier in a conversation with the residents, but nothing had been determined or agreed upon. Mr. Yukon asked what would necessitate any traffic calming. Mr. Shumejko said that he did not feel that was something that staff could require because it was an offsite improvement, but it was definitely something that could be discussed in the future. If speed humps were proposed, the City would need the signatures of the homeowners near them to sign off about having something built in front of their homes. For the length of*

Maplehill, he thought two speed humps would be recommended. Mr. Yukon asked if Mr. Shumejko would suggest waiting until the development went in to see what the traffic was like. Mr. Shumejko said that typically, the City installed speed humps based upon data (speeding issue). In some cases, they had pre-emptively done that and installed them with a proposed development, but those had been for situations where there was a through road, not with a dead end road.

Mr. Dettloff had heard Mr. Jona say that he would create a website to provide regular updates. Mr. Jona said that he planned to have a website for the development as it progressed, and he would update construction schedules and give other information. Mr. Dettloff remarked about his willingness to notify people in the area so they would know first hand. Mr. Jona agreed that he would give people access to a website that had information.

Hearing no further discussion, Mr. Dettloff moved the following, seconded by Mr. Yukon:

**MOTION** by Dettloff, seconded by Yukon, in the matter of City File No. 05-008.2 (Townhomes on Maplehill Condominiums), the Planning Commission grants a Tree Removal Permit for 222 regulated trees, based on plans dated received by the Planning Department on October 29, 2015, with the following two (2) findings and subject to the following two (2) conditions.

**Findings**

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace 222 regulated trees with 222 tree replacement credits, as required by the Tree Conservation Ordinance.

**Conditions**

1. Tree protective and silt fencing, as reviewed and approved by the city staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City Tree Fund.



Voice Vote:

Ayes: All Nays: None Absent: Kaltsounis, Reece

**MOTION CARRIED**2015-0397

Request for Natural Features Setback Modification - City File No. 05-008.2 - for 105 linear feet for impacts from the construction of a section of storm water pipe and associated rip-rap spillway near the west end of the on-site wetland associated with a development called Townhomes on Maplehill, a proposed ten-unit attached condominium development on 3.56 acres, located north of Tienken and east of Livernois, zoned RCD, One Family Cluster, Parcel No. 15-03-326-019, Ronald A. Jona, the Ron Jona Collaborative, Applicant

**MOTION** by Brnabic, seconded by Schroeder, in the matter of City File No. 05-008.2 (Townhomes on Maplehill Condominiums), the Planning Commission grants a natural features setback modification for 105 linear feet for impacts from the construction of a section of storm water pipe and associated rip-rap spillway near the west end of the on-site wetland based on plans dated received by the Planning and Economic Development Department on October 29, 2015 with the following two (2) findings and subject to the following four (4) conditions:

Findings

1. The temporary impact to the Natural Features Setback area is necessary to construct a section of storm water pipe and associated rip-rap spillway near the on-site wetland.
2. The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated October 8, 2015.

Conditions

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Illustrate the proposed shrub barrier to identify the natural features setback in lieu of a boulder wall, prior to final approval by staff.
3. All areas of temporary Natural Features Setback impacts must be restored to original grade with original soils or equivalent soils and seeded with a City-approved seed mix, where possible, prior to final approval by staff or the City's Wetland consultant.
4. Change Natural Features Setback impacts from square feet to lineal feet per 5 b. of the ASTI Environmental letter dated October 8, 2015, prior to final approval by staff.

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

**Aye** 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

2014-0259

Request for Site Plan Approval - City File No. 05-008.2 - Townhomes on Maplehill Condominiums, a proposed ten-unit attached condominium development on 3.56 acres, located east of Livernois, north of Tienken, west of Orion, Zoned RCD, One Family Cluster, Parcel No. 15-03-326-019, Ron Jona, The Ron Jona Collaborative, Applicant

*Chairperson Boswell stated that had been on the Planning Commission a long time, and he did not think he had ever seen an application that was in complete compliance with all the Ordinances. He asked Mr. Staran if the Planning Commission had any leeway other than saying it would like Mr. Jona to plant trees to block headlights. Mr. Staran agreed the Commission had some leeway. The authority to have local zoning and the authority to have a site plan review process all came from the Michigan Zoning and Enabling Act. That Act provided that if all the required information was provided, and if a site plan met all standards and conditions in the Ordinances, State law mandated that the site plan be approved. Those standards included discretionary standards, and it was for the Planning Commission to determine whether those were met. If so, an approval was required. Mr. Staran said that the simple answer was that the Planning Commission had limited discretion.*

*Mr. Schroeder wished to make a comment before he moved the last motion. He spoke to the residents and said that he understood where they were coming from. He drove his wife down Maplehill and he indicated that she would never want their street extended. He said, however, that they lived in the United States, and the United States had property rights. The City was subject to the State's regulations, and they all knew that Mr. Jona owned the property and he had to have access to it. The only public access was Maplehill. Mr. Schroeder said that he felt for the people, because he understood their comments. He commented that he had been in the engineering and traffic business for many years, and it always bothered him when people said that their children played in the roads. He said that was not right, and that a parent should never encourage children to play in the road. He indicated that roads were for cars, not for children.*

**MOTION** by Schroeder, seconded by Yukon, in the matter of City File No. 05-008.2 (Townhomes on Maplehill Condominiums), the Planning Commission **approves the condominium plan based on plans dated**

received by the Planning Department on October 29, 2015, with the following three (3) findings and subject to the following six (6) conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential condominium standards.
2. Adequate utilities are available to properly serve the proposed development.
3. The condominium plan represents a reasonable and acceptable plan for developing the property.

Conditions

1. City approval of all easements and recording of such easements with the Register of Deeds prior to issuance of a Land Improvement Permit.
2. City attorney approval of the condominium documents, prior to final approval by staff.
3. Provide cost estimate and irrigation plan for staff review prior to final approval by staff.
4. Submit a landscape bond in the amount of \$57,425 plus inspection fees, prior to issuance of a Land Improvement Permit.
5. Approval of required soil erosion permit and approval from outside agencies.
6. Provide a cross access easement for emergency access to Cliffview Dr., prior to issuance of a Land Improvement Permit.

Ms. Brnabic considered asking for a condition about repairing any damage to Maplehill due to construction. Chairperson Boswell said that it was not really necessary because it was stated on the drawings. Ms. Brnabic asked Mr. Jona if he would work with Lisa George, and he agreed. He said that he planned to meet with her on site, if possible, prior to construction.

Mr. Staran asked if condition six was still applicable and necessary to be part of the motion. Chairperson Boswell thought that the Fire Dept. would require it. Mr. Staran knew they were requiring it, but they had heard from the owner of Cliffview that he would not allow an easement. Ms. Brnabic asked if the owner would agree to emergency access only. Mr. Staran said that if the condition stayed in, the requirement would have to be met,

*otherwise the developer would have to come back to get the condition deleted. Chairperson Boswell felt that it should be left in. He asked if they should add "for emergency usage," and Mr. Staran agreed that was the intention.*

*Mr. Jona said that Mr. Higgins represented to him verbally that it would be acceptable, but now he was saying he would not allow any type of access.*

*Mr. Anzek said that he and Mr. Higgins met at City Hall. Mr. Anzek told him that the City was under the impression that Mr. Jona had already met with him about cross access for construction traffic, and Mr. Higgins said that he would not permit that. Mr. Anzek asked Mr. Higgins about emergency access, and Mr. Higgins said that by all means, he would allow that. He stated earlier something different, so they all needed to have another conversation with Mr. Higgins. Mr. Anzek felt that the access was important to the Fire Dept., and that it should be pursued. Mr. Jona asked what would happen if Mr. Higgins did not permit access. Mr. Anzek said that it would have to be taken up with the Fire Dept. and there would very possibly be a return to the Planning Commission. Mr. Jona asked if the condition could be worded such that emergency access was obtained contingent on the owner of Cliffview providing it. If he did not provide it, there was not much else to say. Mr. Staran did not think that question could be answered without the Fire Dept.'s input. That was why he was suggesting that if the condition could not be met, after further discussion, it might have to come back before the Commission. He hoped that it could be resolved, based on what had been represented prior to the meeting.*

*Chairperson Boswell said that he would add for "emergency purposes" to the condition, and if Mr. Higgins refused, they would have to go to the Fire Dept. and find out what they could do. He thought that Mr. Jona would have to come back before the Commission if that were the case.*

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

**Aye** 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

*Chairperson Boswell stated that the motions had passed, and he wished Mr. Jona good luck. Mr. Dettloff knew that Mr. Jona was willing to be a good communicator, and he asked him not to lose that spirit.*

2015-0348

Public Hearing and request for Conditional Use Recommendation - City File No. 13-005.2 - Auto Rite Sales, a proposed 2,448 square-foot office and three service bay building for a used car operation on .86 acre at 1923 E. Auburn Rd., located west of Dequindre, zoned C-I, Commercial Improvement, Parcel No. 15-25-482-025, Syed Ahmed, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated November 13, 2015 and site plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Syed Ahmed, Auto Rite Sales, 1923 E. Auburn Rd., Rochester Hills, MI 48307 and Chester Stempien, Chester Stempien Associates, 29895 Greenfield Rd., Southfield, MI 48076.*

*Mr. Anzek outlined that about two years ago, Mr. Ahmed was before the Planning Commission to obtain a Conditional Use permit to operate a used car business in the Olde Towne area. At that time, there was a lot of discussion about how the site would be improved and used. Mr. Ahmed said that he wanted to get up and running and as he made money, he would make improvements to the site. Eventually, the Planning Commission did recommend approval of the Conditional Use permit with a condition that he proceeded with the improvements to bring it into compliance. Subsequent to that, about six months later, it was decided in discussions with the Planning Commission that the City did not want a proliferation of used car businesses on Auburn Rd. Staff was directed to provide an amendment to the Zoning Ordinance and the FB-2 permitted uses (now the C-I uses) did not allow used car sales. Also during that time, Mr. Ahmed bought the lot adjacent, which was addressed as 1923 E. Auburn, and the site he operated from was addressed as 1927 E. Auburn. Staff did not know he purchased the lot, but it was observed that cars were being stored there. The code enforcement officers brought it to Staff's attention that cars were being stored, but that parcel did not receive a Conditional Use approval for used cars, and it was in violation of the Zoning Ordinance. Mr. Ahmed was told to remove the cars, but only a few were. That led to citations and a discussion with Mr. Ahmed's attorney and Mr. Staran in January of 2015. Mr. Ahmed was told that the cars needed to be moved, and he asked for time to prepare plans and commence with the reconstruction that he pledged two years ago. In discussions with Mr. Staran, Staff believed that Mr. Ahmed was vested for the most eastern portion of the parcel to make improvements for a used car sales business. That was part of the condition that the Planning Commission and City Council approved for Mr. Ahmed to make improvements. The plans were submitted and went through a technical review. The intent was to expedite the construction on the site to get the*

*cars off of the adjacent property onto the improved site, perhaps for 16-18 cars. Staff was looking for a timeframe for construction of the new building and the improvements to the site along with other conditions. He pointed out an aerial showing numerous cars that were a violation of the Ordinance. He asked Ms. Roediger to go through the details of the proposal.*

*Ms. Roediger showed a road view of the current site and pointed out that it was on the east end of the site. The building on the site was proposed to be demolished, and a new building would be constructed closer to the rear of the property. There would be a display parking area where the current building was, and there would be some employee and customer parking along the western edge of the site. The building elevations consisted of brick and split face CMU with fiberglass near the entrance of the building.*

*Ms. Roediger indicated that it was a fairly challenging site. A lot of the sites in the Olde Towne area were smaller and older, and this one had an angle across the front of the property line. The applicant was going to do improvements over what was currently there. There was essentially one big curb cut along Auburn and a large curb cut along Hessel. They would narrow the curb cut onto Auburn and define a driveway consistent with today's standards. On Hessel, they were proposing a fence along the property line, and there would be a gate permanently locked so no cars would access Hessel. Staff was requiring a sidewalk along the front of the property which would turn onto Hessel. No curb work was proposed along Hessel, and vehicle access would be prohibited. She noted that the building would be just under 2,500 square feet with three service bays for detail work on the used vehicles. The applicant was also proposing a fence along the front of the property. There had been numerous reviews of the project, and the most recent Engineering memo recommended denial. Since that time, the applicant submitted a response letter to the Engineering comments. She believed that all the concerns were addressed with the exception of a corner clearance concern. It was an existing site that currently had corner clearance issues, and that would be improved by relocating the building, but the fence in the corner clearance was creating a safety concern. Anything over 30" tall was prohibited, and there needed to be a clear vision triangle above 30" up to eight feet where someone looked out a car window and should have adequate site distance to turn onto Auburn. She added that it still needed to be resolved.*

*Chairperson Boswell asked Mr. Ahmed if he wished to add anything. Mr.*

*Stempien spoke, and said that the whole project began in the summer of 2013. At that time, they could have gotten approvals based on what they had without too much fanfare, but it was decided that the corner should be enhanced and that they should maximize the facility with a slightly larger building. In the course of that time up until the present, it gave the various departments an opportunity to scrutinize the corner much more thoroughly than they would have back in 2013. In the last review, it was decided that along Hessel, they should add a walkway, and along Auburn there was an existing concrete walkway that jogged into the property. Staff decided that they wanted that section of walkway rebuilt and made wider, and they had complied. Another new issue was that Auburn might someday be 120 feet wide instead of 100 feet, so they lost another ten feet of the property. He had to juggle the building somewhat so they would not lose too much area for parking. They were proposing much more landscaping than in 2013, and they had complied with everything. There were some items that were previously approved, such as the four-foot high fence along Hessel that was installed. The owner would like to continue the wrought iron fence along Auburn because of concerns about safety and security. There was an alley in the back that was also a buffer to the residences, but it was not used. They were still increasing the arbor vitae they were required to install in 2013. They were also proposing to put a fence there (the north side) to provide additional privacy for the residences. He acknowledged that there was a delay, but he thought that the final result would make the corner much more attractive than what they had proposed in 2013.*

*Ms. Brnabic asked Mr. Ahmed if the display parking would allow 16-18 vehicles, to which he agreed. Ms. Brnabic asked if the three bays would only be used for detailing or if there would be oil changes. Mr. Ahmed said not really. Ms. Brnabic asked if there would be a hoist, and Mr. Ahmed said there would be one for changing tires and things. Ms. Brnabic asked if oil changes would be permitted. Mr. Ahmed said that there would be no oil changes for the public - it would only be for a car he owned. Ms. Brnabic clarified that he would do oil changes only on his vehicles, and Mr. Ahmed said that he would go down the street. Ms. Brnabic asked if he could confirm that the construction would be done by the end of October 2016, which he did. Ms. Brnabic asked if the vehicle storage on the western portion of the parcel would be eliminated. Mr. Ahmed agreed that all storage would be on the eastern portion. He said that when he bought the property, he talked with Mr. Jim Breuckman (former Manager of Planning) who told him that the site was zoned C-1, not FB-2. That was why he invested all his money in the lot to the west. Mr. Ahmed said that all his savings were invested there because Mr.*

*Breuckman told him that he could do vehicle storage in C-1. At the time, Mr. Breuckman advised him to put the building in the middle of the site and to combine the lots. Mr. Ahmed showed a letter from Mr. Breuckman that said that Mr. Ahmed could store the vehicles on the most recently purchased lot, but he could not advertise. He passed out copies of the letter to the Commissioners.*

*Mr. Anzek said that Mr. Ahmed was correct. Mr. Breuckman did write the letter, but it was happening concurrently with the Rezoning. Mr. Ahmed went to the ZBA and requested a Variance. The ZBA suggested that the building be put in the middle of the sites. Because of a time delay, Mr. Ahmed could not get vested for using the western site. He needed to have approved plans by June 20 of 2014, and he submitted his plans on June 29th. He was warned and advised going back as far as late March. The applicants did not meet the time frame, and the City had to enforce the Ordinance.*

*Mr. Ahmed said that he submitted the plan on June 19, 2014. Mr. Anzek advised that Mr. Breuckman's letter was dated January 23, 2014. Mr. Ahmed said that Mr. Breuckman wanted him to put the building in the middle, so he did all the paperwork and spent close to \$30k on the plans. He came to the City on March 12, 2014 for a Variance. It was denied, because he was told he did not need a Variance because he had a bigger lot and he could park cars anywhere he wanted. He accepted the offer. He read from Mr. Breuckman's letter, "A condition of site plan approval would be to combine the parcels." He also said that "when it came time to go to the Planning Commission for a Conditional Use review, the applicant should absolutely have one site plan for the entire property." Mr. Ahmed said that he worked with Mr. Stempien in May of 2014. He showed the plan to Mr. Breuckman, and he accepted the site plan. At the bottom of the site plan Mr. Ahmed had written that he could submit the plan within a week. He tried to submit the plan on May 13, 2014 and Mr. Breuckman did not accept it because there were no engineering drawings. Mr. Breuckman told him that the Engineering Department liked what he was doing. It took three weeks to get the engineering drawings done. On June 19, 2014, he submitted the plans and by that time, Mr. Breuckman was not at the City any longer. Mr. Ahmed said that he gave the plan to Mr. Anzek, but he did not think Mr. Anzek knew the lot belonged to him, and he said it was wrong to have the building in the middle; it was supposed to be nearer to Hessel. Mr. Ahmed said that he was scared to call the City, because he did not want his plan rejected so he kept quiet. On July 17, 2014, he asked Mr. Stempien to write a letter to Mr. Anzek, which he did. Mr. Ahmed got a reply from Mr. Anzek saying*



he had talked with the City Attorney, and because he did not have a Land Improvement Permit, things could be changed. He tried to get a Land Improvement Permit, and he was told he had to go before the Planning Commission first. When he submitted the plan, he was told the zoning had been changed to FB-2 on June 23rd, but he submitted the plan on June 19th. Mr. Anzek said that the Ordinance amendment had gone into effect June 16, 2014.

Ms. Brnabic said that her original question was about the development on the subject lot. She wanted to confirm that he would remove the vehicles from the west side once the project was finished. Mr. Ahmed agreed, and suggested that he could screen the western portion with green mesh fence.

Ms. Roediger clarified that the applicant said he would screen the existing property with green inserts in a chain link fence. That would not be acceptable to the City, and she did not want anyone to think the applicant could just screen the lot with green link mesh.

Mr. Schroeder asked what would happen with the property and if it was eventually rezoned or redeveloped. Mr. Anzek replied that the eastern property was originally known as 1927 E. Auburn, and he thought it should remain as that address. Where it got difficult was that Mr. Ahmed combined the two properties after he purchased them. There was now one parcel. The Conditional Use from 2013 only dealt with the eastern portion. To bring the western portion into it, Mr. Ahmed had deadlines to meet, and they were not met. Staff offered something so he could get vested before the Ordinance went into effect, but Mr. Ahmed did not make the deadline, and the City was not allowing the used car storage. The City had wanted those cars removed, and it had taken this long to get the site plan processed. It took a meeting with Mr. Ahmed's attorneys and strong clarifications about promises made through the original Conditional Use permit as to when the improvements would be made, which had not happened. It was frustrating because pledges were made that should be kept. Apparently, there was adequate money to buy additional property, so he assumed there were adequate monies to build what was being proposed. He remarked that things had become a little too lax. The code enforcement guys got complaints, and they had been after this, and Staff was trying to stay within the spirit of what was approved - a Conditional Use permit for the eastern 1927 E. Auburn as it originally existed - as directed by the Planning Commission. It was for site improvements to occur at a future point. It would take an amendment to the Conditional Use permit, because Mr. Ahmed was restricted to five cars. Once the

area was asphalted, that restriction should go away.

Mr. Schroeder asked if Mr. Ahmed could eventually use the property and add it to the subject property. Mr. Anzek said not the western piece. The smaller, eastern piece was the only area that could have a used car operation. The storage next door was not permitted. No storage was permitted in the FB-2 district, which was what the C-1 district required. Mr. Schroeder asked if the applicant wished to rezone. Mr. Anzek questioned why the City would rezone it. Staff was not suggesting that an expansion of the used car business be supported westward. Staff's recommendation was that it should stay at what was requested three years ago. Mr. Ahmed told him that his long range plan for the second parcel was to put in a little strip center or some retail facility, which would be fine.

Mr. Yukon did not see any proposed signage in the plans. He asked if there would be a monument sign or a sign on the building to advertise. Mr. Stempien did not think signage had been addressed. Mr. Ahmed believed it would be on the building. He said he had one on the ground that he could use. Mr. Yukon asked what type of material would be used for the sign, which was not clarified.

Ms. Roediger noted that the monument sign was not on the property in question. The site plan for the used car lot did not have a monument sign, and Mr. Ahmed would not be able to use the ground sign on the western portion to advertise a business next to it. She did not feel there would be room for a ground sign on the eastern portion, so it would have to be a wall sign, which would be handled through the Building Dept. She did not think they could meet the setbacks unless they put the monument sign in the auto display area.

Chairperson Boswell opened the Public Hearing at 8:57 p.m.

**Kathleen Campbell, 2793 Harrison, Rochester Hills, MI 48307.** Ms. Campbell said that she lived in the subdivision behind the car lot. She stated that it was an extreme eyesore, and her kids called it the junkyard. She did not understand why Mr. Ahmed would be allowed to leave cars there if it would be another year before the building was complete. She did not think he should be allowed to store vehicles when it had already been over two years. She said that the area had gotten very busy, referring to Johnny Black's Public House, which she claimed was a wonderful establishment, but there was a lot of traffic. There was also Chad's Bistro causing traffic. She had thought that the public would use Mr. Ahmed's bays for oil changes, so that was something she learned.

*Her biggest concern was that Auburn was so busy and when someone came to purchase a car, her subdivision was used for test drives. They went up to 40 m.p.h., and they did not stop at stop signs. On October 23, 2014, Mr. Ahmed struck her daughter's school bus full of children. She handed in the police report and some photos. She said that her daughter was injured, among others, and the bus driver was injured to the point where she had not returned. It was a very serious accident, and the bus had to be towed - that was how hard it was struck. The police said the driver had to be going at least 40 m.p.h. to do that type of damage to a bus. It was her understanding that Mr. Ahmed was only allowed to have five vehicles. She wondered how he could go up to 20. She wondered how, if he built a new building, he could have so many cars. Her greatest concern was the use of her subdivision. If she was given the opportunity, she would get a lot of people to sign a petition to prove it was a big concern for everyone that lived there. She never thought she would get a phone call saying that her daughter had been in a bus accident in her subdivision. She did not think it was a place for a used car lot because there had been other accidents, and she said she would appreciate it if they could look into it before they made a decision.*

**Scott Campbell, 2793 Harrison, Rochester Hills, MI 48307 Mr.**

*Campbell stated that one of his major concerns was safety. He said that it was very dangerous now with new businesses going in and with left and right hand turns. Going from the corner of John R to the corner of Dequindre, there was supposed to be no driving on the shoulders, and there was no room for sidewalks, and it was not safe for businesses. He noted that a person had been killed there in the past year walking down the side of the road. He indicated that Mr. Ahmed had been non-compliant with everything, and Mr. Campbell wondered if he would have access to the subdivision. At the bus accident, his daughter heard some very difficult words, and Mr. Ahmed said it was not his fault. It was like he did not take responsibility for anything. He was not trying to accuse anyone of anything, but he wanted that taken into consideration. Mr. Ahmed said he was going to remove cars in 2015 that were still there. The aerial showed a low population of cars. If both lots were added together, there were 32 cars. Mr. Ahmed's response about the bays being used for oil changes was uneasy to Mr. Campbell. Mr. Campbell wondered how the oil would be disposed. If Mr. Ahmed had been non-compliant with other things, Mr. Campbell wondered why he would not be non-compliant with other matters. Mr. Campbell asked if permits were required and if all the legal documents had been filed. He did not think such a big building was needed to just detail cars. He knew people with detailing companies, and they did not have hoists and a three bay*

operation to just detail a car. He was certain there would be more going on in the bays. He observed that many people used his neighborhood for a cut-through. He said that it was bad enough that they lived on the street with Johnny Black's Public House, which had a no parking sign, but people still parked there. There were many children that rode bikes, and there were no sidewalks in his neighborhood. He did not want someone going into his neighborhood that was not supposed to be there and running one of the kids over.

**Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307** Mr. Beaton advised that he was the City Council rep for this area 20 years ago. There had been a lot of ideas thrown around for the Olde Towne district, and it was going to be a wonderful, viable commercial area that would enhance property values. They talked about whether to have parking on Auburn or not or if it would be a three lane or five lane road. It was currently proposed to be a three lane, and he did not think a 120-foot right-of-way sounded walkable. He observed that the residents that lived north and south of the car dealership were a great group, and that Brooklands was a great area. There were a lot of small homes and lots, and he had walked the area a lot. The people had been promised they would have a neat, walkable, great Rochester downtown that would be charming. The guy that owned the electronic company and the guy that owned the heating company had redone their facades to make them look nineteenth century. They added a lot of character and brick and had buildings that looked very residential. He did not see any of that with the proposal. The site plan basically looked like an oil change facility made out of brick and cinder blocks with Lions blue fiberglass on the front. He did not feel that Lions blue fiberglass screamed Olde Towne or Gas Light district or residential architecture that would be used for a commercial purpose. He did not see the vision, and he felt that it was up to the Planning Commission and Planning Department to respect the wishes of the residents to try to improve their home values and improve the commercial district. The area was full of potential; it just needed a plan and some leadership from the City. He knew that Mr. Anzek had some great ideas in the works, and plans would be coming forward, but that was not what was being presented. It was not the Vinsetta Garage on Woodward that was art deco in style and would service five antique cars at the most. It seemed like a major commercial use where there was no way the Building Dept. would know if Mr. Ahmed was selling oil changes to the public or doing them himself. They could not police that. It seemed like Mr. Ahmed did not show the history to believe what he was going to do. Mr. Beaton indicated that he was not happy with the site plan or the way the building faced the road. He thought it should be turned

*sideways. He did not think that the service doors needed to face Auburn. The building looked like it belonged in an industrial park. He was not happy with the Lions fiberglass blue façade. He did not think that had anything to do with improving the home values and the quality of life of the residents who live in Brooklands, and he concluded that those folks should be the most important.*

*Chairperson Boswell closed the Public Hearing at 9:10 p.m.*

*Mr. Anzek responded that there were good comments from the residents. He acknowledged that when the City first received the plans, Staff had tremendous objection to the three bays, and all three had lifts in them. The operation was presented to be a low key, low volume used car lot, and it still baffled him that three bays were needed for car prep. The back of the room also showed a lot of storage, although he was not sure what that storage would be or why it would be needed. When the project first came to Staff a couple of years ago, they knew it did not fit a vision, but the Zoning Ordinance supported it. The Planning Commission required Mr. Ahmed to do site improvements, although no time constraints were placed. The promises were finally coming around, because the car lot spilled over and created a problem next door. His suggestion that the cars could stay until the building was built was just a starting point - not cut in stone. If the stored cars next door were offensive to everyone, they could be removed immediately through the City's process. Staff was trying to help a business become successful and also to be an asset, and that was something the Planning Commission perhaps needed to decide.*

*Chairperson Boswell asked Mr. Ahmed why there were three bays. Mr. Ahmed said that there would be one bay and two garages. Chairperson Boswell saw three doors, and Mr. Anzek said that each garage door functioned as a bay. Mr. Ahmed said that he could park cars inside to prepare them. Chairperson Boswell noted that he lived a half a block away. The residents were right; the place where the cars were stored was a pit. It did not get mowed, and at night sometimes he got woken because one of the car alarms was going off. He did not like the look of the building, and he did not think the cars should stay in the other lot.*

*Mr. Schroeder said that he just did not see it - there were ten pounds being put in a half pound box. He could not see having a used car operation with so few spots and a three bay garage with a big office. He commented that nothing made sense. He asked what Mr. Ahmed was going to do with all the cars next door. Mr. Ahmed said he would try to move those cars to the eastern lot. Mr. Schroeder said that all those cars*

would not fit on the eastern lot, especially if the plan was followed. He recalled personally asking Mr. Ahmed if cars would use the side streets for test driving, and he was told that they would not. Mr. Ahmed said that mostly, people went out onto Auburn to Dequindre and to M-59 for a test drive. He said that 95% did not go onto the side streets. Mr. Schroeder said that no matter what was said, there would be a lot of people driving the side streets. Mr. Ahmed disagreed. Mr. Schroeder asked Mr. Ahmed how he would control that. Mr. Ahmed said that only three to four customers came a day. He sold cars for \$20k, so they were not low budget or cars that leaked oil, and they were all newer. Mr. Schroeder said that he did not see why Mr. Ahmed needed a three bay building and all the office space for so little cars. He restated his opinion that it did not make sense.

Chairperson Boswell explained to Ms. Campbell that the reason Mr. Ahmed would be allowed to have more cars was because he would be paving the lot. There was grass in the back currently. Ms. Campbell asked if he was grandfathered.

Mr. Anzek thought that was the correct term. When Mr. Ahmed got a Conditional Use permit for a used car lot, the Zoning Ordinance allowed it in the district. The Planning Commission and Staff did not want to see an abundance of used car lots on Auburn given the vision that Mr. Beaton referred to. They decided to revise the Zoning Ordinance to make FB-2 uses permitted in that area, which did not include used car lots. When it was approved, it was discussed then that the improvements including paving, a new building, retention, landscaping and some fencing would allow more than five cars. The Planning Commission restricted it to five, because it was gravel, and they did not want oil dripping onto an unprotected lot.

Mr. Beaton asked what the total allowed would be now. Chairperson Boswell said 18 used cars. Mr. Beaton did not believe that 18 cars would fit on that site plan. Mr. Anzek did not think so either, but he offered that used cars were not parked like regular cars. Mr. Beaton said that even if they were stacked door knob to door knob that many would not fit.

Mr. Schroeder did not think that meant 18 used cars; it included parking for customers. Mr. Beaton clarified that it meant 18 total cars on the site. Chairperson Boswell believed that it included customer and employee parking and used cars. Mr. Anzek said that 40 cars were illegally stored now.

*Mr. Yukon echoed Mr. Schroeder's and Chairperson Boswell's concerns about the development. One of the important benchmarks the Planning Commission used was to determine if it was harmonious and compatible with the surrounding areas. He did not see the proposal as harmonious or compatible, and he was not in agreement with it.*

*Ms. Brnabic said that she absolutely agreed with the neighbors' comments. The cars being stored illegally were an eyesore, and the lot was not kept up. Mr. Ahmed was storing many more than 18, and cars were jammed in every angle on the other lot. She felt that the City had been more than patient, and the non-compliance had been going on for too long. She remembered the question about using the subdivision for test drives, and Mr. Ahmed stated that it would not occur. To now find out that it was and the fact that there was an accident really disturbed her. The test drives should never have taken place in the subdivision. They should have been on Auburn. Mr. Ahmed was allowed five cars, and that would have been a small business until he was ready, but he had 35 cars on the other lot. That was not what was discussed when they approved the initial development.*

*Mr. Ahmed said that when the lot was improved, he would be allowed to park more cars. He was trying to improve the lot as soon as possible so he could move the cars. Ms. Brnabic said that the neighbors had a lot of valid points. Mr. Ahmed had been non-compliant in several areas, and she was concerned about having three bays, and that was why she asked if there were hoists. Because Mr. Ahmed had been non-compliant in several areas, the question was about what Mr. Ahmed really would be doing. He was telling them one thing, but she wondered if something else would happen.*

*Mr. Ahmed stated that the bays would just be for detailing the cars and keeping them inside until the customer came so it could be delivered nicely. Ms. Brnabic said that she did not care for the look of the building either, but her concerns were with what had occurred. She asked if 16-18 cars would be for display parking or for the entire parking. Mr. Anzek said that from the initial submittal, there were spaces laid out for display only. That had since changed considerably, and there was just a big block shown, and he was not sure how many cars could be parked in that. Customer parking was along the western line. The initial layout showed 16 display cars. Mr. Schroeder pointed out the site plan, and Ms. Brnabic said that it appeared that there were eight cars on display and eight spots for customer/employee parking. Mr. Schroeder added that there were three spots in the garage. Ms. Brnabic thought that the eight spaces for*

*customer parking would be used for display, because there probably would not be eight customers at a time. If Mr. Ahmed had 35 cars on the other lot, she did not know how he would cut it down to only eight cars in the display area, or a few more in the required parking spots. She asked about enforcing the use in the three bays so that oil changes could not occur.*

*Mr. Anzek said that the Code Enforcement officers believed that it might evolve to that. He indicated that it would be difficult with City resources to have an officer there at all times. He stated that revoking a Conditional Use permit was difficult and a long process, but that might have to ultimately happen. Conditional Uses were not permitted by right; they had to meet additional standards. From day one, he had said the building was too big, but they kept with it, and they could meet the standards for the C-I district with the proposed layout. He felt that it was a discretionary decision regarding the health, safety and welfare of the community that the Planning Commission could consider. It was a big building for a little activity that was never intended to be a big autorama.*

*Ms. Roediger said that currently as shown, Engineering recommended denial because there was a corner clearance issue. Even if the Planning Commission moved forward with a Recommendation for Approval, it would be contingent on the applicant to address staff comments and deal with the corner clearance issue.*

*Chairperson Boswell summarized that the general consensus was that the building was too big, and the storage of cars on the western part of the property had to end. He suggested that the matter could be postponed if someone made that motion. He was not sure if they could legally ask the applicants to shrink the building, move cars, and have the Planning Commission look at it again. Mr. Schroeder said that he would support that. Chairperson Boswell asked Mr. Staran if that was a possibility.*

*Mr. Staran agreed that could be proposed as an option. If the applicant was not interested in pursuing that option, the Commission could consider denying the request. Chairperson Boswell asked Mr. Ahmed if he would consider shrinking the building and removing the storage of cars. Mr. Staran believed that the storage of cars was an Ordinance enforcement issue, and the City did not need consent to require that. The building size was something appropriate to ask if the applicant would be voluntarily willing to downsize. If not, the Planning Commission could make its decision. Chairperson Boswell again asked Mr. Ahmed if he would be willing to downsize the building.*



*Mr. Ahmed agreed that he could do that. Chairperson Boswell said that in that case, the Commission would postpone the meeting until new drawings were prepared. He advised that Code Enforcement would be out to the site. Mr. Schroeder asked if the Commission should establish any parameters for the size of the building.*

*Mr. Ahmed asked what Chairperson Boswell meant about Code Enforcement coming out. He said that he needed some time. If the building was up, he could move all the cars. He said that he did not have money to move them somewhere else. He asked for time until the new building was constructed. Chairperson Boswell said that he understood; however, Mr. Ahmed was in violation of Ordinances, and he had been told that. The neighbors were certainly advising of that.*

*Mr. Dettloff considered that the ongoing issue had been that there were more cars there than what was agreed to from the beginning. Chairperson Boswell said that was not the case on the eastern property. Mr. Dettloff meant that with the other side, there were more than what was agreed to. Chairperson Boswell agreed, and said that was why it was in violation.*

*Mr. Anzek informed that when staff met with Mr. Ahmed's attorneys in January, they asked about storing 20 or so cars at the site. They pledged that the City would have drawings immediately, and that work on the new site would commence as soon as they got approvals. That was in January, and it was now November. It took a long time to get the drawings, and there was a lot of back and forth. Mr. Anzek felt that it was time to pull back the courtesy of allowing car storage, because of the impact to the neighborhood and the way it looked. All the cars would not fit on the eastern side, so wherever they were going to be stored, they should all be taken there, but he assured that it would not be in the Olde Towne area. He understood that Mr. Ahmed should redesign the building to be smaller and more appropriate for the scale of activity.*

*Mr. Ahmed asked if he could be given more time. Mr. Anzek asked how much time he wanted. Mr. Ahmed said that as soon as he put up the building, he would move the cars. Mr. Anzek said that they went through everything about a year ago. Mr. Ahmed claimed that the City delayed everything. Mr. Anzek said that the City had to keep reviewing it, because the Ordinances in the designs were not being met, so the City did not delay anything. Mr. Ahmed asked again about putting a screen around the car lot. Mr. Anzek said that storage was storage, and it was not*

*permitted. It did not matter what was being stored; it was not permitted in the current Zoning Ordinance, no matter what type of screening there was.*

*Ms. Brnabic said that Mr. Ahmed was allowed five cars, but there were many times when there were ten or more. Mr. Anzek agreed that was observed by Code Enforcement. Ms. Brnabic asked how much of a time frame Mr. Ahmed would be given to remove the cars, noting that he did continually add cars. Mr. Ahmed responded that he tried to dispose of cars before buying more. He said that if he was given more time, he would appreciate it. He said that he put his life savings into and because of the stress, he had two heart attacks. Ms. Brnabic said that originally Mr. Ahmed told them that he purchased a lot of cars at the auction, and that they could be stored there. Mr. Ahmed agreed he was storing there, too, but people liked to come to his lot to buy cars. He said that he paid close to \$12k to the State every month.*

*Mr. Anzek asked the Commissioners how much time to remove them would be fair. He thought last January that they would be gone by now. Mr. Dettloff suggested December 1st. Mr. Anzek said that Code Enforcement would go through the procedures and give time to rectify the problem. If it was not done, there would be further discussions, and then it could go to court. Code Enforcement did have to give a reasonable amount of time to remedy the problem. Mr. Yukon and Mr. Dettloff suggested 30 days. Mr. Anzek said that he would leave it up to Code Enforcement, but 30 days seemed fair to him.*

*Chairperson Boswell asked about the building size and what the Commissioners would like. He did not think they wanted to see three bays and a large office with storage. Mr. Schroeder said that they would have to see if Mr. Ahmed would accept, and Chairperson Boswell asked Mr. Ahmed if he would. Mr. Ahmed agreed that he could shrink the building. In the meantime, he requested more time to put up the building, which he said he would build as soon as possible if he got approved. He asked for three to five months.*

*Chairperson Boswell said that the Commission could postpone the matter, and when Mr. Ahmed brought back downsized drawings of the building, they could review it again. Mr. Ahmed asked if he was supposed to take out one bay. Chairperson Boswell said that he was not going to dictate how many bays, but the proposal should be more reasonable. He indicated that the proposal did not fit Olde Towne, for one thing. The lot was small, and the building was oversized for the lot. The building there now was undersized. He would not expect Mr. Ahmed to build something*

*that size, but not as big as was proposed. If it ended up having two bays and it looked reasonable, that might be fine. He asked if there was a motion to postpone.*

**MOTION** by Schroeder, seconded by Dettloff, in the matter of City File No. 13-005.2 (Auto Rite Sales) the Planning Commission postpones the **Conditional Use Recommendation** to construct a used car sales operation pending receipt of new site plan drawings.

**Voice Vote:**

Ayes: All Nays: None Absent: Kaltsounis, Reece

**MOTION CARRIED**

**2013-0190**

Request for Site Plan Approval - City File No. 13-005.2 - A new 2,448 square-foot used car sales office and three bay garage building for Auto Rite Sales, on the eastern .29 acre of a 86-acre parcel at 1923 E. Auburn Rd., west of Dequindre, Parcel No. 15-25-482-025, zoned C-I, Commercial Improvement, Syed Ahmed, Applicant

**MOTION** by Schroeder, seconded by Dettloff, in the matter of City File No. 13-005.2 (Auto Rite Sales), the Planning Commission **postpones** consideration of the **Site Plan**, pending receipt of new drawings.

**A motion was made by Schroeder, seconded by Dettloff, that this matter be Postponed. The motion carried by the following vote:**

**Aye** 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

**2000-0994**

Request for Approval of Facade Renovations - City File No. 84-465.2 - for South Hill Retail Plaza, located at 910 S. Rochester Rd., on the west side of Rochester Rd., north of Avon, zoned B-2, General Business, Parcel No. 15-15-476-026, Young & Young Architects, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated November 13, 2015 and site plan had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Roger Young, Young & Young Architects, Inc., 1133 W. Long Lake Rd., Suite 100, Bloomfield Hills, MI 48302.*

*Ms. Roediger believed that everyone was familiar with the South Hill Plaza on Rochester Rd., which the applicant wished to modernize. She did not think anyone would disagree that it was in need of that, and staff was excited to see something happen. The applicant was not adding*

*height to the building, but they wanted to open the covered walkway and let in some light so people could see the doors and windows. They would use a mix of cement board, stone veneer and a metal standing seam roof. She showed before and after pictures of the center. Staff felt that the character of the shopping center was changing enough that it should be brought before the Planning Commission. As part of the review, they looked at reasonable site improvements. There were a number of existing light poles that probably did not meet current Ordinance standards, and at this point, staff was requesting that they adjusted the lights downward and shielded them. There were a number of dumpsters located behind the restaurant at the corner that were not screened in accordance with the Ordinance, so they asked that the screening be improved. Regarding landscaping, staff asked that the street tree requirements be met. There was no internal landscaping proposed, and the applicant wanted to do the façade and then go back and re-do the parking lot at a future date. In case that did not happen, they were asked to install additional landscaping along Rochester Rd. There were some landscape islands in the parking lot that were just filled with rocks, so in the future, they could add some landscaping. Mr. Young said that the applicant was agreeable, and if the façade was approved, they would work administratively with staff to do the other improvements. Ms. Roediger said that she would be happy to answer any questions.*

*Mr. Young agreed that they would like to develop a site plan over the next couple of months. They would present a site plan later that contemplated the site landscaping, exterior site lighting and the grade mounted sign. There were lights on the columns that were shown outward facing that would be developed, so it would provide illumination to the drive aisle in conjunction with the pole mounted fixtures. In the short term, they would bring the site into compliance as quickly as possible. The owner purchased the center at the beginning of the great recession, and it was only about 60% full. The owner's goal was to be at capacity, and then he could continue to invest in the property.*

*Mr. Young talked about what the exterior renovation entailed. Their intention was to nip the ends of the trusses that were scissored onto the existing trusses, so that the vertical façade of the new parapet extended outward from the existing storefront. That would allow more natural light. The orientation of the building was not optimum, and the storefronts were in a shadow. On both ends of the building, they retained a small hip with a standing seam roof. The interior tenant spaces were turned vertically up so the signage could be brought closer to the storefronts of the owners' businesses. All of the existing signs located on the raised T-111 parapet*

at the top of the ridge line would be the same, but they would be brought closer to the entrance of each store. The façade returned southward along the east side of the building and wrapped around the south side of Antonio's so the mechanicals could be concealed. They would also address the concealment of the trash receptacles. They did not want to have a bad side of the building. They realized that there might be potential customers from the fitness center to the west.

Mr. Young said that they believed in a simple materials palette. They wanted to remove the existing T-111 and siding that was at grade. That would be covered with cement plaster. The finish looked like EIFS, but it was synthetic stucco. In lieu of Styrofoam, they would use cement plaster or cement board. That was a more durable, abuse resistant system. It would still have a uniform stucco finish. There were some portions of the sidewalk that were in a state of disrepair, so they would be repaired at the time of construction. Extending upwards from the line of the storefront glazing, they proposed a 12-inch horizontal seam panel. It was a very clean, crisp metal panel system with a very durable, painted finish in graphite gray. Those panels extended ten feet up, and had a sloping roof that would accept all the rainwater that would normally shed off the front. It would be conducted down to pipes and into the existing storm drainage system. They would not discharge any water onto the surface. The vertical columns would be a combination of cement plaster, concealing the drain pipes, and the trellis and the blades of the columns would be a synthetic pvc based material. It was a white plastic based, rot resistant product that was extremely durable. On the columns, they would like to have seasonal flags or things to bring some color and interest into the plaza. The flags were not shown on any drawings, but they were something they felt would be fitting. Along the raised parapet wall there were areas of projections that would provide more relief. They would like to give the larger tenant spaces more prominence. It was a way to break up the massing, and it would give the building more interest. The only other lighting element would be on the back side of the columns. It would be a surface mounted light to provide lighting back to the storefront so the sidewalk areas in front would be illuminated. For the most part, the center would be illuminated with the pole mounted fixtures that existed, in conjunction with what they had not fully developed - new pole mounted fixtures at 30-foot intervals on the existing columns of the buildings.

Mr. Dettloff asked how much vacant space there was, and Mr. Young said about 30%. He said that the corner was the most challenging with any L-shaped plaza. The owner had a great realtor on board, and the improvements were generating a lot of interest. They hoped to break

ground in early spring and be done by the 4th of July. Mr. Dettloff commented that it looked great.

Mr. Schroeder said that his son worked in the restaurant on the corner in high school, so he knew it had been a long time since anything had been done to the center. He mentioned that he was glad the dumpster enclosures would be cleaned up. He was also glad to hear they would be enclosing the HVAC. If Commissioner Reece was at the meeting, he would have been glad to hear that there would be no EIFS.

**Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307** Mr. Beaton said that he lived across the street from South Hill, and he had seen the brown roof for 30 years. It did not allow for the design of any kind of retail sign. He knew there were tenant issues; he rented a vehicle in the plaza once a month, and some Canadian Geese had used some of the areas for nesting in the sidewalk area. The corner had been vacant for quite a while. There was the world's best Mexican restaurant on the corner, and he went there once a week. He thought that there was a fantastic bright sky, clouds parting, sunshine coming through change, and he thanked Mr. Young for updating the center. He stated that it had needed help for years. He told Mr. Young to talk the owner into buying the old K-Mart building, which also needed a lot of work. Mr. Beaton said that he read a lot about mixed use buildings, and he noted that there was a great development at Tienken and Rochester. He thought that it was a shame that the back half of the plaza did not have a second floor (the part that faced west). He thought that a second floor with balconies and lofts that would overlook the west would have been very cool. He thought if residential was introduced into the corner that it would be more walkable and livable to shop and live.

**MOTION** by Schroeder, seconded by Yukon, in the matter of City File No. 84-465.2 (South Hill Retail Plaza Façade Renovations), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on November 2, 2015, with the following four (4) findings and subject to the following one (1) condition.

**Findings**

1. The site plan and supporting documents demonstrate that all applicable requirements of the zoning ordinance, as well as other city ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as

- existing development in the adjacent vicinity.*
3. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
  4. *The renovations should enhance the retail center and help fill vacant spaces.*

**Condition**

1. *Addressing all applicable comments from planning dept. memo dated November 9, 2015 prior to final approval by staff.*

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

**Aye** 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

**Absent** 2 - Kaltsounis and Reece

*Chairperson Boswell stated for the record that the motion had passed unanimously, and he said that he looked forward to it.*

## **ANY OTHER BUSINESS**

*Ms. Roediger gave an update about the Commons South, which the Commissioners had seen in August in front of a packed house. Staff had been working with the applicant and the neighbors. It had not gone forward to Council, because they wanted to resolve the issues with the neighbors. There was a condition about landscaping to the north and that evergreen trees should be planted on lot 20 in Hickory Ridge. Staff proposed shifting the units to the south to result in a 16-18 foot tree preservation area that would be maintained between the properties. Mr. Anzek added that there was a nice, solid band of existing trees. Ms. Roediger showed the backyards of units 18, 19 and 20 in Hickory Ridge, and the applicant shifted lots to preserve the existing trees. Staff was suggesting that in lieu of planting evergreen trees on someone else's property, that the applicant maintained the existing buffer. The neighbors were all on board, and staff was asking to take it to Council with a modified condition, because additional tree planting would not be required. The neighbors were going to write a note stating that they were fine with that. She wanted to let the Commissioners know, because it would come back for Final. She believed that it would go to Council on December 14.*

*Mr. Schroeder remarked that if the neighbors were happy, the Commissioners were happy. Mr. Anzek maintained that they were ecstatic. If the applicant planted trees on their properties, it would make*

*their backyards smaller.*

*Mr. Anzek asked Ms. Granthen if she had anything to share. Ms. Granthen thanked everyone for all the courtesies extended. She had enjoyed meeting everyone and learning all about planning. She advised that she had submitted her resignation. She did not think she would be at the meeting, but she had been asked. Her hope was that Mr. Hooper would come back, because she felt his voice was very important, and he had a lot of history with the Planning Commission. She wished everyone the very best.*

### **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for December 15, 2015.

### **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Schroeder, Chairperson Boswell adjourned the Regular Meeting at 10:17 p.m.

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William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary