



Rochester Hills

Minutes

Planning Commission

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
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

Tuesday, October 21, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 8 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece and C. Neall Schroeder

Absent 1 - Emmet Yukon

Quorum present.

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

COMMUNICATIONS

- A) *Memo from E. Mann, dated 10/17/14 re: Andover Woods*
- B) *Letter and tax info from M/M Klein, dated 10/20/14 re: Andover Woods*
- C) *Letter from Avon Condo HOA, dated 10/16/14 re: Tim Horton's*
- D) *Letter from Dept. of Licensing dated 09/15/14 re: Mobil Home Park*
- E) *Email from T. Storinsky, dated 9/12/14 re: Yorktowne/Meadowfield Drs.*
- F) *Tax Info from Andover Woods received 10/21/14*
- G) *Letter from Tim Horton's (no date) re: Requested Parking Waiver*
- H) *Planning & Zoning News dated September 2014*
- I) *Handout from S. Beaton, received 10/21/14 re: Barrington Park*
- J) *Proposed Oil & Gas Ordinance received 10/14/14 from residents*

NEW BUSINESS

2014-0329

Request for Site Plan Approval - City File No. 85-572.4 - RGM Tooling Consultants, Inc., a 10,200 square-foot addition to the existing 9,000 s.f. building located on a 1.3-acre site at 2750 Product Dr., Rochester Hills, MI, located east of Crooks, north of Auburn, zoned REC-W, Regional Employment Center Workplace, Parcel No. 15-28-376-023, Kemp Building & Development Company, Applicant

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

Present for the applicant was Daniel Plantus, Kemp Building & Development Co., 275 W. Girard, Madison Heights, MI 48071.

Mr. Roediger advised that the request was for 2750 Product Dr., which was located east of Crooks, north of Auburn. It was a 1.29-acre parcel zoned Regional Employment Center - Workplace (REC-W). The applicant was proposing to almost double the size of the building with a 10,200 square-foot addition onto the existing 9,000 square-foot building to accommodate expanding operations. Along with the building addition, parking lot, landscaping, lighting and stormwater management improvements were being proposed. The building addition would consist of brown metal siding and block, which would match the existing building. She felt that it was a fairly-straight forward plan, and she said that she would be happy to answer any questions.

Chairperson Boswell asked Mr. Plantus if he had anything he wished to add, but he did not.

Mr. Schroeder felt that it was a very good proposal. He asked if there was a shared driveway. He noted that the driveway was not shown on the property, but he said that it was obviously used. Mr. Plantus said that his understanding was that when the buildings were originally constructed, there was one owner, and there was a shared drive in between two properties. He noted that it gave rise to a little of the difficulty accomplishing the stormwater design (as to the separation). The two buildings were now owned by different owners. Mr. Schroeder clarified that there was a mutual agreement, and Mr. Plantus confirmed that there was.

Ms. Brnabic asked Mr. Plantus if he had received an answer from the owner in regard to the automatic sprinkler system. Mr. Plantus said that

they had been studying the requirement, and he noted that the shortage resulted from the flow test on the hydrants. Everything else was in compliance. The flow test was short by 300 gallons per minute; the requirement was 3,000 GPM and the flow test came in at 2,700. He believed that the Fire Inspector might have the ability to grant relief on that portion, and they were going to ask as they went through final engineering. It would not be at the risk of not getting Site Plan Approval. They were prepared to commit to adding sprinklers to the existing building and to the new addition, if that was the ultimate requirement. Ms. Brnabic mentioned a comment from the Inspector that said that because it did not meet the requirements, there was no other viable option unless the construction design was changed. Mr. Plantus thought that the difference between 2,700 and 3,000 was close, and he thought some relief could be granted. They might take another flow test that might have a better result. He said that it was quite an expense on the project, as were the stormwater detention requirements. The owners understood that they would have to sprinkle the building if necessary.

Mr. Hetrick pointed out the entrance and loading area for trucks and the shared access, and he asked how the truck would maneuver to get into that spot. It appeared that a truck would have to go onto the neighbor's property to back in. Mr. Plantus said that the owners were currently making an arrangement with the adjoining neighbor, and he did not know if it would be formal or informal. The truck could swing in off the mutual drive. It was not a critical part of their operation, they just wanted access for the occasion where they needed a larger vehicle. That was another reason they made the door quite larger than normal. It was a 16-foot wide door, and it was just for that extra access. If the truck pulled towards the rear, it could swing into it.

Mr. Hetrick mentioned condition number two, which required addressing all the applicable comments, and he asked if he could assume that included comments about updating the landscape plan relative to the additional trees and other comments. Ms. Roediger agreed.

Mr. Dettloff said that the City appreciated the owners' support in expanding in Rochester Hills. The report said that employment would be increased by 15-20 people. He asked if they would be full time positions. One of the owners, in the audience, agreed that they would be. Mr. Dettloff commented that it was a good number to support the economy with continuing growth in Rochester Hills. Mr. Plantus added that the two owners were partners who started the business after years of experience in the industry, and it was a nice little success story for a smaller business

to be able to grow and expand.

Hearing no further discussion, Mr. Kaltsounis moved the following motion, seconded by Mr. Schroeder.

MOTION *by Kaltsounis, seconded by Schroeder, in the matter of City File No. 85-572.4 (RGM Tooling Addition), the Planning Commission approves the site plan, based on plans dated received by the Planning Department on October 9, 2014, with the following six (6) findings and subject to the following two (2) conditions.*

Findings

- 1. The site plan and supporting documents demonstrate that applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.*
- 2. The development meets the intent and standards of the REC-W Regional Employment Center Workplace district.*
- 3. Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
- 4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
- 5. 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.*
- 6. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and business expansion.*

Conditions

- 1. Submittal of an irrigation plan and cost estimate for new landscaping, prior to Final Approval by Staff.*
- 2. Address all applicable comments from other City departments and outside agency review letters, including Engineering, Fire, and Building department reviews.*

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

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

Absent 1 - Yukon

Chairperson Boswell expressed that the most important condition concerned the Fire Department comments. He stated for the record that the motion had passed, and he thanked the applicants.

2005-0393

Request for a Tree Removal Permit - City File No. 98-025 - Andover Woods, for the removal and replacement of as many as 651 trees for a proposed 42-unit attached condominium development on two parcels totaling approximately 26.5 acres, located west and east of Rochdale, north of Walton, known as Parcel Nos. 15-09-476-035 and 15-09-451-002, zoned RCD, Single Family Cluster, Andover Woods, LLC Applicant.

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

Present for the applicant was Bruce Michael, Andover Woods, LLC, 2617 Beacon Hill Dr., Auburn Hills, MI 48326 and

Mr. Anzek noted that the project had been in the pipeline since 1998. There had been numerous revisions and probably hundreds of hours of review time, because it was a difficult site. He advised that the project was comprised of two separate parcels on either side of Rochdale. The parcel to the east was 9.37 acres, and the parcel to the west was 17.2 acres. The applicants were proposing a cluster complex with duplexes. There were 16 units proposed for the west side and 26 units in 13 buildings on the east side. The buildings had to be shifted because during the project's review, the Steep Slope Ordinance was introduced, and they had to relocate buildings to avoid the steep slopes. The flood plain and wetlands had also been revised. The project was now at the point where it had approvals or conditional approvals by all departments.

Chairperson Boswell asked Mr. Michael if he had anything to add, and he said he would wait for any questions.

Mr. Anzek recalled that Mr. Michael had been before the Commissioners about a year ago to discuss the project and get input. At that time, there were several residents who spoke, and the applicants had been working with those residents since then to address their concerns.

Chairperson Boswell opened the Public Hearing at 7:20 p.m. He asked that comments be held to 3-4 minutes, and he related that there would not be any conversation between the speakers and the developer until after the Public Hearing was closed. He added that questions would be answered after the Public Hearing, and that all comments should be directed to the Chair.

Bob Chekdluk, 1219 Valley Circle, Rochester Hills, MI 48309. *Mr. Chekdluk advised that his condo was just north of the proposal. He said that the property was originally considered a 100-year flood plain, and he did not know what the flood plain situation was in the community. They have had runoff problems from water backing up through their basement drains because the sewers were not big enough to handle the deluge. He noted that it had only happened twice, but he stated that it was twice too many. Currently, the sewers were not capable of handling the problems that might arise. He asked if the applicant knew what the flood plain was considered. One unit in Mr. Chekdluk's complex was up for sale and when the buyer discovered that the mortgage company would not give him a mortgage unless they had flood insurance for \$2,500 a year, the sale was off. Mr. Chekdluk wondered if the applicants were aware of that situation.*

Mr. and Mrs. Jim and Linda Klein, 1215 Valley Circle, Rochester Hills, MI 48309 *Mr. Klein talked about managing the City and the population, and he said that he could not even drive down Walton because it was so backed up. They would be adding more people, and he wondered if that was how the City should be managed. He wondered if they wanted it to grow to be overbuilt. He thought that 42 units would be tough for the area.*

Mrs. Klein *said that there was strong evidence that the property taxes for the parcels had been delinquent for several years. She handed in some documents from Oakland County, and said that Oakland County would not be trying to collect taxes if they were not in default. If it were true, it suggested to her that the applicant did not have the financial resources to complete the project. If the applicant was given a permit to cut 650 trees, she wondered if they could finish the job. If the applicant did have the financial resources, she wondered why they had not paid the property taxes. She asked if they were not committed to the community and if they did not care. She said that they lived approximately 120 feet from Sargent Creek and regularly, the Creek came up quite high. In June 2013, the water from the Creek came within 20 feet of their home. If the property had been designated as a flood plain by the insurance*

companies, with the development and possibly corresponding destruction of more flood plain, she asked what would happen in terms of flooding in the future and what would be done about it. She understood that there was a detention basin, but she wondered who would maintain it. Mr. Klein added that they moved to Rochester Hills for the quality of life. They liked the country life, and they wanted to stay in a country atmosphere.

Kay Mann, 1222 Valley Circle, Rochester Hills, MI 48309 Ms. Mann said that she also lived on Valley Circle. She had submitted a letter to the Planning Commission, and she hoped that they would answer the questions in her letter. The questions primarily related to the water issue in the wetlands/flood plain basin along Sargent Creek. She had heard of issues with people trying to sell their homes in Sargent's Crossing because of the new FEMA designation that occurred, apparently, right after Katrina. She was very concerned that any development south of the Creek, if it involved landfill or any change in the current topography, would change the flood plain issue and divert more water to her side of the Creek and cause additional problems. She commented that they could not raise their land level, but the applicants could.

Frank Mordell, 251 Marmoor Ct., Rochester Hills, MI 48309 Mr. Mordell said that he had been a resident of Sargent's Crossing for 20 years. He had enjoyed the wetlands features, the habitat and the beauty and serenity. He thought that the proposal far exceeded the economic benefits that might come in the way of property tax revenue to the City and profits for a non-resident developer. In his particular case, he had a unit that abutted the woods near Sargent Creek. His mortgage company notified him that he required flood insurance. When he checked into it, his first quote was \$5,000 plus, and the only thing in the flood plain was his deck. He was connected to unit 250, which was vacant and up for sale. He talked to the broker handling the sale, and he had lost three sales because of the requirement for flood insurance. The flood insurance versus the wetlands was an intermingled issue, and he was very concerned that with tree removal, the developer only had to replace one in three with saplings, and it might only result in 45 trees. Many of their trees were very stellar and majestic. There was no indication of whether there would be any supervision of what trees would be cut down. He said that at his age, he did not want to see young saplings take a lifetime to grow into something nice. He thought there would be landfill requirements for the wetlands that could affect the runoff and cause possible additional flooding. He thought that if he was in the flood plain, that a number of the new owners would also be. He did not know if that might change in the future or not. The other major concern he had was

the impact the proposal would have on the infrastructure of the City. He meant fire, police, electricity and safety. He stated that the traffic patterns would be horrendous on Rochdale. The traffic safety would be horrendous, since there would be only one road coming out on either side of Rochdale, and that did not count the construction equipment. Mr. Mordell said that he loved living in Rochester Hills, and he understood that Rochester Hills was rated the ninth best place in the country to live, thanks to the Commission and the government's hard work. He stated that he strongly, strongly opposed any "messing around" with the wetlands.

John Begley, 1423 Oakstone Dr., Rochester Hills, MI 48309 *Mr. Begley said that he lived on the north side of the western parcel. He noted an outline of a possible wetland at the north end of the parcel, and he asked if that had been designated as a wetland. His concern was the extent of the development. The parcel went to the back of his property, and it was next to some houses on Rochdale. He asked if the proposal was just a start to get a foot in the door, and if they would develop north of Sargent Creek in the future. He noted that on the west side of Rochdale, just north of the parking, there were some monitoring wells put in for hazardous materials, and he asked if there was a report of how it would be handled. He said that he did not see any trees north of the development being removed, and he wondered if they would be in the future.*

Lynn Rizzo, 1360 New Life Lane, Rochester Hills, MI 48309 *Ms. Rizzo said that she lived to the east of the east parcel. It was her understanding that many detention basins in the City over the years had not been maintained. She asked the plans - she assumed the condo development would maintain the detention basins - for maintenance.*

Shirley Melnick, 254 Marmoor Ct., Rochester Hills, MI 48309 *Ms. Melnick advised that her question had been asked.*

Chairperson Boswell closed the Public Hearing at 7:37 p.m.

Chairperson Boswell asked Mr. Anzek what changes were made in the flood plain designation. Mr. Anzek said that he was not aware of any changes recently. The City's Engineering Staff had reviewed the plans and approved them, but he was not aware of any recent changes.

Mr. Schroeder explained that the original flood plain was taken from a 10-foot contour map. It was very inaccurate, and just an arbitrary line to get the system going. Later on, more mapping was done, which was more

reasonably accurate, but not too much so. With the advent of computers, there was new mapping and better information. He believed that what the Commissioners were reviewing was from that new mapping, which Mr. Michael confirmed.

Chairperson Boswell asked if the flood plain, as designated, was considered accurate. Mr. Michael agreed that it was. Mr. Schroeder noted that the mapping was just done for the south side of the parcels. Mr. Michael advised that they had only shown mapping for their properties. Chairperson Boswell clarified that it had nothing to do with the land to the north. He thought that the entire wetlands, including surrounding properties, were normally shown on the plans. Mr. Anzek advised that the applicant was asked to show his property only.

Mr. Michael noted that originally, the entire property was mapped for wetlands. It had been many years, and six wetland consultants had been involved, but since no development was proposed for the north side of the western parcel, they had not updated the wetlands study. He assured that they were not confusing wetlands and flood plain, which were two very different things.

Chairperson Boswell indicated that there was a request to fill some of the wetland area. He asked if that would change the flood plain. He wondered if a study had been done to show what those changes would do to the flood plain.

Mr. Michael answered that over the course of the project, there had been a flood plain fill and wetland impact permit filed with the MDEQ, and it was issued. It never got used, because they never got all the issues with the City resolved. The permit had expired, so they would have to file for it again. They would end up using the same techniques and compensating fill that was done the first time. It had already been issued once, and the extent of their development was actually less than it was originally, so they knew that the techniques used should work. They realized that they had to get that permit, and they would have to fulfill all the engineering requirements to determine that there would be no negative impact on the flood plain.

Chairperson Boswell asked if a determination would be made that there would be no negative impact on the neighbors to the north. Mr. Michael stated that if there were no impacts to the flood plain, it would not affect any adjacent neighbors or anyone who now might be in it.

Chairperson Boswell mentioned the property taxes, and he asked if they had been paid in full, which Mr. Michael confirmed.

Chairperson Boswell noted that there had been a question about maintenance of the detention basin. Mr. Michael said that many of the older basins were designed before the concept of a sediment forebay. A lot of siltation that occurred during the course of construction would fall into a basin, and a lot of the capacity of the basin would be lost. Today, technology had been upgraded, and there was a small basin next to the main basin that took the first flush of rainfall, and the sediment was collected. There was an outlet from the small basin to the large basin to protect the capacity of the large basin. In addition, the City would require that after construction, they (the applicants) would have to go back in to the forebay and the basin and excavate back to its original design parameters. Once construction was completed, and there had been a complete covering of all the disturbed land with vegetation, the amount of silt that could get into the basin would be relatively small. The City requirement and the way things were done today were designed to protect against those issues. There would be an association that would have a specific line item budgeted for the detention basins and their repair and maintenance. There was also an agreement with the City that allowed it to come in and take care of an issue and charge the association if something were to happen.

Chairperson Boswell asked Mr. Anzek about toxic chemicals from the dry cleaners. Mr. Anzek advised that it had been going on for about 20 years. There was a leak from the dry cleaners that MDEQ had been monitoring for some time. There were wells monitoring the ground water, and within the last 18 months, it was shown to be moving in a westward direction. Last summer, there was an MDEQ directive given to the insurance company responsible for cleaning it up to establish additional monitoring wells close to Sargent Creek. They had to clear some trees, and the City was immediately called to the site by several residents. They learned that there was one division of MDEQ that dealt with bad chemicals in the ground water and another MDEQ wetland agency that was not keen with the trees being destroyed in the wetlands. They expected some restoration to occur with tree plantings from the project. The wells would stay in place and continue to monitor. If there were spikes in the contaminants, the City would be notified. Chairperson Boswell wondered if they monitored it but did not do anything about it. Mr. Anzek said that it was difficult to dig the dirt and remove things when they found concentrations, and they were trying to get an understanding of how it was moving through the ground. Their efforts were to create a barrier to stop it

from entering the Creek. He was not sure if it would be a slurry wall or something else. He noted that ASTI was on the scene, as were he and Mr. Davis, and they watched it closely, but it was an MDEQ directive. Chairperson Boswell commented that they were at the mercy of the MDEQ again.

Mr. Michael noted that they had also retained ASTI to represent Andover Woods when they found out about it. They met with the insurance company and the MDEQ consultant and obtained all the files on the project. There was a relatively small plume that extended to the west of Rochdale. The MDEQ looked at six criteria for residential development, and there were a couple of contaminants that were of a very minute amount above the threshold levels for drinking water. If they were going to drill their own wells, they would have an issue, but they would be on public water, so it was not an issue. The other issue was groundwater/surface water interface and a concern about Sargent Creek. The depth of the contaminant plumes were below the level of the Sargent Creek. At this point, the plume was slowing down, and the contaminant levels were staying the same or reducing.

Chairperson Boswell said that there was some concern about trees being taken out north of Sargent Creek. Mr. Anzek said that there was no tree removal proposed north of Sargent Creek. He noted that the wetland area extended to the entirety of the parcel to the north, virtually eliminating the possibility of any development north of Sargent Creek. Mr. Michael agreed that there was a lot of wetland and flood plain in that area. Mr. Anzek believed that in initial discussions, it was never conceived possible that development could occur north of Sargent Creek. Mr. Michael agreed that they stayed close to the south end for all of those reasons, including the neighbors. Mr. Anzek said that it was a heavily wooded site, with over 2,000 trees surveyed and 651 were to be removed. Of the 651, over 500 were diseased or had died, mostly Ash trees. Mr. Anzek had walked the site, and he saw a high percentage of dead trees. They were 6" in diameter or greater. The applicant would be obligated to replace the healthy ones, which came to about 143 trees onsite. He had spoken to Mr. Michael about using that to replenish the wetland areas that were damaged when the monitoring wells were installed. They would still have to maintain access to the wells, but it would at least fill the site in somewhat.

Chairperson Boswell asked Mr. Michael how their finances really were. Mr. Michael said that they owned the property, and their company built 50-60 houses a year. They had funds set aside for the project to proceed

with it and take it to fruition. They had been doing it for 35 years. They survived the downturn that many did not. Mr. Anzek asked Mr. Michael if the development would require flood insurance, and Mr. Michael said it would not.

Mr. Anzek agreed that the City would enter into an agreement with the applicant granting the City the right to clear out the detention system if it got clogged. The City's new standards required a forebay which was a much easier system to clean. Everything would have to be made whole before it was turned over to the association and before the City released any bonds. Any tree clearing could not begin to occur until the bonds were posted. It was a safety net to assure that they were good to go before any trees were removed.

Mr. Kaltsounis brought up sediment forebays, and he asked if there was an update for the development called the Vistas (47 lot subdivision south of Avon, east of Rochester Rd.). Mr. Anzek said that they were still in the construction phase, and it had not been turned over to the association. There had been sediment building up in their basin. If it became full, the Engineering Dept. would notify the developer to clean it. It would have to be cleaned again before it was turned over to the association. Mr. Kaltsounis talked about steep slopes eroding because of house gutters. He asked if there were any plans that would handle the flow of water from the gutters.

Mr. Michael said that oftentimes, they would grab the downspouts on the back of buildings that backed to the wetlands and flood plain and put them in underground tubes and tie them into the storm sewer system. If they did it for the proposed homes, it would stop the water from going into the Sargent Creek. He did not believe that it was shown on the plans, but they would have no issue doing it. He thought that Engineering would probably require it. Mr. Kaltsounis confirmed that it could be a condition of approval.

Mr. Anzek stated that Engineering would require it, but it could be a condition. He noted that when the Steep Slope Ordinance was adopted, the applicants lost some units and some were moved. The applicants would not be allowed to direct discharge into Sargent Creek.

Mr. Kaltsounis noticed that there was a garage sitting by itself on the west side. Mr. Michael advised that it would be a maintenance building for the association for things like lawnmowers, trimming equipment, etc. Mr. Kaltsounis asked if the association would want to take on that roll, and Mr.

Michael suggested that they could use it to store fertilizers or mulch.

Mr. Kaltsounis asked the difference between flood plain and flood way. Mr. Anzek explained that a flood way was where the water flowed, and a flood plain was where the water was stored. Mr. Kaltsounis remembered seeing the development before, and he said that it had come a long way. He said that it was a tricky plan, and there would be a lot of engineering work and decisions that could cause things to move around. Most developments were straight forward, but he thought that the hurdles were yet to come.

Mr. Michael responded that the plan was mostly engineered. In order to get the engineering approval level they had, they worked with the Engineering Staff on details of where to route one of the sanitary sewers on the west side, so that it would be the proper distance from the waterline and the storm line. It had been fully graded, and they could actually build from the grading plan. They had to engineer the site because it was complex, and Staff had been very thorough. Mr. Kaltsounis wished him luck.

Mr. Kaltsounis had mentioned that the plans said preliminary, but Mr. Anzek corrected that it was not a site condo development, which had preliminary and final approvals. It was a cluster development with duplexes, and it was being brought forward for final consideration.

Mr. Schroeder clarified that the flood plain program was a Federal program and was financed and handled by the Federal government. The State handled the wetlands. Regarding the flood plains, the residents could appeal a determination. There was a surveyor locally who did just that. Most survey firms could, if warranted, file a form with FEMA to appeal its decision. He was not sure about the situation with Mr. Mordell's deck, but Mr. Schroeder suggested that he might be able to move the posts. Mr. Schroeder had seen rulings where people were taken out of the flood plain, and if someone was that close, it was worth checking into.

Mr. Anzek thought that in 2005-6, the Engineer at the time working on the proposed development made a field determination that the flood plain did not match the survey results he was getting. The owner of the project (Mr. Randazzo) directed him to seek a letter of revision from FEMA to establish the accuracy of the flood plain. Mr. Anzek agreed that what Mr. Schroeder said was possible, and a survey could be re-verified. Mr. Michael said that he would make that data available to anyone who wished it.

Mr. Schroeder asked who the builder would be. Mr. Michael said it would be Trowbridge (Andover Woods). Mr. Schroeder asked if Mr. Michael had ever checked to see where the water table was. Mr. Michael said that he was going to do it himself. The poles were only four feet deep beyond what the present level was. He was out there a few days ago trying to dig the two that were the farthest east. On the west side when he met with neighbors, the neighbors had the same concerns, so he dug a hole and verified that the water table (it was in the summer of 2013) was about five feet down, and the bottom of the hole was four feet. The original hydro-geo study that was done several years ago showed an average depth of water between six and nine feet. They were going to dig holes in the middle of the proposed basins and provide that information to Engineering, but he was fairly certain that he would not run into a situation where the water table was above the bottom of the basins.

Mr. Schroeder mentioned that he had previously been the City Engineer in Troy. They studied the area by Macomb, and Macomb and Oakland Counties were each done in phases. When the study was done, Troy's flood plain was higher than Sterling Heights' in the center of Dequindre. There were things that had to be corrected, and he stated that it could happen anywhere.

Mr. Hetrick said that with regard to flood plains and the interrelationship between those and wetlands, it was mentioned that the work the applicant was doing would have no impact on the flood plain. Mr. Hetrick asked Mr. Michael to describe what they were doing to mitigate the wetland impacts.

Mr. Michael put a plan on the overhead and pointed out wetland number one, which was about 3,500 square feet. It had been determined by the City's wetland consultant to be of moderate or low quality. The second wetland to be filled was the southern portion of a ditch. It was a man made ditch, and ASTI had determined that it was also of moderate to low quality, and ASTI did not see an issue with either one. The Natural Features Setback areas surrounded those. The mitigation would be to provide a conservation easement over the other remaining wetland areas on the site. The easement would be granted to the State, and it would be recorded and permanently in place. Mr. Hetrick asked if the conservation easement would suggest that there would be no impact to the wetlands. Mr. Michael said that the wetlands they were filling would be eliminated, but the remaining wetlands on the site would be protected, and they could not be filled, even if the law changed.

Mr. Hetrick clarified that the work the applicant was doing would have no impact on the flood plain. Mr. Michael said that was correct; the work they were doing would not result in the flood plain elevations going up in any fashion. Mr. Hetrick felt that should be a condition of Site Plan Approval. Mr. Michael said they would still also have to get the permit from the MDEQ and the City, so he was o.k. with that as a condition.

Mr. Schroeder asked the start date for the project. Mr. Michael said that assuming they would get permits, they would like to start in April or May of 2015. Mr. Schroeder asked if they would start on the east or west side, and Mr. Michael said east. Mr. Schroeder asked the timeframe. Mr. Michael said that if the economy stayed the same, it should take three years to build out.

Mr. Hooper questioned whether the applicants would be allowed to build in the 100-year flood plain. Mr. Schroeder said that they could get permits to do so, but it would have to be replaced somewhere else. They could move it, not eliminate it. Mr. Hooper asked Mr. Michael to put up sheet 23. He pointed out that the flood plain designation went right through units 29 and 30. Mr. Michael said that they would make an application for the right to be able to fill so much flood plain, and they would have to show a compensating cut for that volume somewhere, so they did not cause the elevations of Sargent Creek to raise under any flood or rain condition. They would have to get a letter of map revision from FEMA. That would say that the particular area was no longer considered in the flood plain. According to FEMA, flood plains were basically lines on a map, and either you were inside or outside of the line. Mr. Hooper asked if the grading plan reflected the proposed changes. Mr. Michael said that it did. Mr. Hooper referred to sheet 7 and asked if it showed the revised changes to the flood plain. Mr. Michael said that it showed the proposed grades that would occur after the development was completed. The new revised flood plain line had not been shown on the plan; it would be shown as part of the flood plain fill application.

Mr. Reece asked if that request to FEMA would also pertain to units 27 and 28. Mr. Michael said that any of the units that showed inside the current flood plain line would be part of the same process. When they were done, the line would be outside of the units, so there would be no requirements for flood insurance. Mr. Reece clarified that the heavy dashed line on sheet 7 was not the revised line. Mr. Michael said that particular arrowhead happened to be pointing also at the flood plain line and showed that it was the limit of disturbance line.

Mr. Kaltsounis asked Mr. Michael if he would be making improvements or changes to the property south of the development. It appeared as if the parking lot would be redone. Mr. Michael agreed that they were, so they could set up the access. Mr. Kaltsounis asked if they had a letter of agreement. Mr. Anzek advised that Trowbridge owned the property to the south. Mr. Michael advised that there would be an easement for the access between the two properties for the access when they sold the condos to third parties. Trowbridge would grant that access agreement showing that the road would go onto the office property. Mr. Kaltsounis asked if the office building would lose parking. Mr. Michael advised that afterwards, there would still be an extra 24 spaces over what was required.

Mr. Kaltsounis wondered about adding a condition regarding the flood plain line, and Mr. Michael agreed. Mr. Anzek assured that the applicant would be required to provide the flood plain mapping to Engineering.

Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Mr. Hetrick:

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on October 1, 2014, with the following three (3) findings and subject to the following one (1) condition:

Findings:

- 1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.*
- 2. Of the 2,175 regulated trees, the applicant is removing up to 651 from the site (of which 508 of the trees are dead, decaying, or diseased).*
- 3. The applicant is proposing to plant sufficient trees of sufficient size to meet the minimum required 143 replacement credits.*

Condition:

- 1. All tree protective fencing must be installed, inspected and approved by City Staff, prior to issuance of a Land Improvement Permit.*

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

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

Absent 1 - Yukon

2014-0440

Public Hearing and request for a Wetland Use Permit - City File No. 98-025 - Andover Woods, for impacts to approximately .24 acres associated with the construction of several units, a portion of the cul-de-sac and detention basin on Parcel No. 15-09-451-002, located east of Rochdale, north of Walton, zoned RCD, One-Family Cluster, Andover Woods, LLC, Applicant

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission recommends City Council approves a Wetland Use Permit to impact approximately .24 acres for the construction and grading of the cul-de-sac of Rochdale Court and of Units 5, 6, 11 and 12, based on plans dated received by the Planning Department on October 1, 2014, with the following three (3) findings and subject to the following four (4) conditions.

Findings:

1. *Of the approximately 9 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately 10,600 square feet (.24 acre).*
2. *The impacted areas of Wetlands B and C are of low quality and not considered by to be a vital natural resource to the City.*
3. *The applicant has minimized potential wetland impact by incorporating a retaining wall to the north of the cul-de-sac of Rochdale Court and will use best management practices during construction to avoid impacts to Sargent Creek.*

Conditions:

1. *That the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.*
2. *That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
3. *Provide proof that the artesian well north of proposed Unit 26 has been abandoned to confirm that it does not contribute water to the wetland nearby, prior to final approval by Staff.*

4. *Verification by ASTI that conditions from the October 3, 2014 letter are addressed on revised site plans prior to final approval by Staff.*

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

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

Absent 1 - Yukon

2014-0453

Request for Natural Features Setback Modifications - City File No. 98-025 - Andover Woods, for permanent and temporary impacts to as much as 1,526 linear feet of natureal features setbacks associated with the construction and grading of units, Detention Basin A and its outlet, Detention B and its outlet, the outlet for Detention Basin C, construction of a vegetated storm water overflow swale from Detention Basin B, and the dul-de-sac Rochdale Court, in conjunction with a proposed 42-unit residential development on the east and west sides of Rochdale, north of Walton Blvd., Andover Woods, LLC, Applicant

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission grants Natural Features Setback Modifications for the permanent and temporary impacts to as much as 1,526 linear feet of natural features setbacks associated with the construction and grading of units, Detention Basin A and its outlet, Detention B and its outlet, the outlet for Detention Basin C, construction of a vegetated storm water overflow swale from Detention Basin B, and the cul-de-sac Rochdale Court, based on plans dated received by the Planning Department on October 1, 2014, with the following one (1) finding and subject to the following three (3) conditions.

Finding:

1. *Natural Features Setback Modifications are needed to construct ten units, the Detention Basins and the cul-de-sac Rochdale Court.*

Conditions:

1. *All restoration to natural features areas will utilize native seed and vegetation, to be reviewed and approved by the City's Wetland Consultant prior to Final Approval by Staff.*
2. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*

3. *That ASTI verifies that conditions from the October 1, 2014 letter were addressed on the current plans, prior to Final Approval by Staff.*

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

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

Absent 1 - Yukon

2004-1074

Request for Site Plan Approval - City File No. 98-025 - Andover Woods, a proposed 42-unit attached condominium development on approximately 26.6 acres, located east (9.3 acres) and west (17.3 acres) of Rochdale and north of Walton Blvd., zoned RCD, One-Family Cluster, Parcel Nos.15-09-451-002 and 15-09-476-035, Andover Woods, LLC, Applicant.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission approves the Site Plan, dated received October 1, 2014 by the Planning and Development Department, with the following five (5) findings and subject to the following twelve (12) 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. *The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.*
3. *There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.*
4. *The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed*

and the larger area of which the parcels are a part.

- 5. The proposed Site Plan promotes the goals and objectives of the Master Plan that the City provides a variety of housing.*

Conditions:

- 1. All remaining engineering issues identified in the memo dated October 17, 2014 be addressed prior to issuance of a Land Improvement Permit.*
- 2. All comments from the Building Dept. memo dated September 16, 2014 to be addressed prior to obtaining building permit approval.*
- 3. Provision of a performance guarantee in the amount to be determined based on the landscaping cost estimate submitted, as adjusted if necessary by the City, plus landscape inspection fees, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.*
- 4. Submittal of an irrigation plan and cost estimate, prior to Final Approval by Staff.*
- 5. Provide cross access easement from office development to the south (western parcel) and property transfer to Andover Woods, prior to Final Approval by Staff.*
- 6. Show proof of property deeded to homeowner to the west, prior to Final Approval by Staff.*
- 7. Obtain a Sidewalk Waiver from City Council for Rochdale Ct. and Rochdale Pond Ct., prior to issuance of a Land Improvement Permit.*
- 8. That a Landscape Performance Bond of \$84,575 be posted. This amount is to be adjusted upward once the cost estimate for the irrigation plan is provided. (condition #4)*
- 9. Change plans to reflect "Final" not "Preliminary."*

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

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

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

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

Absent 1 - Yukon

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

2014-0378

Request for Preliminary PUD and Conceptual Site Plan Approval - Barrington Park PUD, a proposed 148-unit residential development on 15.6 acres, located at the northeast corner of Auburn and Barclay Circle, zoned O-1, Office Business, Gary Shapiro, IAC Barclay, LLC, Applicant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Beddow agreed that the applicants did a good job on some of the changes. He said that he would be directly affected by the walkway,

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

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

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

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

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

Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307 Mr. Beaton said that to quickly disclaim himself, he used to be a City Council representative for the residents in the area. He maintained that they were

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

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

Mr. and Mrs. Nabeel and Georgette Azzam, 2842 Sandhurst, Rochester Hills, MI 48307 Mr. Azzam said that he liked the improvements that were made, and he liked the wider tree line. He asked if people would be able to park on the road next to the tree line. If so, it would be a problem for all of the residents that lived along that property line. He echoed all of the concerns his neighbors had about privacy, a wall, etc. There were a lot of positive changes, and whether having a wall or not was something that they would have to discuss with all of the neighbors. He concluded that things were looking positive.

Discussed

Resolved, that the Rochester Hills City Council hereby approves the Preliminary PUD and Conceptual Site Plans for Barrington Park, a proposed 148-unit residential development on 15.6 acres, located at the northeast corner of Auburn and Barclay Circle, zoned O-1, Office Business, Parcel No. 15-26-376-007, Gary Shapiro, IAC Barclay, LLC, Applicant, based on plans dated received by the Planning and Economic Development department on October 13, 2014 and October 28, 2014, with the following findings and conditions:

Findings:

1. The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development option.
2. The proposed PUD Concept plan meets the submittal requirements for a PUD concept plan.

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

Conditions:

1. Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.
2. The site plans, including but not limited to landscaping, engineering and tree removal plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.
3. The architectural quality of building plans submitted with the site plans and PUD Agreement in step two of the PUD process will be equal to or better than that approved with the PUD Concept plan.
4. The maximum density shall be 148 units, as shown on the plans dated received October 13, 2014 and October 28, 2014.

Terry Treat, 2826 Sandhurst, Rochester Hills, MI 48307 *Mr. Treat said that he lived off the end of the "lovely" pond. He thought that the plan had improved, but he was concerned about the setback. If they were in compliance, he had no problem, but he thought there was an issue with that based on what Ms. Molitoris said earlier. He agreed with everyone about the walkway. He thought that maintenance and access would be an issue. There had already been enough kids and grownups plodding through there, and they did not need any more. They did not need messes from dogs, and they did not need the walkway. He did not know what purpose it would serve going to Hampton Circle, because there was no where to go from there. He stated that they might as well walk on Barclay. There was nothing on Hampton Circle to attract anyone. As far as making the neighbors bond, he said that would happen as a natural course of affairs; they did not need a walkway for that. Regarding the wall, he also shared a concern. The idea of a green zone was not so nice. He was not sure how it would be maintained after the developers were gone. He had a problem with the way a fence looked sometimes, but if it was a decorative fence or a nice brick and mortar, they would not be worried with runoff or maintenance on the applicant's side. It would keep a community a community, and the more they kept Barrington Park a community, the better off he felt they would be. He thought it was curious that a walkway was not proposed for the development's detention pond, and it had been stated that it was because of a safety issue. He thought that there would be a safety issue putting a walkway around the Hampton detention pond, and that would be the residents' problem. He was not sure of the*

requirements for barriers between Barrington Park and the medical buildings to the north, but if a wall was required, he would like to see it continued on the north side as well. He suggested that they could make it an enclave and sell it as an enclave, which had been done before. He felt that the density was an issue, and that there were too many units. He was not sure what type of variance the applicants would be getting, but if that was supposed to duplicate RM-1, which was 6.8, he thought they should keep it in that range.

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

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

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

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

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

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

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

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

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

Mr. Hetrick said that he would support what Mr. Kaltsounis said and suggest that the maximum density should be 148. It would be a relatively

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

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

Mr. Schroeder said that as far as the density, if they reduced it, it would not look any different from the outside, and it would not be any different to the adjacent neighbors. He stated that the project was not unreasonable, and the alternatives would have been much worse, in his opinion. It was residential, and it would not be that intrusive. He agreed that they could not have a brick wall because of the easement, but he stated that they would not want one in their backyard anyway. If they wanted a fence, that would be fine, but a vegetative screen was a far better idea in the long run. It would have a much nicer appearance, and it would be a much nicer treatment for the backyards. Regarding the sidewalk, if it was that much of a concern to the neighbors, the developer would not put it in.

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

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

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

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

Findings

1. *The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development option.*
2. *The proposed PUD Concept plan meets the submittal requirements for a PUD concept plan.*
3. *The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
4. *The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Conditions

1. *Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.*
2. *The site plans, including but not limited to landscaping, engineering and tree removal plans will meet all applicable City ordinances*

and requirements while remaining consistent with the PUD Concept layout plan.

3. *The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.*
4. *The maximum density shall be 148 units, as shown on the plans dated received October 13, 2014.*

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

Recommended for Approval to the City Council Regular Meeting

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

Nay 1 - Kaltsounis

Absent 1 - Yukon

Resolved, that the Rochester Hills City Council hereby approves the Preliminary PUD and Conceptual Site Plans for Barrington Park, a proposed 148-unit residential development on 15.6 acres, located at the northeast corner of Auburn and Barclay Circle, zoned O-1, Office Business, Parcel No. 15-26-376-007, Gary Shapiro, IAC Barclay, LLC, Applicant, based on plans dated received by the Planning and Economic Development department on October 13, 2014 and October 28, 2014, with the following findings and conditions:

Findings:

1. The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development option.
2. The proposed PUD Concept plan meets the submittal requirements for a PUD concept plan.
3. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions:

1. Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.
2. The site plans, including but not limited to landscaping, engineering and tree removal plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.

3. The architectural quality of building plans submitted with the site plans and PUD Agreement in step two of the PUD process will be equal to or better than that approved with the PUD Concept plan.

4. The maximum density shall be 148 units, as shown on the plans dated received October 13, 2014 and October 28, 2014.

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

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

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

2014-0451

Request for Approval of a Conditional Land Use to construct a drive-through at a proposed Tim Hortons, in conjunction with demolition and reconstruction of a new gas station and convenience store totaling 7,320 square feet on a .92-acre parcel at 2995 Walton Blvd., located at the southeast corner of Walton Blvd. and Adams, zoned B-5, Automotive Business, Sean Awdish, Applicant
(Reference: Staff Report prepared by Sara Roediger, dated October 17, 2014 and Site Plans had been placed on file and by reference became part of the record thereof.)

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

Ms. Roediger stated that the proposal was a request for a fuel center/convenience store and a Tim Hortons at the southeast corner of Walton and Adams. The parcel was just under an acre and zoned B-5, Automotive Business, and it currently housed a Mobil station. The underground storage tanks would be removed and relocated as part of the project. The only thing that would remain would be the existing wall along the south and east property lines. The applicant was proposing a 7,320 square-foot building. Ms. Roediger pointed out the drive-through stacking lanes, which would be along the south and east property lines.

Staff had worked with the applicant to try to improve access to the site. It currently had four curb cuts - two on Adams and two on Walton Blvd. - and the applicant had agreed to close the northern most driveway on Adams and convert the two existing driveways on Walton. The westerly one would be in-only and the easterly would be out-only. Ms. Roediger advised that parking modifications would be requested, as the parking was short five spaces over what was required. Tim Hortons had provided a letter showing evidence as to why they believed they could function with less parking. The restaurant had a heavy drive-through clientele (80%), and the gas station users pumped gas and perhaps went in to pay or pick up something and left. Regarding the elevations, the building appeared to be two stories with primarily brick and brick veneer with almost a quarter of block on the rear and east façades, and 15% glass and EFIS being used only as an accent. She felt that it was a very nice looking building for a gas station use. Ms. Roediger noted that because of the drive-through, the project required a Public Hearing for a Conditional Land Use Recommendation to City Council. She concluded that she would be happy to answer any questions.

Chairperson Boswell asked the applicants if they wished to add anything. Mr. Abdelnour thanked Staff for working with them through the process, and he said that they were very excited about the project. Mr. Awdish also thanked Staff for helping them get the site up to Code.

Mr. Schroeder asked if it would be a one-story building. Mr. Abdelnour agreed. It had a mezzanine in the back for storage, so it looked like a two-story building. Mr. Schroeder asked if there would be public access to the mezzanine, and Mr. Abdelnour agreed that there not be. Mr. Schroeder asked how many employees there would be in total. Mr. Awdish estimated two employees for the convenience store and three for the Tim Hortons. Mr. Schroeder was considering the parking. Mr. Abdelnour said that they were providing 27 spaces and the requirement was 32. Mr. Schroeder did not believe that all the seats in the restaurant would be filled, and he felt satisfied with the number. He noticed that they had straightened out the potential traffic problems by eliminating a driveway.

Mr. Dettloff asked Mr. Awdish if he owned and operated any similar concepts in the area. Mr. Awdish answered that they had four other fuel stations, including one in Bloomfield and one at Walton and Livernois. He added that the one in Bloomfield was recently renovated.

Mr. Schroeder commented that they might want to think about putting a

reverse loop at the one-way out drive. Someone could not make a left because it was one-way only, but he suggested that it would discourage anyone from trying.

Mr. Hetrick noted that off to the side, there was a spot for a truck to dispense things to the store. It seemed like it would be hard for someone to push a Pepsi cart into the store from there. He asked if they considered the possibility of putting the spot near the curb cut. He wondered if it would fit there and if cars would still be able to get into the stacking lane for Tim Hortons.

Mr. Abdelnour said that it would be tough, because the loading area would be used as a dual use. It was for the store and for the fuel deliveries. They wanted it kept off to the side so it would not interfere with circulation. Mr. Hetrick did not realize it was also for fuel deliveries. In terms of flow-through, he noticed that there was a stacking lane and a dumpster in the same place. Mr. Abdelnour said that they could schedule a time for the trash pick up. Mr. Awdish added that they would schedule a 2 or 3 a.m. pickup. Mr. Hetrick agreed that would help.

Chairperson Boswell opened the Public Hearing at 10:46 p.m.

Patricia Luis, 33 Kirks Ct., Rochester Hills, MI 48309 Ms. Luis remarked that they were very bothered with McDonald's, Burger King and Bootlegger's traffic turning right onto Meadowbrook to get to Adams, and she wondered if a traffic study had been done before considering the proposal. Her main concern was the fact that there was already so much traffic on Meadowbrook, and she wondered if a sign could be installed prohibiting certain hours that people could drive through on Meadowbrook.

Diane Dingman, 2835 Trailwood, Rochester Hills, MI 48309 Ms. Dingman stated that she had been a resident of Meadowbrook Hills of Avon condos for 35 years. She lived southeast of the intersection of Walton and Adams, which put them directly behind the Mobil station. Her great concern was traffic. There was a terrific amount now, and there would be more. She had talked with Planning Staff and the Traffic Engineer. She commented that she was appalled to hear that there had not been any kind of a traffic study, although she was told that one would be done before it went to City Council. It seemed to her that a great deal of time, effort and work had already been done, and if they considered the traffic pattern first, it might not have been necessary to do what they had done so far. Ms. Dingman said that it was generally agreed that there was

little likelihood of ever seeing any change to Adams Rd. in that area, unless it was initiated by Oakland University. A week or so ago, she related that there was an article in the paper welcoming the new President at the University. He made a point of saying that one of his goals was to expand student housing along Meadowbrook Dr. She stated that it would obviously change Adams if that happened. There would be six in/out driveways from Adams to Meadowbrook going into businesses, and Meadowbrook was a City street. Someone could turn right at the corner of Adams and Walton and take Meadowbrook Dr. and then make another right turn and go back to Adams. The problem there was exiting out of Meadowbrook onto Adams. The traffic backed up all the way to the traffic light, particularly the curb lane that moved forward for a right turn on red at Walton. It was almost impossible most hours of the day to make a left turn from Meadowbrook to proceed south towards Avon. If they took into consideration that there were two lanes of traffic moving northward towards Walton and if there were people coming south on Adams that wanted to patronize Tim Hortons, they would have to make a left turn. The left turn into the proposed approach to Tim Hortons would force those left hand turn people to go through two lanes of traffic to complete the turn. She was asking them to please consider all those things, and she thanked them.

Roger Dingman, 2835 Trailwood, Rochester Hills, MI 48309 Mr. Dingman said that his wife spoke for him.

Mike Ross, 2941 Meadowbrook Dr., Rochester Hills, MI 48309 Mr. Ross noted that he and his wife lived in the condos about ½ block from Adams Rd. He said that currently, at least 60% of the traffic on Meadowbrook was from people cutting through to bypass the light at Adams and Walton. He thought a solution might be to add a gradual speed bump. It was not ugly, and it was marked, and it would slow the traffic down. Cars could now speed along Meadowbrook at 40 m.p.h., and he stated that someone would get killed one of these days. He commented that his wife loved coffee and would be over at Tim Hortons quite a bit. He expressed that something needed to be done to Meadowbrook before they started construction.

Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307 Mr. Beaton reiterated that the project required a Conditional Land Use. He recalled that the City went through a CLU with the truck depot on Dequindre, when there were a room full of residents who were very concerned about property values and traffic. He said that the Planning Commission listened to the residents and told the applicant that the City would not

have the truck depot. Mr. Beaton stated that a Conditional Use had to do with the health, safety and welfare of the community. Although there might be a headline that said it was a gas station, he claimed that there was no money in selling gas. The most a gas station would make per gallon would be 1-2 cents. They would add a donut store. The donut store would bring in good revenue to make it a successful project. He thought that a donut store was actually a very good idea, but he asked if the Commissioners had looked at the floor plans. There was an elephant in the room that even the residents did not know about, and he stated that they should. There would be a walk-in cooler filled with beer and liquor kiddy corner to a University, and it would be kept open 24 hours. If the Commissioners wanted to vote yes for a gigantic, two-story liquor store, he told them to "be his guest," but he stated that he certainly did not like the idea.

Chairperson Boswell closed the Public Hearing at 10:55 p.m.

Mr. Anzek spoke to Mr. Ross and said that regarding the speed humps, he could contact Mr. Anzek and he would get him in touch with the City's Traffic Engineer. Those requests were taken under consideration, and they could possibly work something out for Meadowbrook Dr.

Chairperson Boswell observed that the biggest issue was traffic. As he read over the documents, he was not sure why Tim Hortons would want to be on that corner, because it would be difficult to get a cup of coffee there. There were a lot of Michigan lefts people would have to make. If he was coming west down Walton or south on Adams, there was no way he would stop and get a cup of coffee, because he would have to turn around and around. He could cut through someone's subdivision, which did not sound like a good idea. He agreed that a traffic study was not done; it was already a gas station, so they knew what the traffic would be.

Mr. Hooper said that there was a similar situation with the Tim Hortons on Rochester Rd., north of Avon. A CLU was required for that drive-through. He could see that for that location, the business was about 98% drive-through, and the drive-through was always packed. Chairperson Boswell responded that it was an easy one to get to. Mr. Hooper said that no one would make a left out of it - if someone was southbound, they would turn right onto Rochester Rd. Chairperson Boswell said that he did not understand why Tim Hortons would think it was a good idea because of how difficult it would be to access the site. Mr. Hooper said that the market would determine it. If it was inconvenient, people would not do it. Mr. Hooper said that people going south on Adams could go to the one at

Avon and Industrial Dr. It would be an easy in and out.

Mr. Awdish said that they were not looking to pick up people from a distance. They wanted to gain the customers who were driving by. Mr. Schroeder noted that northbound Adams and eastbound Walton traffic would not have an issue. Mr. Hooper stated that the owner of the property had a right to develop, and the gas station use was not changing. They would just be adding coffee drinkers going through a drive-through.

Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Mr. Schroeder:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 87-823.2 (A-Star Convenience Fuel/Tim Hortons Drive-Through) the Planning Commission recommends to City Council approval of the conditional land use for the drive-through operation, based on plans dated received by the Planning Department on October 2, 2014, with the following seven (7) findings.

Findings

- 1. The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.*
- 2. The proposed project will promote the intent and purpose of the Zoning Ordinance.*
- 3. The proposed project has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.*
- 4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.*
- 5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
- 6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons,*

property, or the public welfare.

- 7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

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

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

Absent 1 - Yukon

Resolved, that the Rochester Hills City Council hereby approves a Conditional Land Use to construct a drive-through at a new Tim Hortons at the southeast corner of Adams and Walton Blvd., zoned B-5, Automotive Business, Parcel No. 15-17-102-003 with the following findings:

Findings:

1. The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.
2. The proposed project will promote the intent and purpose of the Zoning Ordinance.
3. The proposed project has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.
5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

2014-0452

Request for Site Plan Approval - City File No. 87-823.2 - A-Star Fuel and Convenience Station, a proposed 7,320 square-foot gas station and convenience store remodel with Tim Hortons located at the southeast corner of Walton Blvd. and Adams, zoned B-5, Automotive Business, Parcel No. 15-17-102-003, Sean Awdish, Applicant

Mr. Kaltsounis mentioned that other Tim Hortons in the area were "siding monsters," and he had been disappointed with the look of some of them. He thought that the proposed building looked very nice on the outside,

and he said that he appreciated it, and he wished the other Tim Hortons would follow the same standards. Chairperson Boswell clarified that the parking modification was addressed as a finding.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 87-823.2 (A-Star Convenience Fuel/Tim Horton's), the Planning Commission approves the site plan, based on plans dated received by the Planning Department on October 2, 2014, with the following seven (7) findings and subject to the following six (6) 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. *The requested 10 foot reduced rear yard setback is justified as it will allow for better development and will be compatible with adjoining properties due to the presence of an existing masonry wall and enhanced with required buffer landscaping.*
3. *Based on evidence submitted by the applicant, the requested reduction from 32 to 27 parking spaces is justified due to the nature of the drive-through business and in consideration of the shared use of the site as illustrated on the proposed site plan. Should the uses change or expand, this modification may be reconsidered.*
4. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
5. *The proposed loading space in the front yard on this site is appropriate as a loading area, provided it is screened from both Adams and Walton Roads, as the city recognizes that a loading area is needed for this site, but is not required, and the design of the site, combined with the fact that the site is located on a corner provides no other feasible location for the loading area.*
6. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
7. *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. *City Council approval of the conditional land use.*
2. *Submittal of a photometric plan, prior to final approval by Staff.*
3. *Barrier free parking spaces and aisles be adjusted to meet ordinance requirements.*
4. *Submittal of a landscape plan that meets ordinance requirements, prior to final approval by Staff that includes cost estimates to determine the bond amount, prior to issuance of a land improvement permit for this development.*
5. *Submittal of an irrigation plan and cost estimate, prior to Final Approval by Staff.*
6. *Addressing all applicable comments from other City departments and outside agency review letters, prior to final approval by Staff*

Mr. Reece asked if there was any lighting proposed. Ms. Roediger said that it would be part of the final plans. Mr. Reece said that he would be curious to see how the lighting turned out.

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

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

Absent 1 - Yukon

Chairperson Boswell stated that the motion had passed.

ANY OTHER BUSINESS

2014-0269 Request for discussion regarding the road re-alignment of Eddington Blvd., on property located on the east side of Rochester Road, between Hamlin and Avon, G&V Investments, Applicant

As Chairperson Boswell had announced earlier in the evening, at the request of the applicant, Ms. McGoldrick, this matter would be postponed until a later meeting.

Postponed

ANY FURTHER BUSINESS

Chairperson Boswell mentioned that Mr. Ahmed (used car lot owner on Auburn) had been questioning him. He sent Chairperson Boswell a drawing of what he would like to do with his property. Chairperson Boswell noted that it was a rather nice looking building, and there would be a fence and some landscaping added, but the building was only 20 feet from the rear lot line. Chairperson Boswell told Mr. Ahmed that he would need at least 35 feet, but Mr. Ahmed said that Mr. Breuckman (former Manager of Planning) told him that the requirement was 25 feet. Chairperson Boswell called Mr. Anzek about it, and Mr. Anzek said the setback was 50 feet. Chairperson Boswell told Mr. Ahmed that he would need a Variance.

Ms. Brnabic asked if Mr. Ahmed wanted this for the additional property he had purchased, and Chairperson Boswell said that it was regarding his first property on the corner. He wanted to put up a new building, which would look a lot nicer. Mr. Ahmed would continue to store cars next door, but eventually, he planned to put in a little strip mall and retire.

Mr. Schroeder asked about the mobile home park. Mr. Anzek said that it was not going anywhere. Mr. Anzek advised that General Trucking had withdrawn its offer to the owner of the property. General Trucking asked the owner if he would share in the cost of a left turn lane, but the owner was not interested. General Trucking was now looking at a site on Hamlin just east of Dequindre, so there would still be traffic if it was approved.

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for November 18, 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 11:11 p.m.

William F. Boswell Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary