



# Rochester Hills

## Minutes

### Planning Commission

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Rochester Hills, MI  
48309  
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Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

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

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Tuesday, September 16, 2014

7:00 PM

1000 Rochester Hills Drive

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#### CALL TO ORDER

Chairperson William Boswell called the Regular Meeting to order at 7:05 p.m. in the Auditorium.

#### ROLL CALL

**Present** 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum present.

Also present: Ed Anzek, Director of Planning and Econ. Dev.  
Sara Roediger, Manager of Planning  
John Staran, City Attorney  
Maureen Gentry, Recording Secretary

#### APPROVAL OF MINUTES

[2014-0379](#) August 19, 2014 Regular Meeting

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

#### COMMUNICATIONS

- A) Email from H. Billock, dated Sept. 4, 2014 re: General Trucking
- B) Email from S. White, dated Sept. 11, 2014 re: General Trucking
- C) Email from M. Hill, received Sept. 16, 2014 re: General Trucking

**UNFINISHED BUSINESS**

**2014-0322** Request for Conditional Land Use Recommendation - City File No. 14-002 - for a proposed 40,000 square-foot trucking and storage facility on approximately ten acres at the northwest corner of Hamlin and Dequindre, zoned I, Industrial, part of Parcel No. 15-24-402-041, JB Donaldson Co., Applicant

*(Reference: Memo prepared by Ed Anzek, dated September 12, 2014, site plans and associated documents from the August 19, 2014 meeting had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Bennett Donaldson, JB Donaldson Co., 37610 Hills Tech Dr., Farmington Hills, MI 48331; Mike Labadie, Fleis&Vandenbrink, 27725 Stansbury Blvd., Suite 150, Farmington Hills, MI 48334; and Emil Jakupovic, 24121 Mound Rd., Warren, MI 48091, owner of General Trucking.*

*Chairperson Boswell summarized that the subject request was discussed at great length at the August 19, 2014 meeting. There was a motion to recommend denial of the Conditional Land Use, which failed with a 4-4 vote. There was then a motion to recommend approval, which failed for lack of a second. All further discussion was postponed until this meeting.*

*Mr. Anzek pointed out that one item that had been requested but not answered was an updated traffic impact study. Staff thought it would be received in time for the meeting, but it was not, and it was his understanding that it would be offered as part of the presentation. He noted that the matter they were considering was like a "do over." If there was additional information, the Commissioners could reconsider their decision, but no one was requesting anything to be changed. It was strictly a discretionary decision. For a Conditional Land Use, if there were adverse impacts identified, the Commissioners had to determine if conditions could be imposed that would offset or mitigate those adverse impacts. It would then be up to the City to figure out proper enforcement of those conditions.*

*Mr. Donaldson advised that Mr. Labadie would elaborate on the revised traffic study. There were time restraints that kept them from getting it to the meeting, but he did not think the report had changed other than some data points.*

*Mr. Labadie agreed that he did not have time to quite finish the revised report and get it to the City and Road Commission for review. He*

*summarized the differences in the reports, and said that there had been some communication problems between he and his client that resulted in a few more trips, but it did not change the results as far as what the requirements would be. For example, in the original study, they showed the office at 4,000 square feet, when it should have been 8,000. There will be warehousing in the building, but he did not have that in the first analysis. The number of truck movements stayed the same, but they used a little different distribution during the day, as to when the trucks would be coming and going and how many there were. They had now factored all that in, and they had a new analysis. In the original study, there was a trip generation table that had the average daily traffic at 94 trips - the number of trips on a daily basis with half in and half out. There was an AM peak hour summary which showed a total of 11 trips. The new analysis took the average daily traffic to 138 and the AM peak hour trips to 25. All of the analysis was the same, and when the different numbers were put in, they ended up with the same result. The summary of conclusions showed that everything would operate well within accepted practices. The future traffic through the intersection would only be 2% of the traffic, which he claimed was a low number. Accepted practice would say that the intersection should not even be studied until the number was 5%. The requirement for a center lane for left turns for northbound traffic to turn into the site did not meet the Road Commission's criteria. They would build Road Commission designed driveways, and that would be all they would have to do for traffic impacts. He had previously mentioned that the City's Traffic Engineer and the Road Commission's Engineers had asked him to do a sensitivity analysis. That showed how many trips would have to be generated before there would be an impact that would change the level of service or change requirements. Instead of two northbound truck trips turning left into the driveway, there would have to be nine. That would mean that their trip forecast would have to be off by four times, which he stated was not. The question was whether a center turn lane for northbound trucks into the driveway was necessary, but the level of service met the criteria, and the impacts would be very low. He apologized for not getting the report done, but he stressed that it was hard to get the information gathered in time.*

*Mr. Donaldson recalled that at the last meeting, they had discussed some conditions that would be put on the applicant. After further consideration, realizing the impacts of the left hand turn lane and what it would mean to the project, and the fact that the traffic study did not support it, the client had chosen to not offer a left turn lane as a condition of approval.*

*Mr. Donaldson said that the fundamentals of the project were still the same, with the exception of the exclusion he had just mentioned. He said that he would be happy to answer any questions, but he related that the information was essentially as they had stated.*

*Mr. Schroeder wanted to clarify something he had said at the last meeting. He maintained that communities could have a higher standard than the Road Commission, and that the Planning Commission had the ability to require something over and above the Road Commission's standards. The Road Commission would, in most cases, support those requirements. He asked if the applicants understood that.*

*Mr. Donaldson said that he understood, but that it was the applicant's free choice to make his decision. Mr. Schroeder stated that in his opinion, if there was no left turn lane that would change things. He believed that the development did fit the parameters of the site, but he did not believe that it was a good fit for the location. He realized that it was zoned Industrial, but he indicated that there had to be a dividing line between residential and trucking, and he emphasized that this area of Rochester Hills was residential. He noted that one of the proposed conditions was setting a limit on the number of trucks allowed, but he suggested that was not something that could be controlled. Once the applicant opened the site, there would be no control of how many trucks came and went.*

*Mr. Donaldson realized that the project had to be something that the community wanted, and General Trucking did not want to be in a community where it was not welcomed. They felt that the site was very conducive to the applicant's use. That was why the City had a Brownfield Redevelopment Authority. He said that the neighbors were located across from Industrial which had been zoned that way for 25 years. He understood the passion about the issue, and he said that he could appreciate that, but he observed that every community had the same condition. In every city, there was a residential district that abutted an industrial or commercial district, and they had the same situation with this project. He commented that he respected everyone's opinion and ruling.*

*Mr. Hetrick clarified that a center left turn lane on Dequindre was non-negotiable from the applicant's perspective. Mr. Donaldson said that was correct. Mr. Jakupovic added that they looked at the overall cost of the project, and the cost of the building would be significantly above what a comparable building would be, based on the fact that there was a landfill. To add more conditions on top of that, especially when the data substantiated that a center lane was not necessary, would not be*

*something they could afford. He questioned why they would do it if it was not necessary.*

*Mr. Hetrick noted that there were other conditions discussed, such as no fuel depot, maintaining some process by which trucks would not travel on Hamlin, and having a maximum of 60 trucks per day, and he asked if those were fine. Mr. Donaldson replied that they were. Mr. Hetrick said that the Site Plan was not changed based on the discussion, but the applicants had mentioned that they would put in a passive venting system in conjunction with the lighting in the parking lot, and he presumed that would be a condition of Site Plan approval. Mr. Donaldson agreed that they could add venting at the light pole locations.*

*Mr. Kaltsounis remarked that he was disappointed to hear about the left turn lane, but he understood the dollars and cents, and Mr. Jakupovic was not the first person to make such a choice - it sometimes came up with other projects. If it was a business decision, Mr. Kaltsounis indicated that he could agree with it. One of the concerns he had about the motion recommending approval from the last meeting was the condition about no truck traffic using Hamlin Rd., and that there would be no more than 60 trucks per day in or out. He felt that those were conditions that would be out of the applicant's jurisdiction. He stated that the owner could not control the trucks coming in and out. Also, if Dequindre Rd. was shut down because of a downed power line, for example, trucks would use Hamlin. He had an issue with the motion because of those conditions. He did not see how they could place conditions on someone who had no control over a situation.*

*Mr. Jakupovic reminded that during the last meeting, they had talked about the alternate route of using Mound Rd. to Auburn to Ryan to Hamlin and finally making a right turn on Dequindre. They spent a few hours studying that area, and there was currently truck traffic that utilized that route. If Dequindre, their optimal route, did close for some reason, someone would not have to use Hamlin Rd. In fact, he did not think anyone would want to use Hamlin Rd. if Dequindre was closed.*

*Mr. Kaltsounis stated that by the book, the Commissioners were looking at the development the same way they did the following month. How people voted then did not matter now. Mr. Staran agreed that was correct, and no motion was adopted at the last meeting. The Planning Commission could proceed as it saw fit without any limitations, and any motion could be put on the floor. Mr. Kaltsounis wanted to make sure that if he made a motion to deny that there would be no issues, and Mr. Staran*

*confirmed that there would not.*

*Mr. Kaltsounis then moved the following motion, seconded by Mr. Yukon:*

**MOTION** *by Kaltsounis, seconded by Yukon, in the matter of City File No. 14-002 (General Trucking Facility), the Planning Commission recommends to City Council denial of the conditional land use, based on plans dated received by the Planning Department on July 30, 2014, with the following finding:*

**Finding**

- 1. The proposed development would be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*

*Mr. Hooper said that he did not want to rehash everything he said at the last meeting, but he stressed that Rochester Hills had a history with 660 acres of landfills that were currently vacant and leaking leachate and venting methane gas, and that someday, the situation would have to be dealt with. The City had a Brownfield Redevelopment Authority in place to try to find adaptive reuses for the landfill properties to reduce the emanating contamination. It was clearly obvious that the State and the City were not doing that currently. He pointed out that the subject property had been zoned Industrial for 30 years, and they were reviewing a development that fit in that zoning. It required a Conditional Land Use because it was a trucking operation. They would try to work with any developer that came before the Commission to find an adaptive reuse, and he felt that there were some conditions offered to mitigate some undesirable things about the operation and the location. Since the applicant acknowledged that a center turn lane would no longer be a consideration with the development, he was now at a point where he could not support moving forward with a recommendation for approval. He said that nonetheless, it did not resolve the situation with the property, and that hopefully someday, a firm would come forward. Any operation would generate traffic, and everyone might not agree with everything, but it would have to be dealt with some day in the future. He had hoped to find some middle ground, but the lack of a center turn lane was the straw that broke the camel's back in his view.*

*Mr. Schroeder commented that it was very disappointing that the applicant agreed to the left turn lane the last time and now disagreed with it. All traffic standards aside, when there were all those trucks making left*

turns on a two-lane road, he stated that it would be a danger. When there was a facility dealing with trucking, in his opinion, a left turn lane was required. He restated that it was disappointing that it was agreed to previously, and now it was not.

Chairperson Boswell noted that a Public Hearing was held at last month's meeting, for which there were very copious notes in the Minutes. He had several cards in front of him, and he remarked that he was inclined to dismiss them, because he was fairly sure that they would hear the same things they heard a month ago. If anyone had anything new they would like to bring up, he said that he would agree to listen, but basically, he felt that what he would hear would be the same thing from a month ago. He did welcome anyone to come forward that had something different to say.

**Gerald Turgeon, 1711 S. Shore Dr., Rochester Hills, MI 48307** Mr.

Turgeon noted that he was the President of the Avon Lakes Homeowners Association, which had about 155 homes. They were located about 1/3 of a mile south of the proposed project. They were on a 25-acre lake, and they were concerned about any disturbing of the clay cap around the field. He knew precautions had been taken, but they watched their lake very carefully. It was used recreationally, and for 25 years they had carefully watched anything that happened on their property. The other concern was that he understood that in 2016, Dequindre would be widened, which would cause closings and cause traffic to move to other locations. He expressed concerns about traffic on Hamlin and traffic bordering their subdivision on Dequindre.

**Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307** Mr. Beaton indicated that he watched a lot of cooking shows, and that he was going to make a bowl of soup. He had brought his list of ingredients: Dequindre from Auburn to Hamlin was two lanes and it was in bad shape; the Road Commission had nothing in the budget to make it any better or to widen it; Hamlin from John R to Dequindre was under the jurisdiction of the City of Rochester Hills; and there was no improvement planned to widen Dequindre in the future, although it would get repaved within the next couple of years. Both roads were designed to handle big trucks. They were mile roads, and it would be impossible to tell the applicant which roads he could or could not use. He was a citizen of the U.S., and his truckers were allowed to use the roads. The landfill was not the love canal, and no one was dying there, but there were concerns about methane releasing. The zoning was Industrial, but there was a Conditional Land Use required, so there would not just be a blank check given to be able to build something. The Site Plan was positive in that it

*showed the building between the trucks and the residents. It was positive that there were only trucks on Dequindre. It was negative that there was no center turn lane. It sounded great that they would be bringing 100 jobs to Rochester Hills, and it was great for cutting ribbons, but they would be relocating jobs from Warren, not China. Mr. Beaton said he was concerned that if the project went through and the parking lot was not paved, that rocks would be thrown on vehicles. He claimed that the traffic study presented was still inadequate, and it did not show any new ideas they could look at and study. There would be 80-100 trucks at the site that weighed 80,000 lbs. each. The average U.S. car weighed 4,000 lbs. He pointed out that 75% of truck driving accidents were due to the driver of the passenger vehicle, not the trucker himself. There were over 500,000 trailer-truck accidents every year in the U.S., and 18-wheeler wrecks resulted in deaths nationwide of 13-14 U.S. citizens every day. He maintained that the property value of the trucking depot would go up, but the residents' home values would go down. He indicated that teenagers did not listen to adults or pay attention to the road; they drove too fast, and they were too busy texting or reaching for a french fry. He stated that Planning Commission and City Council members were sworn to uphold the health, safety and welfare of the citizens of Rochester Hills. He reiterated that a truck terminal was a Conditional Land Use, and they had to determine if the truck terminal would be detrimental to the location. In conclusion, he said that he put all the above ingredients in the soup, he was shaking it up, and he asked what the odds were that he made a good bowl of soup. He asked if it was 50-50%, 60-40% or even as high as 75-25%. He claimed that if the Commissioners voted yes for an intense, 24-hour trucking operation, someone would die at the corner of Dequindre and Hamlin within the next decade. It would probably be at night and probably be a teenage driver coming home from an event, reaching for a french fry. He asked if the Commissioners could really vote "yes" for a truck depot.*

**Sharon Smith, 1768 Mackwood, Rochester Hills, MI 48307** Ms. Smith noted that there would be trucks coming in 24 hours a day, seven days a week. She asked what would stop prostitution from coming in the evenings and what would stop drugs from coming in, and she said that it was a well known fact that those went together. That was her concern, and she hoped the Commissioners thought about that. She also said that truck drivers did not stop for breaks to go to the bathroom - they urinated in bottles. When they finished a route, they took the bottles and dumped them out the door. She stated that she did not want that in her neighborhood.



**Steven Sheko, 48403 Dequindre, Rochester Hills, MI 48307 Mr.**

*Sheko mentioned that he drove a truck for 30 years. He pulled doubles and triples over the United States, so he knew all about heavy trucks. In Michigan, the legal limit for a truck was 80,000 lbs. His company was grandfathered in at 164,000 lbs., and someone could pull a trailer across Michigan as long as there were enough axles. Some of the big tankers had 5-10 axles underneath. He wondered if the applicant's storage facility would have 80,000 lb. or 164,000 lb. trucks, noting that it would be a lot cheaper to have a bigger truck. He said that 5% of the 80,000 lb. trucks were overloaded, and someone could get a permit in Michigan to go over 80,000 lbs. with five axles. He indicated that stopping an 80,000 lb. truck was like 40 cars stopping at once. They would not be able to on Dequindre or the other streets in the area because there were school busses and children. In the wintertime, the trucks would idle, because they were hard to start. The fumes would always be in the air. If a big tank was being loaded, there had to be a way to take the air out of the tank to let the diesel fuel in, and it would be vented out in the neighborhood. The smell would always linger in the neighborhood. He cautioned that when it was icy out, it would be hard to stop an 80,000 lb. truck. His truck would slide in icy weather. He talked about how difficult it was and how the truck swerved, and how dangerous it was. He added that there was always human error. He agreed that he picked up bottles on Dequindre that had urine in them. He felt that the project would be a big mistake. He felt that they should have a "No Trucks" sign from Auburn Rd. to Hamlin, because it was residential on both sides of Dequindre. There were children that walked and bicycles and joggers, and they were going to add trucks on a two-lane road. He stated that they did not need a trucking facility in this location. There were parts of the City that were industrial that were not by a neighborhood. He suggested that the applicants could move into one of the industrial parks west of Livernois.*

**Melinda Hill, 1481 Mill Race, Rochester Hills, MI 48306 Ms.** Hill did not live near the area, but she still did not think it was appropriate for the City of Rochester Hills. She mentioned that she had sent a letter to the Commissioners, which talked about why she felt the proposal did not meet any of the criteria for a Conditional Land Use. She noted that Rochester Hills had been planned as a residential community by the Planning Commissioners from day one, and she did not see why they would turn the City into something different. She acknowledged that it was zoned Industrial; however, the Master Land Use map showed the property as part of the Landfill Planning Area. She read part of the description, "It is anticipated that extensive study will be required to determine appropriate and feasible land uses for the landfill parcels if they are

*proposed to be redeveloped at a future date. Development should also be coordinated between the non-landfill and the landfill sites to ensure that development in this section of the City is integrated instead of creating a patchwork of isolated neighborhoods and land uses.” She believed that there was an opportunity for them to use the tools they had to deny the project, because at this point in time, it really did not fit. They could, going forward, really take a good look and study the landfill properties and include the business community, the City officials and the residents. They could look for more appropriate potential development for those areas that would blend in with the residential character and make Rochester Hills a much more stable community, versus putting in a very heavy industrial use separate from anything else that was going on in the area.*

**Mike Preuss, 1897 Willowood, Rochester Hills, MI 48307** *Mr. Preuss said that the proposed trucking facility would take up about ten acres of land and have a 40,000 square-foot building and a big parking lot. He pointed out that there were acres of industrial land on Hamlin between Livernois and Crooks. If the proposal was approved, the City would be denying in the future a much larger tax income for the community.*

**Hadel Sabbagh, 448869 Dequindre, Rochester Hills, MI 48307** *Mr. Sabbagh asked about the new traffic study and if it mentioned 2%. Mr. Labadie agreed that the trucks would be 2% of the intersection traffic. Mr. Sabbagh said that it was discussed that it would be o.k. to have a truck depot next to residential. He heard that the truck traffic would be directed to one location - Dequindre, which was a one-lane north, one-lane south road. It was a small road, and there were no sidewalks. The current trucks that drove Dequindre, and he observed that there were not that many, shook his house. He did not know why the infrastructure did not support their weight, but there was definitely a vibration on the road. He observed that when he traveled south on Dequindre to M-59, between Hamlin and Auburn, there were four school bus stops. There were some on the Shelby side, too. The busses stopped and let traffic pass after the children got on, which he felt was very considerate. A truck would take a long time to get going after it stopped, and it would back up Dequindre. He asked them to imagine children next to the road and other drivers trying to get to work. People would get frustrated, and he wondered if they would try to pass the trucks. He maintained that Dequindre, with its current residential population, was not established to be a route for semi-trucks. He did not think the project was a good idea, and he asked them to please consider that the road was not a good location for trucks. He indicated that adding a truck depot would increase truck traffic*

considerably, and he said "no."

**Suzanne White, 1598 Parke, Rochester Hills, MI 48307** Ms. White said that she appreciated President Hooper's comments about the landfills, and she knew how dangerous they could be. She wondered if the landfills were being maintained and monitored on a regular basis, although she did not think so. They (she and other residents) were going to go to the BRA and ask that question and see if they could do something about enhancing the 660 acres of landfills. They would like to form an adhoc citizen committee to enhance the City and bring in something that would be beautiful, worthwhile and not dangerous. They were going to take care of the landfills and make sure that someone was watching, so they did not have a "kaboom" like they did in 2000. The landfills were very near and dear to all who lived around them, and they just wanted what was best. They had no problems with General Trucking, but she stressed that there had to be consideration for the community, the placement and the danger.

**Michael Spicko, 1830 Willowood, Rochester Hills, MI 48307** Mr. Spicko mentioned that he missed the last meeting. He moved to his home 21 years ago, because he was enchanted with the rural feel of the neighborhood. He loved to sit in his backyard and listen to nature. Ever since they widened M-59, he was very sensitive to noise. He asked if anyone had heard jake brakes. He said that he would appreciate the Commission's consideration in denying the project - if nothing else, based on the noise levels.

Chairperson Boswell closed the public comments. Mr. Dettloff thanked General Trucking for its interest in the City, but he thought, after the lengthy discussion from the last meeting, that what Mr. Hetrick had proposed was a reasonable compromise. It was disappointing that all the conditions could not be met. Going forward, he thought that not widening Dequindre was very disheartening to hear.

Hearing no further discussion, Chairperson Boswell called for a vote.

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously, and he postponed the other two requests.

[2014-0323](#) Request for Approval of a Tree Removal Permit - City File No. 14-002 - for the removal and replacement of as many as 24 regulated trees associated with the construction of a 40,000 square-foot industrial trucking and storage facility at the northwest corner of Hamlin and Dequindre, JB Donaldson Co., Applicant

**Postponed**

[2014-0324](#) Request for Site Plan Approval - City File No. 14-002 - General Trucking industrial trucking and storage facility (see file nos. 2014-0322 and -0323)

**Postponed**

## **NEW BUSINESS**

[2013-0302](#) Request for Final Site Condominium Plan Recommendation for Regal Estates - City File No. 13-001 - a proposed 9-unit, single-family development on 3.5 acres, located east of John R, north of Auburn, zoned R-4, One-Family Residential, Parcel No. 15-25-352-022, Roy E. Rathka, Applicant  
*(Reference: Staff Report prepared by Ed Anzek, dated September 12, 2014 and Final Site Condo Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Tim Rathka, 11684 Majestic Ct., Shelby Twp., MI 48315 and Jeff Rizzo, Fenn and Associates, 14933 Commercial, Shelby Twp., MI 48315.*

*Mr. Anzek stated that the Preliminary Plans were reviewed a little over a year ago, and they were approved by City Council. Since that time, the applicants had worked on the construction plans, and Engineering had signed off. The plans were virtually identical to what was initially approved, and Staff recommended approval.*

*Mr. Rizzo said that one of the items they were trying to accomplish, and he noted that it would have to go in front of City Council, was obtaining a Sidewalk Waiver. They were open to having sidewalks internally in the development along Jewell Dr., but they would like to request a Waiver for the sidewalk along DeMar. They felt that a sidewalk there would be useless, and there would be open ditches and other items to deal, with and the developer did not feel there would be a benefit to the community.*

*Mr. Schroeder asked if the Waiver would be permanent or if there would be a provision for the future, if the residents or the City had a program to install sidewalks on DeMar. He asked if there would be a provision in the Master Deed where the cost would be the responsibility of the homeowners.*

*Mr. Anzek thought that the Waiver was just the developer's justification to not have to put sidewalks in at this point in time. In the future, if the ownership petitioned the City for sidewalks, he was sure it could happen. Mr. Staran said that was correct and if a Waiver was granted, it would relieve the developer of the obligation.*

*Mr. Schroeder said that he would like to see a provision where the homeowners would be responsible for the cost and not the City. Mr. Anzek believed that the homeowners would be the ones to petition for it, so it would be a special assessment. Mr. Staran agreed that the City did not have a sidewalk program; it had a pathway program, and a special assessment would be the only way that sidewalk would be installed if a Waiver was granted. Mr. Schroeder clarified that the Waiver would simply be just so the developer did not have to put a sidewalk on DeMar, but that it would not be a final Waiver forever. Mr. Staran confirmed that it would not prevent the sidewalk from going in in the future if there was a funding mechanism. Mr. Rizzo reiterated that they would add sidewalks internally, which they felt would be beneficial to the residents.*

*Mr. Kaltsounis wanted to make sure that the developer would only ask for a Waiver for DeMar. Mr. Rizzo stated that was correct.*

*Hearing no further discussion, Mr. Schroeder moved the following motion, seconded by Mr. Hetrick:*

**MOTION** by Schroeder, seconded by Hetrick, in the matter of City File No. 13-001 (Regal Estates), the Planning Commission recommends that City Council **grants Approval** of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on August 13, 2014, with the following four (4) findings and subject to the following eight (8) 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 detached*

*condominium.*

- 2. Adequate utilities are available to properly serve the proposed development.*
- 3. The final plan represents a reasonable and acceptable plan for developing the property.*
- 4. The final plan is in conformance with the preliminary plan approved by City Council on September 16, 2013.*

*Conditions*

- 1. Engineering approval of all permits and agreements prior to issuance of a land improvement permit.*
- 2. City Attorney approval of the condominium documents.*
- 3. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.*
- 4. Provide landscape and irrigation plans and cost estimates for staff review and to determine the bond amount that must be posted prior to issuance of a land improvement permit.*
- 5. Payment of \$1,800 into the tree fund for street trees prior to issuance of a land improvement permit.*
- 6. Approval of required soil erosion permit and approval from outside agencies (RCOC), prior to issuance of a land improvement permit.*
- 7. Compliance with the Building Department memo dated August 19, 2014 and Engineering Department memo dated August 27, 2014.*
- 8. That the applicant obtains a Sidewalk Waiver for DeMar from City Council.*

*Mr. Kaltsounis pointed out that the Planning Commission, by the book, was recognizing that what they approved previously was the same thing that was in front of them now.*

*Chairperson Boswell called for a voice vote.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously. He had received several cards and called the first speaker.*

**Angela Bucciarelli, 2707 Gravel Ridge Dr., Rochester Hills, MI 48307.**

*Ms. Bucciarelli noted that she and her brother had been at the meeting a little over a year ago when the Preliminary Plans were approved. They owned the property directly to the north. She said that she was not present to offend anyone - she wanted to just speak respectfully and give the Commission an update. She said that she and her brother have had their property up for sale for a year-and-a-half with a real estate agent. They have had numerous builders interested, but the thing she heard from them was "wetlands." She was very tired of hearing about wetlands on her property. She said that someone at the City had been scaring the builders, and she was not too happy about that. She knew the City had rules, and that they wanted things to look nice, which she did not blame. They had another person interested, and the City again brought up the wetlands. They found out that there was a little over an acre of wetland, and then someone said it was half of that. They did pay for a tree study in 2002, which was \$1,200.00, and she believed that more of the trees had died since then because of the ash borers. She thanked them for finalizing Mr. Rathka's property. One builder she talked with discussed building a cul-de-sac on her property, but she said that Rochester Hills did not like that; they wanted two ins and outs for safety. Mr. Rathka's development had a dead end street, which could be extended to Gravel Ridge through their property. She commented that it would be very nice if they could follow through with a development. If they were allowed to build ten homes, it would generate about \$40,000.00 a year in taxes. She again said that she was not present to disrespect anyone, but they were getting a little upset. Builders had come and gone, and she did not know what was going on with the wetlands. If Mr. Rathka's wetland crossed their property and got so much bigger, she thought that there was something wrong. She hoped that the City could be a little nicer to people asking about their property. She mentioned that there were hunters and people dumping in the back of her property. She thanked the Commissioners for their time, and asked them to show a little "mercy."*

**Margaret Goethe, 2743 Gravel Ridge, Rochester Hills, MI 48307** Ms.

*Goethe said that she was a birder, and that she loved birds. At the last meeting, she talked about the trees and the developer putting up orange*

*snow fencing around some of the trees. She said that as of now, there was nothing put up. She had not seen anyone taking down any trees, but she would feel more secure knowing that the trees were protected so none were accidentally cut down. She understood they would be working on the homes, but there were numerous trees to be marked as saved. She concluded that she “spoke for the trees.”*

*Mr. Anzek explained that tree protective fencing would be installed once Mr. Rathka pursued a Land Improvement Permit. Before an LIP could be issued, the tree protective fencing had to be installed and verified by Staff. Typically, it would not go up until after City Council approval of the Final Plans, which would green light the project to move forward. He was sure they would get a call to inspect the fencing once it was up. Regarding the wetlands to the north of the site, Mr. Anzek advised that the City maintained a wetland database, and anyone who came to the counter was entitled to view it. If there were past delineations of the wetlands, there would be a file to view. He agreed that there were wetlands to the north of Mr. Rathka’s site, and he noted that wetlands were dynamic and could change. If Ms. Bucciarelli wished to dispute the wetlands shown on her property, she was welcome to have a delineation done. The City was open to the fact that wetlands could dry or shrink.*

*Chairperson Boswell thanked the applicants and wished them good luck.*

## **DISCUSSION**

### **2014-0378**

Request for discussion and input - for a proposed residential Planned Unit Development consisting of townhomes on 15.5 acres, located at the northeast corner of Auburn and Barclay, zoned O-1, Office Business, Parcel No. 15-26-376-007, Gary Shapiro, The Ivanhoe Companies, Applicant

*(Reference: Memo prepared by Ed Anzek, dated September 12, 2014 and concept plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Bradley Strader of LSL Planning, 306 S. Washington, Ste. 400, Royal Oak, MI 48067 and Gary Shapiro, Ivanhoe Companies, 6689 Orchard Lake Rd., Suite 314, W. Bloomfield, MI 48322.*

*Mr. Anzek outlined that in the spirit of the past evolution that the Planning Commission had gone through, working with new, innovative, or complicated projects needed to be discussed before an applicant spent a lot of money on expensive drawings. He and Mr. Breuckman had met with Mr. Shapiro many times over the past 8-9 months. He related that*



*Mr. Shapiro's company had the subject land owned by Crittenton Hospital under contract. Crittenton no longer had any use for the land, and about a year-and-a-half ago, it was put on the market. From a marketing standpoint, Mr. Shapiro had gone through numerous iterations for what possibly could happen on the site. Mr. Anzek had asked Mr. Shapiro to present what he believed to be a good project and to seek input and guidance from the Planning Commission. If there was support, Mr. Anzek believed that the process for a PUD submittal would begin. He turned it back to Chairperson Boswell, who asked the applicants to introduce themselves, which they did (see who was present, above).*

*Mr. Shapiro stated that he was glad to be in front of the Commission, noting that it was the first time he had developed in Rochester Hills. He had developed in 22 communities around the metro Detroit area and in multiple states. They were glad the great recession was over, and for years, he had wanted to be involved in Rochester Hills, so they were very excited about the opportunity.*

*Mr. Shapiro said that they had started talking with Crittenton quite a while ago. Crittenton was very concerned about whom they selected and looked at Ivanhoe's experience in various communities. He said that he welcomed the Commissioners to call the municipalities, from Novi to Trenton to up north and inquire about what they did. They took a lot of pride in their work and in trying to bring a quality development to fruition. He noted that the design engineer was Ziemet Wozniak, and they also had two different land planners. The plan he was going to show was about the 15th iteration. They worked with various people in the City to develop what they needed. They liked to find something that was not yet in a community that was unique and of high quality. They were requesting a PUD, and he gave some history of the project.*

*Mr. Shapiro noted that the site was on the northeast corner of Auburn and Barclay Circle. He said that it was a great infill site, and it was adjacent to a shopping center, and the courthouse was right down the street. He showed a board with Crittenton's formerly approved plan, which was a high density office use with a lot of lights and impervious surface. They were going to have urgent care and a large facility, but due to the economy and a change in the medical industry, they did not feel there was a need for it. A lot of those facilities, now that hospitals were merging, wanted to have office medical space near their hospitals. Once his company was selected to acquire the site, they began to analyze the various options. When he did that, he brought in a team. They had done commercial, industrial and residential in other communities, and they took a lot of*

*pride in their multi-family and residential. He pointed out a concept plan they did for the site with commercial and outlots. They talked with retailers to see if there were any that were not servicing the community. They used a national firm called Chesapeake, which worked for municipalities, and they came to the conclusion that the centers were improving. He gave the example of Meijer, which just added a retail outlot. They began to look at multi-family and did market studies on the need for this type of housing. He said that it was exciting that the demand was back in locations people wanted to be, and that was not in suburban growth so much anymore. They also looked at apartments and entry level condos. They concluded that for-sale townhomes were the highest need. They still looked at the opportunity for an outlot, for something like an LA Fitness or a niche supermarket, but those users were now going into infill locations and renovated shopping centers. Their research showed that they could have a successful project with 150-320 units. Mr. Shapiro showed some preliminary elevations, and said that they might develop and build it, but whatever they did, it would be a quality project. He said that he welcomed any input or questions.*

*Mr. Strader agreed that LSL worked with communities and a couple of developers, and they did work in nine other states. They had worked with Mr. Shapiro since 1997, and he was one of their first clients. He mentioned that Mr. Shapiro had won several planning awards from the Michigan Association of Planning and others. He had a reputation of working well with communities, and that was why Mr. Strader enjoyed working with him.*

*Mr. Strader thought that the reason the site had not developed like others in the City was because it was an odd site with a myriad of uses around it. There was commercial, the sheriff's office, the City's DPS garage and residential with single and multi-family. It was a transitional piece, and the City's Master Plan called it such. Office was recommended for the site, because office was a good transition from commercial to residential. He noted that the site was relatively flat. There were a couple of small, non-regulated wetlands and scattered trees, especially along the east property line. Mr. Strader indicated that Mr. Shapiro did a very thorough job of looking at alternatives. He brought in a market expert, Chesapeake, who had done a lot of consulting for the City of Troy and other communities. They looked at the current market conditions, and their conclusion was that the best use would be for residential. The commercial market was saturated in the area. They found that it would be best to redevelop existing sites than to add more commercial supply. Office was also saturated, and they wanted visibility to freeways or to be*

*with a cluster of offices of a similar nature that they could not have on the site. They focused on residential. They looked at site characteristics, the size, the adjacent uses, zoning, the Master Plan and its objectives and the current market need. They started with urgent care and medical office, and it was still a healthy industry, but with all the consolidation, the industry was looking at more concentrated centers. He worked with Crittenton on its campus master plan, so he had a lot of background working on hospitals and in health care. They looked at a lot of commercial iterations. The site was on the margin of being big enough for a mixed use project, but it was not the right location. They felt that physically, some type of attached residential would be the best use. They looked at senior housing, and they found that there was a lot available in the market. They looked for a housing type that Rochester Hills did not have, and that was how they came up with owner-occupied townhomes. The density would be a good transition between the commercial and the single-family. There would be less traffic generation than office or commercial. They had submitted some comparative trip generation figures in the packet. They believed that the proposed housing would appeal to young professionals, young families and independent seniors, and he reiterated that it was not available in the Rochester Hills area. Staff had heard that people were looking for that type of housing.*

*Mr. Strader said that they had to determine how to lay out the townhomes. They had an initial plan with 148 units, but they did not like the fact that when someone came up Barclay, there would be a berm on one side and the on back of the building and a rigid row of residential behind a street, and there would not be a good view from Barclay or Auburn. They dropped the density to 144 units, broke the units up and made the facades more variable. By dropping a few units, they were able to break up long linear buildings with more variety, and they would have a streetscape along Barclay instead of the back of units. They were interested in walkability and traffic calming, and they would make it more walkable by adding landscaping and amenities. On the street to the north, the sidewalk dead ended, and it was not really walkable. There was an open space around the detention pond, and they thought that it would be nice if people could walk more through the neighborhood. They could have an offsite pathway connection around the detention pond, which could be done under a PUD. There would be a park commons and open space throughout the project. They would add benches and trellises and attractive signs at a high level. He stated that it would be a very attractive place to live, with attractive views on the public streets. By dropping the density, they were able to loosen the plan and have more green space. Mr. Strader showed some brick colors and what he called subtle*

*differences in the designs of the elevations. He felt that it was extraordinary that the PUD Ordinance was so concise. The Master Plan called the piece transitional, and again, they felt that townhomes would be a great transition between the commercial and the myriad of uses around it. He said that he appreciated that Mr. Anzek wrote a report, which Mr. Strader thought echoed the sentiments about how they felt about the project. He said that they were looking for any feedback or questions they could answer or for things they should be sure to include in their next submittal.*

*Chairperson Boswell thanked the applicants for looking at Rochester Hills. He joked that he wished they had taken more time and effort, noting that the package they had submitted was very complete.*

*Mr. Yukon agreed that the information provided was excellent and very detailed. He had been on the Commission for a couple of years, and he could state comfortably that the information for first blush was excellent. He had a question about the number of units and the impact on traffic. He had heard a couple of different numbers for the density - 120, 144, and 145. He asked the number of units they were currently looking at.*

*Mr. Shapiro advised that the plan as it stood was for 144 units. He stated that it would not go over 155 units. They had to work on details such as the retention basin. If he could fit 170, he would probably like that, but he reiterated that it would not be more than 155. They had done thorough research, but when they got into the plan further, things could move around.*

*Mr. Yukon pointed out that on page two of the proposal it stated 144 to 343 units. Mr. Shapiro said that was giving more information than was needed. At first they thought that for-sale condos from 144 to 343 units could work, but they were now proposing townhouses. Mr. Yukon said that the current traffic assessment was based on 144 units. He asked if they also did a traffic assessment for 343 units for comparison. Mr. Strader responded that it was in the packet.*

*Mr. Yukon observed that some of the vehicle counts provided were rather dated. They were from years 2005 and 2007. Mr. Strader advised that those were the latest counts from SEMCOG. They typically found that 2005 and 2007 would be higher than the current date because all the counts went down in 2008-2010. They were picking up and getting back to 2003 levels. They would get an updated count from the City. Mr. Yukon said that he would like to see that when they came before the*

*Commissioners again. Mr. Strader said that they did not explore the data too deeply because there would be such a huge drop in traffic compared with what the current zoning allowed. Mr. Shapiro added that they were trying to demonstrate that it should not be office or medical or high density.*

*Mr. Yukon asked if the project would be phased or built to occupy or if it would be built out at one time. Mr. Shapiro said that it would be developed in one shot. He learned a lot from the great crash of '08, and now there was a new demand. They anticipated that the commitments they would make to the City under a PUD would be upheld.*

*Mr. Yukon asked Mr. Shapiro if he could touch upon the onsite parking on Barclay Circle. He traveled that road quite a bit, and there was definitely traffic. He asked how they envisioned the parking. Mr. Shapiro said that it was interesting, and they were dealing with that with infill sites all over. It was not a downtown, but it was in a dense shopping area. They believed that a lot of municipalities were trying to encourage walkability and transition to shopping centers. They wanted to keep cars off the road. That was why they wanted more bike paths and connectivity. There would be 15-20 units on Barclay with parking. That would invite traffic calming, and it would give more of a downtown feel. There would be a sidewalk along Barclay and parking and sidewalks going to the buildings. It would be a traditional neighborhood design with curb appeal. People would be looking at the front facades of the buildings. They vetted the office down the street. It was getting tired, and they were not successful, and some had gone into foreclosure. As they were redeveloped, he hoped that office builders would take the cue to add sidewalks, park benches and other amenities.*

*Mr. Strader said that they were trying make the style a little different, and those types of things would be difference makers. It was a little bit of a challenge to put residential on a street that felt so fast and commercial, and this was a way to psychologically make it feel more residential and slow the traffic down, because it was a wide street. The parking would be an amenity for the units on Barclay and make them valuable.*

*Mr. Yukon asked what the height of the buildings would be. Mr. Shapiro advised that the units would be elevated in the front, and the garages would be underneath, so they would actually be two-and-a-half stories. Mr. Yukon clarified that any building mass would be quite a way from the road. Mr. Shapiro agreed, and said that there would be 30-foot setbacks and easements. It would be private parking, but it would have a*

*private-public feel. Mr. Yukon thanked them again for the information.*

*Mr. Dettloff asked the cost per unit. Mr. Shapiro said that they did a lot of research, and they believed they would be from \$230 to \$270k. A lot of the product they built was in the \$400-500k range, which Rochester Hills had a lot of, but there was a niche for the lower range. They found that the \$500k buyer now wanted \$250k. Everyone was trying to be more prudent in their acquisitions, and they felt that was a target price point for young professionals and active adults. They wanted to stay under \$300k. Mr. Dettloff asked if the square footages would vary. Mr. Shapiro said that they would average 1,500 to 1,600 square feet. Mr. Dettloff agreed with Chairperson Boswell and said that if the submittal was conceptual, he could not wait to see the actual plans. Mr. Shapiro said that he appreciated that, and it was always how they came forward. They were trying to be expeditious in this case for a number of reasons, and Crittenton wanted them to be expeditious.*

*Mr. Schroeder recalled that about ten years ago, there was a development in the City of Troy at Coolidge and Maple. When he saw the plan, which was for three-story townhouses in straight rows with a much higher density than the applicants were proposing, he wondered if it would take off. When they put those on the market, it was explosive. They had to stop sales about halfway through because they could not keep up. They had to get the buildings done for the people who bought. The people loved being on the main road and having access to the shopping center. They did not care about green space; they wanted closeness. It was a very popular development, and he felt that the applicants would have the same success.*

*Ms. Brnabic said it was mentioned that the applicants had notified the Homeowner's Association to the northeast of the development. She saw it listed as the Association for the Aberdeen Subdivision, but to her knowledge, it should have referred to the Hampton Sub. Mr. Shapiro said that the Hampton development, built in the 1970s, was about 600 acres. They contacted the Hampton Association, and that was one of the things they always did as a matter of policy. If people had questions, his staff would talk to them before the meeting. Planning Staff gave them the phone number for Hampton. He said that he might have had the wrong name, but there was not a separate entity for the neighborhood next door. They had provided the overall plans to the Hampton Association, and they were thrilled with it. It was Staff's idea to try to get an offsite easement. There was a storm basin to the north, which was oversized, and it was something he would not mind buying. The easement would let*

them put in a sidewalk to connect to Hampton Dr. Mr. Strader added that it was their intent to try to meet with Hampton before the Public Hearing. One potential issue was that some of the homes to the east had encroached landscaping onto the applicant's site. Mr. Strader maintained that they (the applicants) wanted to be thoughtful in designing the landscaping. It might be a sensitive issue for those five homeowners who had a lot of landscaping. The applicants were showing fresh, new plantings, but they might just preserve what was already there if everyone was comfortable that it would be effective screening, rather than taking out the neighbor's plantings. Ms. Brnabic said that she was glad to hear that they had started contacting their neighbors, because that was what the Planning Commission always recommended. She also noticed that the traffic numbers were outdated. She pointed out that Barclay Circle was very well traveled, especially at Rochester Rd. and Barclay, where the intersection was pretty crazy. She could not picture having street parking on Barclay Circle the way it was currently presented. She also thought that a few of the things she had read were understated, for example, the statement that Rochester Rd. did have some peak hour congestion. That statement was rather simple to her, because Rochester Rd. was always congested, and the Rochester/Auburn intersection was considered one of the worst intersections in Oakland County. Regarding open space, she saw a lot of trees, and the applicants mentioned possibly connecting the path, but she was not sure if she could consider that they were setting aside open space or natural features that would stand out as part of a PUD.

Mr. Shapiro responded that in the next iteration, they would develop stopping points with pocket parks and brick pavers. There would be open spaces on corners and one large park in the center. Compared with denser uses, there was a lot of open space. He thought that the Commissioners would be pleased at what they would present at the next meeting as they got into the final engineering, and he assured that they would show more open space. Ms. Brnabic said that the last she heard, there was probably more demand for occupying new office space than for leasing existing, older, dated facilities. She had assumed that in the City, that was part of the problem with the older office buildings. People wanted something more up to date. She indicated that she would not want to see the development be any denser than what was projected. She agreed that the concept plan presented was very nice so far.

Mr. Kaltsounis thanked the applicants for the proposal, and he thought it was an exciting proposal. There had been a few like it in front of the Commission that had made it and some that had not. He pointed out

*that on Google Maps, the subdivision next door was called Edinshire, and Aberdeen was north of that. He suggested that Staff could lead them in the right direction. He agreed with Ms. Branbic that it was important to get to know the neighbors. They would be a big part of things, and there was a lot of passion in the City, so they wanted to make sure any rough edges were worked out. For one of the developments proposed that was similar, and he mentioned the one at South Boulevard and Adams, on the outside, it was consistent with its surroundings, but in the middle, it was a little more dense. He remarked that a density of 144 units was a little scary. For the 15.6 acres with R-4 zoning, they could put in 60 homes. For a manufactured housing community, if they were all three-bedroom homes, they could put in 106 homes and if they were all two-bedroom homes, they could put in 113. The proposed project would be the highest density project in the entire City. Mr. Strader claimed that to the north, there was higher density with the apartments. Mr. Kaltsounis explained that the apartments had a golf course as a buffer, and it was quieter. He asked them to think about the density, because he felt that 144 units was a lot. He would definitely say no to 300 units. There were examples in the City of lower density projects that people had found were working. He thanked the applicants for the presentation.*

*Mr. Shapiro said that they liked to look at a Master Plan, and even if he built 300 units, it would be far less than what they would have with office. They were not trying to minimize anyone's traffic concerns. Because it would be next to a shopping center and office, they believed that this type of development would be required to have a higher density to be successful with that price point. They were proposing nine units per acre and to the north, there were 10-12 next to houses. They were next to a shopping center and two main roads. He stressed that they would take all the comments into consideration for the next presentation. Mr. Strader said that 60 single-family homes would have 600 trips per day, and the number of trips for their development would be in the same range. Both are or would be much less than office or commercial alternatives.*

*Mr. Hetrick stated that in terms of the density, given that they said that the proposal would be no more than 155 units, he felt that perhaps that should be the limitation in the PUD. They could maintain walkability and things they wanted to do, and it would still be economically feasible, and the City would not be concerned that there might be 300 units. He said that it was good news that they took traffic volume into account, and that the proposal would be more calm, traffic wise. He wanted to be sure that there would be sidewalks throughout connecting all of the units. Mr. Strader agreed that would be the case. Mr. Hetrick pointed out the access*



to Auburn Rd., and he believed that it was directly across from the school driveway. Mr. Shapiro said that it was. He added that they met with traffic consultants at the City, and that was the recommended location. Mr. Hetrick asked if the City's Traffic Engineer was o.k. with left hand turns. Mr. Shapiro said that they had not really gotten to that level of detail - that would be the next level of approval. On a preliminary basis, it was the preferred location to where they were directed. Mr. Hetrick thought that with people coming out of school and turning left, that it might be something to look at more closely.

Mr. Reece thought that the applicants had done a phenomenal job on the proposal. From a density perspective, 144 had to be the high end, and he would not go any higher. He lived in a very similar community, and one of the banes of his community was the lack of guest parking. Everyone had a car or two, and on Friday nights, someone had a party or people over, and there was not enough room for guest parking. It was a battle, and the residents complained about the parking all the time. He thought that the applicants really needed to think about additional parking for guests in a creative fashion. He mentioned snow removal, and he said that in his subdivision, last year, especially, was brutal. There were snow piles that were six feet high. He wanted them to make sure that the roads were not repetitive. He suggested that they get someone to look at it who would actually do the plowing and decide where they would put the snow. It was an issue for people inside the units and a big concern for people to get out safely and traverse around the area. He asked if there would be a clubhouse or pool or any type of courts.

Mr. Shapiro said that the current plans showed only passive amenities, which was the trend now. They would have a trellis detail on the corner of Auburn and Barclay with a bench and an interior park and those types of amenities. Mr. Reece thought that was consistent with what they had heard from other applicants - that it was kind of passé. Mr. Shapiro commented that people liked those things, but they did not want to pay for them. Mr. Reece felt that the price point was right on, and they needed young professionals back in the City. It would also be great for active seniors. He liked the size and the architecture, and the fact that it would be diverse. He did not want to see four units that were the same spread out through the entire development, and it looked like the facades and the materials would be diverse. He did not think someone could parallel park well on Barclay Circle in that area. He thought it was a great idea for a different street. Barclay Circle got really busy, particularly in the mornings and evenings, and he felt that it would be somewhat of a nightmare for people to try to parallel park on Barclay Circle. He liked the

*concept but not the location. He mentioned that people seemed to be dog crazy, so he thought that there should be some dog dumping stations in the proposal or even a dog park. If there were 120 active people with dogs, and they liked to walk them, he thought it would be a good idea if they could create that type of amenity. Otherwise, he felt that it was an excellent start.*

*Mr. Shapiro said that they needed to display the on-street parking a little better. He was hearing that some people loved it and some did not. They could do either or, and it would be more expensive to add that type of parking. They would not be putting the parking on Barclay Circle; they would inset it. He was not sure what the consensus was.*

*Mr. Reece said that he could not speak for everyone, but in general, he felt that the consensus was that Barclay was a very busy road. They liked the concept, but from a safety perspective, trying to parallel park cars and SUVs along Barclay would be a difficult task at best. He added that there was no finite decision yet. Mr. Strader said that there was a way to do it by pulling in forward and then people would not have to back into the parallel spot. Mr. Reece said that would be fine. He suggested that perhaps there could be an island area. He thought it was a great idea to have units where guests could park in front or for things like pizza deliveries. Mr. Shapiro assured that they would look at it.*

*Mr. Hooper welcomed the applicants to the community. He asked if they had looked at attached ranches within a mixture of other types of units, or if there would strictly be the two-story townhomes throughout the entire complex. Mr. Shapiro said that in trying to target the price point, they felt that two-story would be best. With ranches, they would get into a much bigger price point because of having to use a bigger envelope of land. They did not feel it was the proper location for ranches. Mr. Hooper observed that ranch features were definitely lacking in Rochester Hills.*

*Chairperson Boswell had received one card, and he asked the speaker to come forward.*

**Carmen Skrzyniarz, 2850 Sandhurst, Rochester Hills, MI 48307** *Ms. Skrzyniarz noted that she had moved into Avon Township in 1979. She spoke to Mr. Shapiro, and said that she was his neighbor, but he did not call on her. He went to the owner of the townhouses and apartments and everywhere north. She claimed that she did not infringe on Mr. Shapiro's property. She noted that Crittenton Hospital first bought the property from Aetna Insurance. When Aetna sold it, they pounded numbers on their*

trees. She was quite happy to see that something would go up with class, but she did not want to see anything that would bring her home value down. Her home was valued at \$280k, and she had an inground pool. She had seen pheasants and deer and bunnies in her backyard. When the applicants started to drill to see if there wetlands, she did not know if the excavators knew that they were on the tops of trees that were down in a gully. She hoped that Mr. Shapiro would make her home prettier, not less pretty. She stated that Barclay Circle was a high traffic road. When court was in session at 8:00 a.m. and leaving at 5:00 p.m., it was extremely busy. When the prisoners got dropped off, once in a while one took a walk in her backyard. Last year they had an incident with someone who was not too stable. He jumped over her fence, and he was nude, and he had a gun. Her neighbors told her about it when she was at work. They were able to catch the man, and by that time, he had moved to Mr. Shapiro's property. She thought it was great that they were sitting down to talk, but she said that they would really have to realize what they had coming to the area. It had always been beautiful, but since the courthouse, things had happened. She thought that the development would be lovely, but she asked them to not make it too crowded.

Chairperson Boswell asked Mr. Shapiro if there was anything further he would like to hear from the Commissioners. Mr. Shapiro said that he would just like to be on the next agenda, if possible. He was available for any questions in the meantime.

Mr. Anzek told Mr. Shapiro that in order to start the process, Staff would need a formal application, the submittals and the fees. They were far along in the concept phase, and they basically had enough information to go through the Preliminary PUD, for which the Commission would need to show majority support. They would then move into the more formal engineering and the harder details, developing how it would look and fit. After the Preliminary PUD, the PUD Agreement would be finalized, and it would be taken to the Final step. There would be a Public Hearing notification of about three weeks. The applicants were trying to demonstrate that a PUD was the appropriate tool to use, and he felt they had summarized that it would be a very good transitional use from the commercial, the DPS garage and the office. He reminded that they should meet with the residents between now and the Public Hearing. Another member of the audience asked to speak.

**Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307** Mr. Beaton thanked Mr. Shapiro very much and as a former City Council member, welcomed him to the community. As someone who read blogs and

*studied architecture, he remarked that he thought he should put Mr. Shapiro on a plateau, because he was saying all the right words. Mr. Shapiro had mentioned underperforming asphalt and walkable cities and parallel parking. Ever since the country won World War II and stole from the Germans how to build freeways, during his entire lifetime, they had designed the whole world around cars and big, 18-wheeler trucks. They drove through endless seas of neighborhoods with garage doors. Three-car garages were preferred in front of homes. He was thrilled to see that Mr. Shapiro was bringing in a development that Mr. Beaton could drive through with the garages on the backside of the homes. He commented that he had lived long enough to see the trend of the last decades finally going by the wayside. They were going back to creating communities instead of subdivisions. He thanked the applicants again.*

*Chairperson Boswell thanked the applicants.*

## **ANY OTHER BUSINESS**

*Mr. Kaltsounis mentioned that he saw the patch laid for the McDonald's at the former Meadowbrook Dodge site. He asked if there would be a McDonald's or another building there. Mr. Anzek agreed that it was a building pad, and he understood that the owner had McDonald's under contract. He added that the City would not issue a C of O until the roadwork was done. He did not want to see a piecemeal process. Mr. Anzek mentioned that they were asking \$38 per foot, NNN, and the retailers were agreeing to it.*

*Mr. Schroeder asked if Tienken would be open through the winter. Mr. Anzek advised that the roundabout would be done in November, and that the rest of Tienken (Livernois to Rochester) would be started in the spring.*

## **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Special Meeting was scheduled for October 14, 2014.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Kaltsounis, Chairperson Boswell adjourned the Regular Meeting at 9:30 p.m.

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William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary