



# 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, Greg Hooper, Nicholas O. Kaltsounis,*  
*David A. Reece, C. Neall Schroeder, Emmet Yukon*

---

Tuesday, May 19, 2015

7:00 PM

1000 Rochester Hills Drive

---

#### CALL TO ORDER

Vice Chairperson Deborah Brnabic called the Regular Meeting to order at 7:01 p.m. in the Auditorium.

#### ROLL CALL

**Present** 7 - Deborah Brnabic, Gerard Dettloff, Julie Granthen, Greg Hooper, David Reece, C. Neall Schroeder and Emmet Yukon

**Absent** 2 - William Boswell and Nicholas Kaltsounis

Quorum present.

Also present: Ed Anzek, Director of Planning & Econ. Dev.  
Sara Roediger, Manager of Planning  
Maureen Gentry, Recording Secretary

#### APPROVAL OF MINUTES

[2015-0190](#) April 21, 2015 Regular Meeting

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

**Aye** 7 - Brnabic, Dettloff, Granthen, Hooper, Reece, Schroeder and Yukon

**Absent** 2 - Boswell and Kaltsounis

#### COMMUNICATIONS

- A) *Friends of the Clinton River Trail flyer re: Biking Northern Michigan*
- B) *Planning & Zoning News dated March 2015*
- C) *2016-2021 CIP Final Document*

## NEW BUSINESS

**2015-0093** Public Hearing and request for Conditional Rezoning Recommendation - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to Conditionally Rezone two parcels of land totaling approximately 1.06 acres, located on the east side of Rochester Road (3841 S. Rochester Road and vacant parcel), south of M-59, Parcel Nos. 15-35-352-019 and 15-35-352-067 from B-5, Automotive Business to B-2, General Business, Dave Leshock on behalf of Auto City Investments, Inc., Applicant  
*(Reference: Staff Report prepared by Sara Roediger, dated May 15, 2015 and associated Conditional Rezoning documents had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Dave Leshock, Vice President of Auto City Investments, Inc., 14165 N. Fenton Rd., Suite 202, Fenton, MI 48430 and Louis Ciotti, Landmark Real Estate Consultants, 27995 Halstead Rd., Suite 150, Farmington Hills, MI 48331.*

*Mr. Anzek recapped that at the April meeting, this matter was before the Planning Commission for a straight Rezoning from B-5 to B-2. Several Commissioners expressed concerns about the wide array of uses that could be permitted under B-2. The applicant was advised to consider a Conditional Rezoning, and Mr. Leshock withdrew the formal application for a straight Rezoning and subsequently submitted a Conditional Rezoning application. He also submitted a letter with conditions and provided a conceptual site plan.*

*Ms. Roediger noted that the subject site held an existing gas station on the east side of Rochester Rd. There was B-5 zoning to the north, B-2 to the south, B-3 to the west and residential zoning to the east. The existing gas station would be leveled and replaced with a small retail center. There were currently two curb cuts on Rochester Rd., and the proposal would take it down to one curb cut on Rochester and one on Eastlawn. In addition, a number of conditions were offered, including a maximum building size of 7,600 square feet. The applicant would limit the uses allowed in B-2: no tattoo shops, no adult entertainment uses, pool halls, bars or fast food restaurants with drive through. They would like to be able to have one drive through at the northern end cap, limited to a bank or coffee or ice cream shop, which would be much less intense than a regular fast food establishment. They would also put in a solid wood fence and hedge row of screening to the east and limit the hours of operation to 5 a.m. to midnight. There were other minor conditions voluntarily offered. She said that she would be happy to answer any*

questions.

Vice Chairperson Brnabic asked the applicants if they had anything to add. Mr. Leshock thanked the Commissioners for allowing them to come back. He said that they listened carefully at the last meeting. The most overriding concern he heard was about what would be developed, given the potential of B-2 uses. He provided a document as to what they would like to do and conceptual drawings that showed exactly what they hoped to do. He felt that the pictures made the proposal look very appealing and first class. He advised that he purchased the property ten years ago, and he spent nearly \$1 million when he bought it from Amoco BP. They liked the location but not the physical plan. They needed to change the physical plan to make it better for everyone - for him and the community. He commented that everyone at the City had been very helpful. He had been through a lot of Rezonings - he had 21 other locations and had been in the gas station business for 39 years. He said that he was not bragging, but he felt that he was pretty much an expert when it came to gas station operations. If there was a way to make the station at 3841 S. Rochester Rd. a quality, profitable venture, he would definitely do that first. He felt that the proper direction was to go to a boutique, very small retail shopping center, and he concluded that he hoped that was what he could do.

Mr. Hooper stated that he was not opposed to a Conditional Rezoning, and he felt that what was proposed was reasonable. He questioned condition 10, regarding the approach onto Eastlawn. He knew there was a caveat that it was subject to approval by the City's Traffic Department, but he wondered if there was some way to limit that approach and still have a viable site.

Mr. Anzek asked if he was suggesting that the drive on Eastlawn should be eliminated, which Mr. Hooper confirmed, but Mr. Anzek did not think it could be. He felt that when MDOT saw the plan, it would probably make the Rochester access a right in right out only, which would really hamper the site if they had no access onto Eastlawn. Mr. Hooper agreed that if MDOT did not allow a left turn out of the site, that there would be no question about using Eastlawn.

Mr. Reece stated that he had four concerns, and Mr. Hooper had addressed one. Mr. Reece said that regarding the dumpster location, he would be concerned about the pick up time. He would not want to see a dumpster picking up at 5:00 or 6:00 in the morning. He asked if there could be some consideration for that and also for the loading and

*unloading zone time. The loading zone was proposed to be up against the residential area, and a lot of times deliveries came during the night or early in the morning, and he would prefer not to see something that disturbed the residents. Also, a condition stated that if there was a drive through that the noise would not be able to be heard from the residential area. Mr. Reece pointed out that with a 5:00 a.m. start time in the summertime, when people had windows open, it could be a concern. He wondered if there was a way to discuss the start time a little further or if the applicant could relocate the window.*

*Vice Chairperson Brnabic opened the Public Hearing at 7:15 p.m. Seeing no one come forward, she closed the Public Hearing.*

*Mr. Leshock said that regarding the dumpster, he could propose to limit the time for pick up to 8 or 9:00 a.m. He would be happy to add that as a condition. He noted that his company would control the dumpster company, not the tenants. As far as the Eastlawn access, he felt that going from three accesses to one would be fairly impossible. He thought that the Eastlawn access would be critical, especially for someone trying to make a left turn out. He respectfully asked that the City's Traffic Engineer and MDOT be allowed to figure it out, and if there was a need to go back to it they could, but he envisioned both accesses. Regarding the loading and unloading zone, if that was something they could design and change, they absolutely would. The site plan was conceptual - in fact, it was their sixth one in the last six months. If they could relocate the loading area so it was quieter, they would do that.*

*Mr. Reece thought that the location was o.k., it was just the hours. If it was not a 2:00 a.m. unload time, and it was during normal business hours, he would not be so concerned.*

*Mr. Ciotti advised that their tenant mix would dictate hours. Mr. Reece indicated that the owner could dictate hours of deliveries. Mr. Ciotti agreed, but he said that if there was a non-food use, for example a Sally Beauty supply, it would be very simple, and they could go in and out the front door. They might not even have a use that would dictate a large loading and unloading zone for the center. Mr. Reece said that he understood that, but he did not want to see hours that would be disturbing to the residents, which could be a condition of their lease. Mr. Leshock asked if they could add a condition about reasonable hours of operation for the loading zone. Mr. Reece suggested 8:00 a.m to 8:00 p.m. He would not want to see a delivery at 3:00 a.m. or on a Sunday morning. Mr. Leshock said they would put time limits for both the dumpster and the*

loading operations. Regarding the drive through noise, he reiterated that they would not have a big box user. He was not sure if they even had someone who needed a drive through yet. He had tried to stress in his letter that there would be low impact, non-intense uses. He agreed that a McDonald's would be too impactful, and he said that they would be on the other side of that spectrum. He did not know how they could limit that noise, but if there was anything he could do to limit the noise, he would. He assured that if there was some technology available to limit the noise, he would use it.

Mr. Anzek said that he was familiar, from a recent project, where sound control shielding was put in around the speaker box at a drive through. That kept it focused inside the car. He thought that would be a plus if Mr. Leshock cared to offer that. Mr. Leshock said that he would definitely add sound control shielding to any drive through device in order to keep the noise level as low as possible.

Mr. Leshock reviewed the added conditions: Change the dumpster and loading pick up times to 8:00 a.m. to 8:00 p.m.; add some type of drive through noise control such as sound control shielding; and allow MDOT and the City to address the accesses. If MDOT were to allow two accesses onto Rochester Rd., he felt that closing Eastlawn might make sense, but he thought that there should be one on each street.

Mr. Schroeder felt that the Commission had adequately covered the matter, and he felt that the responses were positive and acceptable. Hearing no further concerns or comments, he moved the following, seconded by Mr. Reece:

**MOTION** by Schroeder, seconded by Reece, in the matter of City File No. 15-003 (3841 S. Rochester Rd. Rezoning) the Planning Commission **recommends approval** to City Council of the proposed conditional rezoning of parcel no. 15-35-352-019 and 15-35-352-067 from B-5 Automotive Business to B-2 General Business with the following 4 findings and subject to the following 14 conditions:

**Findings for Approval**

1. B-2 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan.
2. Approval of the proposed conditional rezoning will allow for uses that can compliment the existing, surrounding uses.

3. *The proposed conditional rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.*
4. *Approval of the conditional rezoning would not facilitate all uses in the B-2 district, but those specifically outlined in the conditions.*

Conditions

1. *The building would be no larger than 7,600 square feet.*
2. *There would be at most one drive-thru at the northern end on the building limited to a user such as a donut or coffee shop or ice cream parlor (no McDonald's, Burger King or similar heavy use).*
3. *All uses would be limited to the uses listed in the City's B-2 Zoning Ordinance with the exception of those excluded below.*
4. *A stand alone drive-thru for fast food operation would be prohibited. However, a stand alone bank or one with a drive-thru would be acceptable.*
5. *Applicant agrees to not lease to tattoo shops, adult entertainment uses of any kind, pool halls, bars and similar uses.*
6. *Medical/Professional offices would be acceptable.*
7. *There will be a six-foot solid wood fence and a row of hedges along the eastern side next to homes to block views and headlights, and the hedges would block or reduce any noise.*
8. *Hours of operation would be limited to 5 a.m. until midnight seven days a week.*
9. *Any call box for the drive-thru will be designed to ensure no noise would be heard by the residents.*
10. *Access will be limited to that which is approved by MDOT for Rochester Rd. and Eastlawn Dr. in enjoyment with the City Traffic Department.*
11. *Trash pick up will be limited from 8:00 a.m. to 8:00 p.m.*

12. *Loading and unloading deliveries will be limited from 8:00 a.m. to 8:00 p.m.*

13. *The drive through will have sound control shielding.*

14. *No outdoor storage would be allowed.*

*Mr. Yukon realized that because it was a Conditional Rezoning, the applicant had proposed a building layout. He thought that the Planning Commission still had to look at all potential uses in B-2. Mr. Anzek clarified that a Conditional Rezoning limited that or committed to what would be on the site and what would not.*

*Vice Chairperson Brnabic noted that outdoor storage was listed as a temporary use in the B-2 district, but she was somewhat concerned that it could be included. She realized that it might not be Mr. Leshock's plan, but it was something allowed in B-2. Mr. Cicco stated that they had no interest in outdoor storage and no plan in place for an outdoor patio. Vice Chairperson Brnabic noted that condition three stated that all uses would be limited to those in the B-2 district and some uses were prohibited, but outdoor storage was not expressly prohibited. Mr. Leshock said that it could be added as a condition that no outdoor storage would be allowed. Mr. Schroeder agreed to modify the motion to include that (as added above after the discussion).*

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

**Aye** 7 - Brnabic, Dettloff, Granthen, Hooper, Reece, Schroeder and Yukon

**Absent** 2 - Boswell and Kaltsounis

**2004-0095**

Tree Removal Permit (City File No. 02-029) - Grandview Site Condominium - for the removal and replacement of as many as 23 trees (out of 127 regulated trees) for a proposed 14-unit site condominium development on approximately 6 acres, located east of Crooks and north of Auburn, Parcel No. 15-28-300-059, zoned R-4, One Family Residential, Grandview of Rochester Hills, LLC, Applicant.

*(Reference: Staff Report prepared by Sara Roediger, dated May 15, 2015 and Preliminary and Final Site Condo Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Gordon Wilson, Anderson, Eckstein and*

*Westrick, Inc., 51301 Schoenherr Rd., Shelby Township, MI 48315.*

*Ms. Roediger stated that the project had previously been a casualty of the recession. It was approved in 2005 with a very similar site plan with 15 units. The plan had expired, since it has been ten years. In that time, Ordinances had changed, particularly storm water management, which caused the proposal to drop to 14 units. The plan had been updated to meet current regulations, and because it was approved by the City previously and it was substantially the same, Staff was bringing it forward for Preliminary and Final Site Condo Plan Recommendation. Engineering had approved the plans, and Staff did not want to belabor the process. She noted that the plan had one main spine drive that bisected the property and a stub street to the west to connect to any future development that might occur. The applicant proposed lot averaging, and the lots ranged from about 10,000 square feet to 13,000 square feet. The plans met the City's Ordinance requirements, and all appropriate departments had recommended approval. She said that she would be happy to answer any questions.*

*Mr. Dettloff clarified that the project was essentially the same as before with the exception that it was now proposed for 14 units. Ms. Roediger said that the detention basin had to be resized but the lot layout was essentially the same. Some trees were removed from the first submittal, but tree credits would be provided based on the initial permit. Vice Chairperson Brnabic asked Mr. Wilson if he had anything to add.*

*Mr. Wilson noted that they were preserving 81% of the trees versus the 37% required by the Tree Conservation Ordinance. They had also agreed to contribute to the City's Tree Fund. He said that he would be happy to answer any questions.*

*Mr. Reece asked the price point for the homes. Mr. Wilson said that he was not sure, but he thought the homes would sell for \$400-500k. Mr. Reece asked if there were elevations provided the first time, noting that there were none included in the packet. Mr. Gordon said that to his knowledge, there were none submitted before.*

*Vice Chairperson Brnabic opened the Public Hearing at 7:34 p.m. Seeing no one come forward, she closed the Public Hearing.*

*Mr. Anzek advised that it was not new to bring a project forward for Preliminary and Final Recommendation where a project had been previously approved but went dormant with the recession. The*



*Engineering, which would normally happen in between Preliminary and Final, had been done, so Staff was asking for expediency.*

*Hearing no further comments, Mr. Schroeder moved the following motion, seconded by Mr. Reece.*

***MOTION*** *by Schroeder, seconded by Reece, in the matter of City File No. 02-029 (Grandview Site Condominium), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on April 15, 2015, with the following two (2) findings and subject to the following one (1) condition.*

**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 23 regulated trees with 125 tree replacement credits, as required by the Tree Conservation Ordinance and based on previously approved tree credits.*

**Condition**

1. *Tree protective fencing, as reviewed and approved by staff, shall be installed prior to issuance of the Land Improvement Permit.*

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

**Aye** 7 - Brnabic, Dettloff, Granthen, Hooper, Reece, Schroeder and Yukon

**Absent** 2 - Boswell and Kaltsounis

*Vice Chairperson Brnabic stated for the record that the motion had passed unanimously.*

**2004-0051**

Public Hearing and request for Preliminary and Final Site Condominium Plan Recommendation - City File No. 02-029 - Grandview Site Condominium, a proposed 14-unit single-family development on six acres located on the north side of Auburn between Crooks and Livernois, zoned R-4, One Family Residential, Parcel No. 15-28-300-059, Grandview of Rochester Hills, LLC, Applicant

*Mr. Yukon asked Mr. Gordon if he could describe the proposed homes. Mr. Wilson said that it would be a mixture. Mr. Yukon asked what type of building materials would be used. Mr. Wilson said that the front face would be brick, and there would be a combination of other building*

materials. Mr. Yukon asked if all entrances would face the internal street, which Mr. Gordon confirmed.

**MOTION** by Schroeder, seconded by Reece, in the matter of City File No. 02-029 (Grandview Site Condominium), the Planning Commission **recommends that City Council approve the Preliminary and Final One-Family Residential Detached Site Condominium Plan** based on plans dated received by the Planning Department on April 15, 2015, with the following five (5) findings and subject to the following 11 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 preliminary and final plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated on the Preliminary and Final Condominium Plan without altering the layout of the development.

Conditions

1. Inspection and approval of tree protection and silt fencing by the city prior to issuance of a Land Improvement Permit.
2. Submit a landscape bond in the amount of \$15,970, plus inspection fees for landscaping and replacement trees as shown on the landscape plans, prior to issuance of a Land Improvement Permit.
3. Payment of \$2,800 into the tree fund for street trees prior to issuance of a Land Improvement Permit.
4. Submit an irrigation and cost estimate, prior to issuance of a Land Improvement Permit.

5. *Show additional plantings and 16 additional deciduous trees and increase size of the evergreen trees around the detention pond on the landscape plans, prior to final approval by staff.*
6. *Approval of all required permits and approvals from outside agencies, prior to obtaining a Land Improvement Permit.*
7. *Compliance with the Engineering Department memo dated April 28, 2015, Building Department memo dated April 30, 2015 and Fire Department memo dated April 27, 2015, prior to final approval by staff.*
8. *Obtain a soil erosion permit from the Oakland County Water Resources Commission, prior to obtaining a Land Improvement Permit.*
9. *Add a cover sheet labeling it Preliminary and Final Site Condominium Plan for Grandview Site Condominium, prior to final approval by staff.*
10. *Approval of the proposed Master Deed and Bylaws by city staff and attorney.*
11. *Provide elevations for Staff to review prior to the City Council meeting.*

*Mr. Reece said that he had no issue with the proposed layout, but he was a little uncomfortable without seeing any elevations. He would defer to Staff to look at the elevations. The Planning Commission typically at least saw the front facing elevation. Mr. Anzek said that it could be required before the matter went to Council. Mr. Reece agreed, noting that it was unusual not to see elevations provided. Mr. Anzek reminded that Mr. Hooper would then review them at Council. Mr. Reece said that he would be more comfortable supporting the motion based on that. Looking at the maximum lot coverage, the units would be in the neighborhood of 3,000 square feet, so they would be at least \$300k, and with the market, significantly more, so he would like Staff and Mr. Hooper to review them. A condition was added to the above motion.*

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

**Aye** 7 - Brnabic, Dettloff, Granthen, Hooper, Reece, Schroeder and Yukon

**Absent** 2 - Boswell and Kaltsounis

2015-0191

Request for Site Plan Approval - City File No. 86-658.2 - to construct an 8,790 square-foot addition to the existing 23,887 square-foot building at 2960 Bond Street, located at the northwest corner of Bond and Auburn, zoned REC-W, Regional Employment Center - Workplace, Parcel No. 15-29-351-014, Engineering Design Services, Inc., Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated May 15, 2015 and associated Site Plan documents had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Rock Haas, President and Owner, EDSI, 2960 Bond Street, Rochester Hills, MI 48309.*

*Ms. Roediger commented that the project was a good story of a business that was doing well and wanted to expand. The applicant would like to add an almost 9,000 square foot addition to the existing 24,000 square-foot building. The addition would be for warehousing for the existing robotics company. She noted that the business was located on the north side of Auburn, and the addition would be on the south side of the building, over the southern parking lot. The parking lot would be removed, and the addition would span almost the entire length of the southern façade. The building material would be consistent with the existing building materials, which included a brick face fronting Bond St. and Auburn. The proposed brick veneer would match that. To the west and north, because it was industrial, there would be split face block. Because of the percentage of the increase to the existing building, it was required to go before the Planning Commission for approval. She felt that it was a relatively simple project, and it had been approved by all Staff. There would be five trees removed and replaced along Auburn. The applicant would be bringing the site into compliance with current Ordinances for landscaping, and the landscaping would be updated as part of the project. She said that she would be happy to answer any questions.*

*Mr. Haas showed a sample of the brick material, noting that he was able to find the same brick for the addition. He indicated that two other buildings in the park had brick on the ends facing Auburn, and that set the tone for the neighborhood. He pointed out some equipment that had been stored in the back of his building, and he stated that they needed the addition to be able to put the equipment inside. He commented that he was busting at the seams, and he felt that they had to grow the business or not do it. He indicated that no one wanted to spend the kind of money he was, but in order to take advantage of the economy, he felt that it was right to do it as nicely as they could.*

*Mr. Dettloff congratulated Mr. Haas on the success of his business. He commented that it was nice to hear a positive story. He asked if there was a possibility for new job creation. Mr. Haas said that there absolutely was. It was one of the reasons they wanted to do it. They employed about 40 people and could not add anyone else without it. He advised that they set up robotic systems, mainly sealer systems, and they were large. They also had a control panel shop for robotic systems, and there was no room for any new work stations. He maintained that they would fill things up in a hurry, and it would be a huge help to clean up the backyard.*

*Mr. Schroeder noted that the addition would require the removal of 24 parking spaces, and he asked how that would affect the business or if they would still have adequate parking.*

*Mr. Haas said that they would still exceed the parking requirements. They did not use the back of the building for parking currently, and all those spaces would open up. They would still be over what they needed. He remarked that since the building next door was also expanding, it would be a little bit of a circus for a while. He stated that they had more than enough parking, and that was one of the highlights when he bought the building. Mr. Schroeder asked if there was a modification required for the detention.*

*Mr. Anzek stated that it would be impervious to impervious, so there was nothing needed. They would be building over an existing parking lot. Mr. Schroeder thanked Mr. Anzek, and hearing no further discussion, he moved the following, seconded by Mr. Reece:*

***MOTION*** by Schroeder, seconded by Reece, in the matter of City File No. 86-658.2 (2960 Bond St. Addition), the Planning Commission ***approves the site plan***, based on plans dated received by the Planning Department on May 1, 2015, with the following 4 findings and subject to the following 4 conditions.

***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. Off-street parking areas have been designed to avoid common traffic problems and promote safety.***

3. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
4. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Conditions

1. *Adjust size of tree calipers to 3" and post landscape bond plus inspection fees, to be determined by staff, prior to final approval by staff.*
2. *Submit an irrigation plan and cost estimate, prior to final approval by staff.*
3. *The 25 ft. corner clearance/sight distance triangle needs to be shown and labeled at the intersection of the right of way lines of Auburn and Bond St. and notes need to be added on the plan per the Forestry Dept. email dated May 12, 2015.*
4. *Addressing all applicable comments from other city departments and outside agency review letters, prior to final approval by staff.*

*Mr. Hooper agreed that it was great news to hear a positive, good luck story. He echoed Mr. Dettloff's comments, noting that they usually rather heard the negative things. Mr. Haas responded that they were very fortunate to be in a nice industrial park and in a nice City. He noted that they bought in Rochester Hills for a reason, and he was sure that good things would just continue. Mr. Hooper wished him well.*

*Mr. Reece seconded Mr. Hooper and Mr. Dettloff's comments, and he said that he appreciated the landscaping that was proposed. He knew that it would not do much for the line of work Mr. Haas was in, but in reality, the façade was fairly boring, so the trees would help. He would not ask to have any windows added, for example. Mr. Haas said that he would like to have windows, but it would be kind of dangerous with the storage and the tall systems coming and going. Mr. Reece agreed that the Commissioners were glad Mr. Haas was in the City and chose to stay in the City, and he wished him good luck.*

## DISCUSSION

### 2000-1330

Request for discussion regarding a proposed Planned Unit Development (PUD) for the Sanctuary in the Hills East Condominiums - City File No. 89-114.2 - a 14-unit attached duplex development on 3.18 acres, located north of South Blvd. on the east side of Sanctuary Boulevard, west of Crooks, Section 32, zoned R-4, One Family Residential, Daniel MacLeish, MacLeish Building, Applicant (*Reference: Memo prepared by Ed Anzek, dated May 15, 2015 and associated Site Plan documents and power point presentation had been placed on file and by reference became part of the record thereof.*)

*Present for the applicant were Dan MacLeish, Sr. and Dan McLeish, Jr., MacLeish Building, Cornerstone Village, Suite F, 650 E. Big Beaver Rd., Troy, MI 4808; and Jeff Rizzo, Fenn and Associates, 14933 Commercial Dr., Shelby Twp., MI 48315.*

*Mr. Anzek stated that Mr. MacLeish had been working with Staff for about four months on the proposal. There were still several loose ends, in terms of the vacation of a paper street and the potential purchase of some lands owned by the City. They would not create more density, but it would provide a better storm water detention system. They had looked at concepts, and Staff suggested that Mr. MacLeish go before the Planning Commission to get guidance and input. Mr. MacLeish was proposing to continue the Sanctuary in the Hills project started in the early 2000's. It was now built out, and he was finding a very good demand for those types of units, and there was some land across Sanctuary Blvd. available. Mr. Anzek noted that it was a discussion item only; it was not the first step in a Planned Unit Development (PUD) process but to discuss the use of a PUD. He advised that the original Sanctuary in the Hills was done as the result of a consent judgment, but going forward, he did not think opening a consent judgment agreement would be the appropriate means. It would be very laborious and legally intensive, and the same results could be obtained using a PUD. Staff felt that matching a new development to an existing was justification to use a PUD. He turned it over to Mr. MacLeish.*

*Mr. MacLeish showed a power point slide of the Sanctuary in the Hills. The subject 3.8 acres were directly east of Sanctuary Blvd., which was originally platted in 1929 but never fully developed. The zoning was mostly R-4 from Crooks Rd. to the west and north from South Boulevard. Under R-4 zoning, there would only be one lot that would have access to Sanctuary Blvd. that could be developed. Grant St. was undeveloped, except for about 300 feet coming north off of South Boulevard. There was*

*another lot that could access Sanctuary Boulevard, but it was in a conservation easement, which made it unbuildable. The five other lots he had acquired were on the undeveloped Grant St. It stopped 300 feet north of South Boulevard, and it was undeveloped all the way to the school property to the north. There were three lots to the east that would face Grant St. if it were completed, and the two lots on the west side of Grant would access that if it were completed. There was currently no access from anywhere else except through Grant or by using a PUD. He showed a slide of an assembly of seven lots, where all of the sites would have accessibility from Sanctuary Blvd., just as Sanctuary in the Hills had on the west side of Sanctuary Blvd.*

*Mr. MacLeish claimed that the economic impact of going with R-4 zoning was that there was only one buildable lot. He showed pictures of the units he proposed to build and said that had been building them in Sanctuary in the Hills. There would be brick all the way around on the first floor, and they would be 2,600 square feet plus. The price point would be approximately \$500k. He agreed that it would be a continuation of the Sanctuary in the Hills, which he commented had very luxurious, upscale, high quality homes. The proposed development would have similar floor plans, elevations and landscaping, and it would be harmonious with the Sanctuary in the Hills. They would use the same homeowner's association management company. The economic impact would be sixteen homes (eight duplex sites) with a potential of \$8 million or higher. The last home they just closed sold for \$675k. Sanctuary in the Hills was an empty nester neighborhood, and they were selling very well. He was on the board at Sanctuary in the Hills, and he was shown the subject property by other board members. They would like Mr. MacLeish to continue the project.*

*Mr. Anzek asked Mr. MacLeish about the lot that was in a conservation easement. Mr. MacLeish advised that the south end of it was in the conservation easement. With or without the setbacks in R-4, it would be unbuildable. He claimed that without using a PUD, the seven lots would not be accessible or buildable.*

*Mr. Reece said that the aerial showed what looked to be a pond in the back corner lot area. Mr. MacLeish advised that he potentially planned to put the retention pond there.*

*Mr. Schroeder complimented it as a very nice project. He asked about the fire access with the two dead ends going to the units, and he wondered if the Fire Department had looked at the plans. Mr. MacLeish said that he*



*talked with the Fire Dept. There were three different types of cul-de-sacs, and he proposed one of them. He added that the drawing was engineered.*

*Mr. Anzek asked Mr. MacLeish if he had applied for the street vacation. Mr. MacLeish said that he talked with Engineering last week, and they gave him the application. Mr. Anzek advised that Mr. MacLeish had written a letter to the City requesting a potential purchase of the City's parcel immediately to the south. It was a wetland mostly, with a piece of upland that could serve as the detention basin. Engineering felt it would be a better location, because it would drain directly into the wetland. The Mayor had directed the Assessing Dept. to do some research as to how the City came into possession of the property and if there were any restrictions to selling it, and they should have that answer shortly. Engineering had to also research the street vacation to see how the street was platted and if there was a reverter clause in the original plat from 1929 which might have it going back to the original owner. In that case, Mr. MacLeish could not take ownership. Mr. Schroeder advised that most plats in that area would revert to the adjacent properties. Mr. Anzek agreed that State law required a split, but sometimes there was a reverter clause giving it back to the original owner.*

*Mr. Yukon questioned whether Grant would stay undeveloped using a PUD. Mr. MacLeish said that was correct. Mr. Yukon pointed out the unbuildable area and asked if a PUD would allow the lot to be built. Mr. MacLeish replied that there was such a small corner that it would not affect the PUD. Mr. Yukon asked if units one and two were not in the "green" or unbuildable area, which Mr. MacLeish confirmed.*

*Mr. Yukon asked about the estimated time of construction for the units. Mr. MacLeish remarked that he would like to start tomorrow. Mr. Yukon wondered if there was definitely a market for them. Mr. MacLeish said that since the recession, when nothing had been sold for four or five years, they spec-ed a house and sold half of the duplex. They sold the other half even before it was dry walled. They had an open house one Saturday and sold six more. They would not sell more than four to six at a time, because the price of materials had been continually going up. Lumber went up \$20k from the time he got a basement in until the time he started roughing a unit. He fortunately had not sold it, so he was able to come out fine. They had one unit left, and he observed that empty nesters were really the market. They did not want the huge houses any more, and they wanted to downsize with homes with first floor masters. Mr. Yukon pointed out that the area was really a nice arboretum, and he*

*asked Mr. MacLeish if residents had approached him about developing further. Mr. MacLeish said that he was on the Board of the Sanctuary in the Hills, and members told him about the lots across the street, and they encouraged him to look into it. Mr. Yukon clarified that he had support within the community to develop the subject area.*

*Mr. Anzek informed that unbeknownst to Mr. MacLeish, he and Ms. Roediger earlier in the day met with two representatives from the association. They wanted to know the process and what Mr. MacLeish was presenting. They confirmed that they had numerous meetings, and they recommended that Mr. MacLeish extended the Sanctuary development. They were willing to work out association issues, and the other neighbors were pushing Mr. MacLeish to continue developing.*

*Mr. Hooper asked which property the City owned, and Mr. Anzek said that it was on the west side of Grant. In the original plat, there were four parcels, but the City combined them into one. Mr. MacLeish would only need the top two original parcels. Mr. Anzek noted that Council would have to agree to a sale. He added that the adjacent property owner would be the only potential bidder for a landlocked parcel.*

*Mr. Reece asked who owned the property to the north of the northern property line. Mr. Anzek advised that it was all part of Deerfield Elementary. Mr. Reece asked if a portion of the pond was on the Deerfield property, which was confirmed. He asked if the residents who accessed Grant would still be able if Grant was abandoned, which Mr. MacLeish also confirmed. Mr. Reece asked him if he had any conversations with the potential neighbors off of Donley, noting that they might be the ones who could potentially lose. Mr. MacLeish said they were who he bought the property from. Mr. MacLeish pointed out that they had deep lots, and they did not even mow back to the property line. Mr. Reece asked if there would still be a decent buffer of trees maintained between the proposed units and those neighbors. Mr. MacLeish commented that it would be good for both sides.*

*Mr. Anzek advised that Staff had preliminary discussions about trying to find a way to get pedestrian access to the school from the development. There was currently access off of Donley which was gated from car traffic. Staff was looking at the very north eastern corner to connect to the sidewalk off of the circular drive, so families could walk to school.*

*Mr. MacLeish said that he talked to some of the people who worked at the school. They were a little bit nervous about having an access from a*

*subdivision to the school, because the main entrance to the school was on the east end. The school buses turned around at a loop at the south end. He thought that it might be a potential problem for some parents having kids walking into the school from the back, so he was not sure they would go for it, but he would be willing to try.*

*Vice Chairperson Brnabic asked the Commissioners if there was anything else they wished to discuss. Mr. Dettloff commented that it was a good project. Vice Chairperson Brnabic summarized that the Planning Commission wished Mr. MacLeish well moving forward with a proposed PUD.*

*Mr. Dettloff said that he loved the idea that residents approached Mr. MacLeish. He asked Mr. MacLeish if he could educate some of the other developers in town. Mr. MacLeish said that he was the President of the Homebuilders Association, and he was still on the board. He was also the President of the Michigan Association of Home Builders, and he tried to stress those relationships. They tried to police the builders on the association, because he knew how people liked to be treated.*

**Discussed**

## **ANY OTHER BUSINESS**

*Mr. Anzek had advised some people who came to the counter about a property's use, telling them that he was not the ultimate decision maker but could only guide. They asked if he could informally ask the Planning Commission their thoughts. The first request was for the northeast corner of Hamlin and Livernois, which had been rezoned to Office a few years back. The gentleman had a rental business with outdoor storage, which required Industrial zoning. The Commissioners were not in favor of industrial uses for that corner. The second request was for a site zoned B-2 near the northeast corner of John R and Auburn, and the owner had a potential tenant who wanted to store repossessed cars, which also required Industrial zoning. The Planning Commission again was unanimously opposed to industrial in that area. Mr. Anzek commented that some people did not take his word as fact, but he could now inform them of the Planning Commission's thoughts on the matters.*

*Mr. Reece asked what was going on at Livernois and Walton (Campus Corners) for which a small retail outlet with two drive-throughs had been approved. It appeared that some footings were going in. Mr. Anzek informed that the owner had it leased 100%, and there would only be one*

drive through. Mr. Reece asked if Mr. Anzek had heard anything from the condo association by the Walton Shoppes drive-through. Mr. Anzek said that he put the condo association in touch with the Walgreen management team out of Chicago, which said it would, in partnership, replace trees along the border. Mr. Anzek still had to follow up with the other portion of the berm, but the trees would have to go in before the smoothie shop was completed.

Mr. Dettloff had heard that a Costco was going in to the former K-Mart site on Rochester Rd. Mr. Anzek had spoken with REDICO, the managing company for the site, about a Costco. The Manager said there was no contact, discussion or interest expressed in a Costco, although there were many residents who would like to see one there.

Mr. Yukon asked about the fire stations' progress. Mr. Anzek said that the City was going out for bids soon. He expected the easy ones to be done this year, and station four might start in the fall. Mr. Anzek also mentioned that the target opening date for the Fresh Thyme at Hampton Plaza was September. He added that Steinmart (at Winchester Mall) would start in late summer. He explained that Steinmart was a very successful store something like a Target or Kohl's, and they were pretty big in the southeast.

Mr. Hooper asked if the owner of the Mobil at Adams and Walton had lost his liquor license. Mr. Anzek was surprised he needed one as a convenience store owner. Mr. Hooper saw that it was recently rescinded.

Mr. Dettloff asked about the Silver Spoon, and Mr. Anzek noted that Staff was waiting for revised plans.

Mr. Hooper mentioned that the Hills Bar and Grill had closed. Mr. Dettloff asked how the Tap Room (same center) was doing. Mr. Anzek had only been there once for lunch, and he was not really sure how it was doing. He thought that it was fairly expensive. Mr. Dettloff commented that the rent was very expensive at that center.

## **NEXT MEETING DATE**

Vice Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for June 16, 2015.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Reece, Vice Chairperson Brnabic adjourned the

Regular Meeting at 8:34 p.m.

---

Deborah Brnabic, Vice Chairperson  
Rochester Hills Planning Commission

---

Nicholas O. Kaltsounis, Secretary