

*Conditional Use requests. Staff had heard complaints about the 300-foot notice requirements for mailing, so a sign on the property would be visible to the public driving or walking by. Someone could see that there was a proposed change and could go to the website and see the proposal. Another thing the Planning and Economic Development Department was implementing was allowing people to subscribe to a "Notify Me" system. The City had used it for a number of things, including emergency notifications. If people wanted to know what was going on in terms of the Planning Department, they could go to the website and subscribe, and they would receive notification anytime there was an upcoming agenda item. She noted that the City was about to embark on its Master Plan update, which would take most of 2018. The City was required to update its Master Plan every five years, and in 2018, there would be a very comprehensive update. As part of that effort, there would be online public input surveys, open houses, an art contest for children and "Picture This" where people would use their phone or camera and take pictures of things they liked or did not like in the City and upload it to the web. It would help staff form the policy for the City moving forward. She encouraged anyone to use the services, and there were cards in the back of the room with instructions. She knew that the subject item was controversial, and there could be heated arguments on both sides. She reminded that every Planning Commission member was a resident. She asked that everyone on all sides be respected and be given time to speak, and reminded that they were all trying to work towards the betterment of the community. While there might be a difference of opinion as to how to get there, she asked that everyone be respected.*

## **UNFINISHED BUSINESS**

**2017-0363** Request for Conditional Use Recommendation - City File No. 17-018 - Premier Academy, a proposed 14,911 square-foot childcare center on 1.6 acres at the southeast corner of Tienken and Adams Rds., zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021, -022, and a portion of -004, Jeff Schmitz, JS Capitol Group, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated December 15, 2017 and revised site plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jeff Schmitz, JS Capitol, Jeff Klatt, Krieger Klatt Architects, Mike Labadie, Vandenbrink; Angela Elliott, Director of the Oakland Township Premier Academy, and John Gaber, attorney with Williams, Williams, Plunkett and Rattner.*

*Ms. Kapelanski highlighted some of the changes that had been made*

since the August meeting, when the matter was postponed. She noted that the proposed site was at the southeast corner of Adams and Tienken, zoned R-1, and the request was for a Conditional Use for a daycare in the district for 162 students. The main concern was traffic, and the applicant had made changes to try to address some of the concerns. The Planning Commission was being asked for a modification of parking requirements. 38 spaces were required, and 37 had been provided. At the August meeting, information had been submitted detailing a parking study at the Oakland Township location. Staff recommended approval of the plan as it met all applicable regulations.

Ms. Kapelanski noted that the Adams Rd. entrance drive that was previously a gated, emergency access only was now open to the public as a right-in, right-out only access. The applicant had acquired some additional land along the south property line to allow that drive to be widened from 20 feet to 24 feet. The northbound Adams right turn lane had been extended 130 feet with an additional 75-foot entrance taper. The building size had been reduced from 15,078 to 14,911 s.f. The play area had been reduced from 2,775 to 2,164 s.f. A stacking space had been added to the drop-off area. Since the south property line would now have a full public access, some additional landscaping would be added. There was a letter in the packet from the Road Commission referencing the Tienken Rd. left turn lane extension, and it was shown on plan sheet. The left turn onto southbound Adams would be extended to allow for another 150 feet of storage.

Mr. Davis agreed that traffic was an item of discussion at the August meeting. Subsequently, the applicants and staff met with the Road Commission on September 7 to discuss some revisions that could be done to address traffic concerns, which Ms. Kapelanski had mentioned. After the September 7 meeting, there was a request for traffic signal timing information from the Road Commission. The Road Commission did not typically hand that information out to anyone, so the City sent an approval letter. There had been a more concerted effort to study the existing traffic conditions. Something that was not necessarily required by the Road Commission but was requested by staff and the Planning Commission was a traffic impact study. The applicants went above that and had a synchro analysis done, which was a representation of how traffic would operate. Another item that came up was storm water. Usually, plans went through a two-step process. The site plan was the first step, and normally, storm water details were provided and reviewed in greater detail by Engineering Staff during the construction plan submission, which came after the Planning Commission had approved a

*project. Engineering had conceptually reviewed how the applicant proposed to handle storm water. It would be reviewed in much greater detail when calculations were provided. A pump basin was still proposed. Having a pump to discharge an underground detention facility was permitted in the City. Sometimes, there was a give and take on the design. In order to provide a basin that would not be required to be pumped out, it would involve raising the site even higher, which could cause problems with driveway slope entrances and having to raise the building.*

*Mr. Gaber introduced himself and the team and passed out the traffic impact study to the Commissioners. He stated that the project was in compliance with the Zoning Ordinance and the Master Plan, and they believed that it satisfied the Conditional Use and daycare requirements as staff had agreed with in their report.*

*Mr. Klatt said that they listened carefully to the Planning Commissioners and the residents at the last meeting. They worked hard over the past several months to analyze and modify the site plan. Since the last meeting, they met with the Road Commission and City staff to review design options. JS Capitol acquired 7.5 feet of property at the south to expand. They modified the site plan to address the changes suggested by the City and the Road Commission. They performed a traffic impact study at the Adams and Tienken intersection. They also analyzed the parking counts at the Oakland Township Premier Academy location. They invited over 3,000 surrounding neighbors to an open house on December 11th at the Oakland Township location. The driveway to the south in the last design was 21 feet wide and primarily meant for emergency vehicles. They now had two-way circulation with an access point at Adams. There would be a pork chop to prohibit a left turn onto Adams. They extended the right turn lane from there to the corner of Adams and Tienken, which was suggested by the Road Commission. They also suggested extending the left turn lane 150 feet from their eastern drive on Tienken. That was a significant change for storage. There was a sixth stacking space added; five were required by Ordinance. They were proposing a privacy fence on the eastern lot line. The access points would be located as far away from the intersection as possible. They looked at parking circulation, which they felt would work well. There would be two-way circulation to the south and two-way circulation leading to Tienken. On the east lot line, the parking would primarily be for staff. They would be parked longer and avoid conflict with visitors. There would be 2,164 square feet of outdoor play space. Per State law, they were required to have 1,200, so they far exceeded. At no point would more*

than 21 children be in the play area (one class at a time). There would also be a gym in the building. He emphasized that there would not be set pick-up and drop-off times, unlike the high school. The traffic would be staggered throughout the day which would prevent an overabundance of vehicle congestion. There would be no line up on Tienken or Adams into the site. He read the letter from the Road Commission, which stated that "the extension of the center lane for left turns from Tienken Rd. with 150 feet of storage, and the prohibition of ingress and egress left turns for the proposed Adams Rd. drive approach are satisfactory measures to provide safe and reasonable access for the traffic entering and leaving the development." He noted that the floor plans for the building had not changed since the last meeting. They adjusted the building footprint slightly to allow for the driveways. They felt that the design of the building would complement the surrounding area. It would be traditional in nature, with timeless materials. The intent was for the building to look good in 100 years. Brick was the primary material, and there would be limestone accents at the base and at the mid-point level to break up the massing, and at the top. The windows would also reflect residential design from a size and scale standpoint. The roof was primarily flat, to keep the massing down from Adams Rd. and from the east side. There was a pitched roof towards the center of the building to add some residential character. He showed height comparisons between the proposed building and a two-story home. For a home, a pitched roof could be 35 feet to the mid-point. Their building was lower in some cases. He said that he would be happy to answer any questions.

Angela Elliott went over some facts about the current school. At the new school, they would have 21 teachers and one admin person. A typical day would start at 6:30 a.m. with three to four teachers and after that, arrival times would be staggered. The school day started at 9:00 a.m. and went until 3:00 p.m. Around 11:30 a.m., there would start to be a gradual reduction of staff and students until they closed at 6:30 p.m. A portion of the students would get picked up between 11:30 a.m. and 1:00 p.m., and the other students began getting picked up around 3:00 p.m. She noted that 80% of their current students lived within a three-mile radius of the school. They were anticipating that it would be the same with the proposed school. The people on the roads would be commuting to work and already in the traffic. She stated that their bell times would not conflict with traffic at the high school or middle school. Their parents would utilize the drop off area, and it would be very rare that parents would need to park in a spot. It would be a quick in and out. She pointed out that the first bell for Adams High rang at 7:25 a.m. and classes began at 7:30 a.m. with students dismissed at 2:30 p.m. Premier opened at 6:30

*a.m. The parking lot was slow in the beginning, and it would pick up around 7:45 through 9:30 a.m. A portion of the students would be picked up at lunch time, and pick-up was almost non-existent from 1-3:00 p.m. They were confident that they would not have an abundance of cars. They did not want their parents or any residents to have traffic problems. The traffic study performed was a conservative analysis that assumed significant pick-up during peak p.m. periods, even though the operational plan was to stagger the release of the students throughout the afternoon. She maintained that they took pride in their small class sizes and one-on-one attention. Oakland Township was a much larger school with 207 students, and they performed a traffic count for one week for every 15 minutes of the parking lot activity. At no point did the study show that they exceeded 36 vehicles in the parking lot. At the current school, they also put cameras on the rooftops to track the patterns of the cars coming in and out. She maintained that the population was growing, and the need for a solid educational background for children in the area was needed. She added that they had a wait list at their current facility.*

*Mr. Labadie, traffic consultant, emphasized that the left turn lane improvement was not for 150 feet of storage; it was for an additional 150 feet. He mentioned the synchro program, which was a computer program that helped calculate delays and traffic queues. Their study was consistent with accepted practice around the country. They used synchro and ITE trip generation. The study was done when traffic was the worst - the morning and afternoon peak hour. That was not necessarily the peak hour for the facility. Most of the kids would be picked up at 3:00 p.m., but they studied it when the traffic was the worst at the intersection, from 7-8 a.m. and 4:45-5:45 p.m. Mr. Labadie noted that the traffic summary looked at existing conditions, then at how much traffic would change between the time the traffic was counted and when the facility would open and generate traffic. There was some traffic growth traditionally in that time period, even if it was just a year. The traffic volumes at the intersection had been steady or down some, so they made an assumption of using .5% annual growth, before the development traffic was added to the study. The build out year was assumed to be 2019. He showed the trips that would be generated by the development with 162 students in the morning and afternoon peak hour traffic of adjacent streets. They did counts at the intersection of left and right turns and through movements, and that information was used to assign the new trips generated to an adjacent street. The synchro program incorporated an analysis that was developed by the Federal Highway Administration. "A" was good and "F" was bad, and "D" was acceptable. The result was based on a number of variables. The intersection today was operating at*

an "E" in the morning, with 77 seconds stop delay for a vehicle and 73 in the afternoon. The traffic signal timing was not set the way it could be to optimize the traffic flow at the intersection. Things could be changed to make that better. Overall, the intersection could go from an "E" to a "D". If the development traffic was added, there would be 7/10 of a second difference in the improved flow and almost 4 seconds of additional delay in the afternoon. It was not an impact that should concern, but it was important to know. The land extension on Adams would allow the traffic to get into the lane sooner, and it would reduce the queues, but it would not change the level of service very much. The addition of the left turn lane on Tienken was the same thing; when the traffic got overloaded, it would allow traffic to get into the lane and out of the through movement. He noted that the development did not actually warrant the improvements, but the developer was still doing them. He agreed that the Road Commission liked the proposed improvements and the access plan. He showed a synchro video of traveling cars.

Mr. Gaber explained that the video showed the signal optimization and improvements with the two proposed driveways. From 7-9 a.m. with the extra traffic generated by Premier, the video showed how the flow would go. Mr. Labadie reminded that if the signal timing change was not made, the additional traffic from the school would not be a lot different. He felt that the desire to go someplace would be reduced because there would only be a 7/10 and four second addition to the wait times at the intersection. He said that at no time would the east driveway onto Tienken be blocked by a queue in the left turn lane, so a full movement driveway was approved by the Road Commission.

Mr. Gaber stated that everyone had heard from their experts, and he hoped that they understood how the site would work and look like if Premier got approved. He said that they would be happy to answer any questions.

Chairperson Brnabic asked how many people attended the open house. Mr. Schmitz said that they sent out postcards to over 3,000 residents, but only three showed up. He acknowledged that it was on Dec. 11, and there was a big snowfall.

Chairperson Brnabic stated that she had quite a few speaker cards. She advised that each speaker would have three minutes. She asked that if previous speakers expressed the same concerns, that someone should just state that the opinion or concern was shared. All questions would be answered together after everyone had the opportunity to speak, and the

Commissioners, staff and the applicants would be taking notes. She explained that Mr. Leo Mendez, accompanied by Pablo Fraccaroli and Alicia Grifka, had asked to represent a group and show a power point.

**Pablo Fraccaroli, 1263 Cobridge Dr., Rochester Hills, MI 48306** Mr. Fraccaroli thanked staff for inviting them to speak. He stated that on September 6th, a survey was released in response to the school proposal. The purpose of the survey was to collect information to be able to form a resident-led group to provide information. The intent was for the group to help advise and influence decisions made by the Planning Commission and City Council. Over the next several months, 238 responses had been received, and the survey validated their assumptions that the residents needed more information about Premier. It also showed that there was a large percentage of residents that wanted to be part of the City's planning and development discussions but were not being currently engaged. They then formed the Community Engaged Planning Committee. The committee had been very busy collecting, analyzing and sharing information. They were fortunate to have experienced subject matter experts on the committee. They were happy to hear that the Planning Dept. had community outreach efforts in store for the future, and they looked forward to working together.

**Leo Mendez, 774 Mendinah Dr., Rochester Hills, MI 48309** Mr. Mendez stated that they had no doubt that Premier Academy was an elite organization that provided a great service to all their customers in continuing education. However, as it related to the submittal, their opposition was purely about the site selection. Through the research they had done, they thought that there were several compelling bits of information to recommend denial of the submittal. He said that as it related to the traffic study, which was well done, he felt that there were some intangibles associated they believed needed further consideration. He stated that it was about more than just congestion at the intersection. The study mentioned that the traffic plateaued or diminished to some degree, but he attributed that to the by-pass traffic that burdened the surrounding neighborhoods. People avoided the intersection, and that would show a reduction to some degree. For every vehicle coming in and out of the site, there would be another vehicle in conflict. 663 daily trips times two was the potential for 1,300-plus daily vehicular conflicts. When they factored in the population of the high school from 2:30 to 5:00 p.m. with sporting events, etc., there were also inexperienced drivers encountering those conditions. Currently, Adams High was under construction. There was extensive site re-work being done, including alterations to curb cuts on Tienken and Adams. He wondered if anyone

had reached out to the school district to understand their new traffic flow pattern and how it would impact the intersection. Once the school year was done, that work would be underway, and he did not think anyone at the meeting could tell them what the impact would be. He came across a 278-page report issued by MDOT in 2011. They engaged an expert team to identify and provide a toolbox for communities to deal with traffic conditions. As it related to traffic signalization, it identified that it was a strategic way in which to shorten travel times at intersections. It also said that signalization improvements might encourage additional traffic and increasing vehicular miles. That meant that as a result of reduced travel times, people would go to the path of least resistance. For the short term gain over the long term, there could be increased volumes of traffic as a result. Another resource he felt was valuable was what the City invested in - the Master Thoroughfare Plan. It had a lot of neighborhood input and consensus. As far back as ten years ago, it was identified that the intersection exceeded traffic capacity. In the projection for 2035, it was anticipated to also be beyond capacity. The area was identified to have beyond average crash rates, and recommendations made for short and long-term solutions showed increased lane configuration at the intersection. If they wanted to invest money in traffic improvements at the intersection, at minimum he felt that should be employed. He brought up the standards the Commissioners were asked to consider for a Conditional Use and Site Plan. That spoke to harmony and context and how the building was appropriate for the site and what impacts there would be on surrounding, existing residential and future development opportunities. They thought that the renderings provided were beautiful and showed a material palette that was consistent with the neighborhood. However, they wanted to point out that when looking at the building in context with the surrounding neighborhood, with just under 15,000 s.f., (he claimed closer to 17,000 s.f.), it was five times larger than any surrounding home. When it came to harmony and context, it was their opinion that it was not necessarily the case. He pointed out the mass and parking lot as it related to its siting, although there would be landscaping, where there was today green space. He said that although the building footprint had decreased, the result of that was a façade that was plainer on the south. On the previous design, there was at least some architectural articulation which was gone in order to provide for the 24-foot drive aisle. As it related to the impact of future potential development, he mentioned the ten acres to the south, and said that their biggest concern was that if someone wanted to develop that site, they would come before the Commission and claim a hardship. They would say that the residential zoning was not suitable given the nature of the school, and they would be unable to market the site under residential zoning. One criterion for



daycare centers was that it needed to abut a right-of-way (existing or proposed) of 120 feet. The first thing someone would do when setting up a site plan was establish where the proposed or existing right-of-ways were. The front yard setback in that residential district was 40 feet. He showed a slide of what he believed was the permissible building area for the site, and he claimed that the building as proposed was in violation of the Zoning Ordinance. The definition of front yard and what established a front yard was either to a front lot line or a proposed right-of-way as indicated on the Master Thoroughfare Plan. For every community he had ever prepared a site plan for, if there were conflicting Ordinance requirements, he had to use the most stringent requirements.

**Alicia Grifka, 537 Rolling Green Circle N., Rochester Hills, MI 48309**

Ms. Grifka believed that drainage was a big deal with the site. Even though there would be a two-stage review process, she felt that it was important to consider it prior to approval. There would be increased storm water runoff that would affect the eco system of the adjacent wetlands. Regarding the outdoor play area, they disagreed with how it had been interpreted in the Ordinance. The Ordinance stated that it should be 100 square feet for each child, but the Ordinance did not state that the minimum should be 1,200. The site plan contained no dimensions to verify the amount of play area being provided (2,164 s.f.). The plan only provided 14% of the required space. The largest class, according to the applicants, would be 24 students. She wondered what would happen if there was two classes outside at once. The applicants claimed that there would only be one class outside, but potentially, there could be two classes outside. She concluded that they were requesting that the Commissioners deny the Conditional Use and Site Plan as presented, because it did not demonstrate that it met the Zoning Ordinance. The reason they had such a great community to live and work in was because it was a zoned community with a well-written, well-crafted Zoning Ordinance.

**Cecilia Strine, 2962 Mohawk Lane, Rochester Hills, MI 48306** Ms.

Strine noted that she lived on the first street north of the intersection. As she had expressed in several emails, she remained staunchly opposed to the proposal. Documentation existed to show that the corridor was already beyond what it should be for vehicular capacity. The traffic impact study did not count cut-through traffic, which she stated was exactly the point. She sat in her driveway one morning and counted almost 160 cars between 7:00 and 7:30 a.m. It was the same in the evening. That was why the traffic was not on Adams and Tienken - it was in her neighborhood. When they bought their home 25 years ago, it was

*strictly a residential area with the only exception being the high school and middle school. If the variance was allowed, it would set a precedent to invite other non-residential development and add more traffic. Mr. Tisdell, Mr. Davis and Mr. Schneck kindly came and witnessed first-hand the traffic issue in the Judson Park neighborhood. She asked them to please carefully consider the full scope of the ramifications of traffic and the road beds, local home values, the eco system, safety of drivers and pedestrians, and compatibility with current construction, etc. She was sure it was a wonderful school. She was a retired teacher, and she admired what they did. It was just not the right place for it. She observed that there were other possible locations in the City that would be far superior with less substantial negative, all-encompassing, multi-factor local impact.*

**Michael Wilusz, 61387 Glenwood Trail, Washington, MI 48094** *Mr. Wilusz said that he wished to speak on behalf of Mr. Schmitz and JS Capitol and Mr. Schmitz's character as a human being, builder, developer and business owner and how that translated to economic growth and job creation. He stated that JS Capitol and Premier Academy would have an overall positive impact in Rochester Hills. He had known Mr. Schmitz and his wife, Danielle, for seven years. He personally was the Director of Operations at St. John Lutheran Church and School in Rochester. Although Premier Academy was a competitor, they had been a good supporter, sending kids his way when they did not have room at Premier. He knew that Mr. Schmitz grew up in Rochester Hills, and that he was active in the community. He attended Rochester Adams football games on a regular basis. That did not have much to do with approval of the Site Plan, other than to show that he was ingrained in the community already and wanted the same things many of the residents wanted. His (Mr. Wilusz') board was actually in the process of evaluating their campus for renovation and improvement, so he understood the concerns about massing and how it related to the other spaces. If it was shown in a white picture, as was done by a previous speaker, it would stand out. But when looking at the color palette and landscaping, he maintained that it would fit very nicely into the community. There would not just be traffic added; a business owner in the Rochester Hills community would be coming, who had done nothing but improve the communities in which he established businesses. The parents who attended Premier Academy in Oakland Township supported it. Mr. Schmitz wanted anything he touched to be of the highest standard possible. He had volunteered numerous hours to their project work at St. John. He had helped them develop a master site plan that they would be presenting to the City of Rochester on January 3rd.*

**Tony Scott, 1427 Oakbrook E, Rochester Hills, MI 48307** Mr. Scott said that as a father of six children from five to 14, finding a good school with a quality educational foundation was very important. He also felt that having Premier Academy in the neighborhood would be a great addition, not only for the local area but for Rochester Hills as a whole. Regarding the traffic flow issues, he travelled the intersection every day, so he had been in it. He had watched cars stack up at the intersection, and as traffic went through, the majority going east turned onto Tienken. He thought that extending the lanes would only improve the area as a whole. He hoped that the Commission approved Premier Academy, because it was a great organization that did a lot for the community.

**Terry Lanker, 583 Snowmass, Rochester Hills, MI 48309** Mr. Lanker brought up storm water drainage in the area. As he understood in the Environmental Impact Statement, page 1 item five, it stated that "site drainage to existing drainage will go into the drainage ditch located in the southeast corner of the site," which he assumed would go into the wetlands. He stated that the wetlands drained into Shadow Woods. He said they had a broken system that the City had never addressed. He had pictures of what some of the residents had done around their drain, which was the only drain for the whole system. He asked why they would put a lot of work into the drain. All the materials plugged up their system, and they have had floods. He gave the pictures to Mr. Davis. The EIS stated that "storm drainage design reduces the above mentioned negative effect." He did not know what that meant, but he guessed that rain did not soak in to natural soil as well as into roofs and asphalts. Given that the proposed site currently consisted of two single-family houses without a heavily wooded area and no means to control storm water, he thought that the City needed to put in some kind of storm water pump and take it somewhere else. They did not want it in Shadow Woods, and they could not handle it.

**Sara Jung, 2243 Norfolk Dr., Rochester Hills, MI 48309** Ms. Jung stated that as a Rochester Hills resident, the traffic could be difficult at times, but she was glad that her community was selected to be a second location for Premier Academy. She was a former Premier Academy parent. The owners, Jeff and Danielle Schmitz, were there for her and her girls as she embraced a new life as a single parent. Not only did Jeff say that his Premier was an extended family, they literally were. She was also a fifth grade teacher, and she could attest that children and their families needed educational options in their neighborhoods. Children had a unique set of skills in which to learn, and not all children learned the

same way. To have Montessori and traditional education available in the community would be a win for everyone. It would enhance the community, the children, the community school system with more education options, and be a resource for dual and single parent households. As a single working mother, she was glad she found an extended family through Premier. She drove all the way from Rochester Hills to Oakland Township because of their culture, values and faith-based education. She stated that Premier Academy would be a fantastic and needed addition to the Rochester Hills community, and she thanked the Commission for allowing her to speak and for their service to Rochester Hills.

**David Sharrer, 4774 Goodison Place Drive, Rochester, MI 48306** Mr. Sharrer said that he was an Oakland Township resident, but he was a part owner of a business at 2990 Technology Drive, a member of the Rochester Chamber and graduate of Leadership Oakland class of 2018. When he first heard about the project through social media, he was pretty much against it, thinking that there would be no traffic study. He also drove Adams Rd. every day. What was compelling to him was the fact that the traffic study showed that there would be no material change with the addition of the school. He said that was a bonus. He was happy to hear from the other side, and happy for the opportunity for all communities to address the path of least resistance. If they started to look at a 2035 plan together, perhaps they would start to look at Brewster Rd. and some of the other north-south thorough roads and understand that Adams was a path of least resistance for people coming from the north and driving through Rochester Hills. He encouraged everyone to support the proposed Premier Academy.

**John Birg, 1994 Rainbow Dr., Rochester Hills, MI 48306** Mr. Birg commented that he held the family environment at Premier near and dear to his heart. His son was a former student and during a rough patch, Mr. Schmitz and his wife were gracious enough step in and say they still wanted his son to attend, and that they would take care of them as if he were one of their own family members. That meant a lot to him. He had driven the intersection for the last 27 years, and it was basically the same as when he was in high school. There were more cars, but no improvement, so any improvement would be a bonus. The school was a place people could not find anywhere else in Rochester Hills. They drove all the way to Oakland Township, and it was a bonus, because he did not even know that Mr. Schmitz was affiliated with the organization. He understood that community, value and family were true testaments to Rochester Hills. He noted that he and Mr. Schmitz went to high school

together, although Mr. Schmitz graduated a year before him, and they played football together. Everyone he grew up with was starting to migrate back to Rochester Hills to raise their families, and the new school would be a good opportunity for them.

**Jason Hanley, 2888 Bay Hill Ct., Oakland Township, MI 48363** Mr. Hanley stated that he was present on behalf of Premier. Recently, his youngest son graduated from kindergarden. He said that when they moved into Oakland Township, Premier was already there. He assumed that there was a similar meeting to vet pros and cons. The outcome of his son and the education and social awareness he received at Premier and seeing the advancements he had made was that he was very glad Premier was in Oakland Township. As a business owner in Rochester Hills, he knew that there were always pros and cons to bringing in a new business and change into any community. Hopefully, there was thought towards the future of the kids and parents who would benefit from the change, which would be a great change for the community.

**Erin Strobel, 126 Knorrwood Ct., Rochester, MI 48306** Ms. Strobel said that she was present to support Premier Academy. She was the mother of two young children, three and seven years old. They had been at Premier for the past four years. They had truly become like a second family to hers. She had a special needs daughter, and they had been so flexible and loving and supporting throughout the process. Their flexibility and support was really what allowed her and her husband to go to work every day and not worry about her children in their environment. She understood that the local residents had concerns about traffic. Her family lived within walking distance of Premier, so when she heard that there were concerns about traffic, the thought occurred to her that she had never thought about its presence close to her home leading to increased traffic. Premier's program was truly flexible, and she and her husband had sales jobs. They left the house at different times throughout the morning and returned home at different times. Her kids arrived at Premier at a different time every day, but mostly during the peak hours. There had not been a time in recent memory where she had pulled into the school, and there was a not a spot for her in the circle drive. At no point, even during peak hours, were there more than seven to nine cars. Based on what everyone else had said, she echoed what the school would bring to the community. She and her husband spent a lot of time looking through all the schools and daycare centers in the area. They decided to put their older daughter, who was special needs, into a daycare setting, and she stated that there was no program like Premier within the

Rochester school district. She supported Premier Academy opening a second location in Rochester Hills.

**Beth Tilove, 769 Snowmass, Rochester Hills, MI 48309** Ms. Tilove noted that she lived in Shadow Woods. She wanted to reiterate what their HOA president said, and make it a matter of public record that they understood that there was already flooding. The detention area was not function properly. Their aim was that whatever plan was approved, that they made sure that the retention area was functioning properly and that it could function with an increased amount of water created by the new construction. It was her understanding that people driving south on Adams would not be able to turn left into the school, so she wondered what the signage would be and who would be responsible for it. She wondered if it was the Road Commission or the school. She also wanted to say that she felt bad because no one had ever said anything bad about Premier Academy. All the concerns had been about the location, and not the business. It was terribly respected, and she had never heard anything bad about it, and no one had ever said anything negative at the microphone about Premier.

**Terry Stephens, 3056 Rolling Green, Rochester Hills, MI 48309** Ms. Stephens said that she lived in the Brookdale Wood Subdivision, and had been a resident since 1980. She had watched the community grow and prosper and she loved the City. She was confounded by the lack of communication, both with the City and the school. She was a former educator and business owner who appreciated the value of what Premier could offer the community, but she wondered why they would not have talked with the residents about opening a new school. That unfortunately created doubt and suspicion. She wondered why they would not want to create good will. The business, and she said that it was a profit making business, wanted to settle their two-story office building on a small residential plot. If everyone would have talked to the residents, they would have discovered how inappropriate the location was, and it should not have been so late in the game. Having gone through all the automated form letters of support, she wondered how many of those people lived around the Adams-Tienken area or even in Rochester Hills. She counted seven that gave addresses, and only one was in the neighborhood. They said nice things about Premier, and the issue had nothing to do with the quality of the school. Her neighbors were knowledgeable, remarkable professionals who the City needed to listen to. It was not just about traffic, although that was a big issue. Those people had done their research and spent a lot of time. They really cared about how the development would affect everyone following the rules, not

*just bending them for convenience and taxes, but for the safety and well-being of the children and fellow residents of the neighborhood. She reiterated that the Commissioners really needed to listen carefully to the well-informed residents.*

**Clifford Johnson, 3542 Charlwood Dr., Rochester Hills, MI 48306** Mr. Johnson had left.

**Emily Jernberg, 3542 Charlwood Dr., Rochester Hills, MI 48306** Ms. Jernberg had left.

**Thomas Ryan Donnellon, 1036 Whispering Knoll Lane, Rochester Hills, MI 48306** Mr. Donnellon stated that they were talking about the passion behind Premier. His son was a student, and they did a fantastic job. The people in red shirts were in support of the school. He wished to talk about how Rochester Hills was a top ten best place to live in America. That was because there was exclusivity to the City, which provided all the best services, the best family-friendly place to grow up, and everything else needed to earn an award like that. Being number one in Michigan was a big award. He had been living in Rochester Hills for 16 years. They had a toddler, but did not anticipate the preschool age and where they would send their kid. They tried other places, including Goddard, so they were willing to travel great lengths to provide the best school. They were not unhappy with Goddard, but Premier provided more. If he was living in an exclusively great area he chose but he had to travel all the way to Oakland Township for childcare, something was failing. The City was growing, and there was a need and demand by young families. He was sorry to hear about the neighborhood with the drainage issues, but those issues happened when a City grew. He would rather see the community behind an institution that would bring positive change to the youth and to the community. They would not let drainage go into the neighborhood. He asked why they would not add a school with such a great reputation that could impact the community positively and add to the exclusivity and impact generations of people moving to the City. The change would come one way or another, so he stressed that the neighbors should all get behind making positive change and not just sit around and wait for something worse to come along.

**John Leichtman, 2788 Tallahassee Dr., Rochester Hills, MI 48306** Mr. Leichtman said that he appreciated everyone's time and thanked the applicants for coming to show the plans. He echoed the concerns that Mr. Mendez and Mr. Fraccarolli put together. The concerns were not about the quality of the school or about the fact that there might be a need

for another preschool in the area. The concerns were about the location of the school and the precedent they would be setting by putting a commercial building on the corner of a very busy intersection on a residentially-zoned property. The larger impact was about what would happen to the property directly to the south of it. There was another large parcel that, if the school went in, would be a prime candidate for a similar business. If someone wanted to buy that house, they would be able to use the decision made for a Conditional Use and put something there. He urged the Commission to consider the precedent that would be set and the process they were using to do it. He asked them to please consider that the decision would impact not only what happened on the corner but also what might happen next to it and to other places in the City. They did not want to be a City where people could put developments on residential property and if they did not get their way, they could sue the City because a similar decision was made five years earlier.

**Raeqen Flinkingshelt, 3474 Aquinas Dr., Rochester Hills, MI 48309**

Ms. Flinkingshelt said that her concern was with the traffic flow and the drainage. Most of the area was very flat, and there were no holding ponds. She did not think anyone mentioned the number of head-on collisions that occurred outside of The Village in the center lane as people tried to make left turns. There was a lot of traffic on Adams, and it all impacted the intersection. She asked how the light at Adams and Tienken was timed. They all knew the traffic was bad, and she asked who was responsible for that.

**Sara Holcomb, 1461 Mill Race, Rochester Hills, MI 48306** Ms.

Holcomb noted that she was a parent of a Premier student. She was a proud Rochester Hills resident who felt passionate about her community. She asked that the Commissioners voted yes on Premier Academy's proposed location. As a teacher, she understood the importance of community. She felt that the community created at Premier was one of excellence. She implored them to look at Premier as an example of what made the area an exceptional place to live. When they moved to Rochester Hills the previous year, they were looking for a preschool for their son. They wanted not only a place where he would get an exceptional education, but a place where they felt comfortable. Before they even moved to Rochester Hills, Premier was a name that was recommended over and over. The first experience they had with the Rochester Hills community was at Premier's meet the teacher night. They were welcomed by the teachers and staff and the families that attended. One parent introduced herself, and they found out that her



daughter would be starting school with her daughter. Since then, many connections had been made with the wonderful staff and families at Premier. They were the very heart of the Rochester Hills community. They were friendly faces at the school, at the gym, sporting events and community events. They had made Rochester Hills feel like home. The Premier staff was like no other. They welcomed her son each day with a warm smile and challenged him to become the best problem solver, learner and thinker that he could be. They had truly become her son's home away from home. As a mother, there was nothing more she could ask. Another reason Premier was exceptional was because it was a community resource to a new resident. Premier worked with many local agencies and talents to bring the best of the community together. Through Premier, they had experienced businesses and enrichment classes and events and organizations through classroom parties, Halloween trunk or treating and a giving tree. She understood that some concerns had been presented regarding the new location. She had always gotten a spot in the circle drive. She believed that was because of drop off and pick up times which were staggered. She knew there were problems with the timing of the intersection, but it was evident to her that Premier would make no additional negative impacts. In fact, the extensions made to lanes could make the traffic considerably better. She could only speak to her personal experiences as an educator and parent. As an educator, she could assure that Premier offered the community an exemplary educational experience for the youngest residents. As a parent, she could assure that the new location of Premier would be an asset to all in the community. She asked them to please consider a yes vote for Premier.

**Lorena Marchese, 750 Medinah Dr., Rochester Hills, MI 48309** Ms. Marchese said that behind their street, they had draining issues. She had lived in the same house for 17 years, and the City had never addressed them. She did not believe it would now be addressed. They had forked out thousands of dollars to deal with the drainage for their home. The cut-through traffic had gotten so bad on Medinah that the kids could barely play in the front yard. She wondered how that would be managed. There were no speed bumps, and they could not tell people not to make a right turn. The traffic was always backed up for at least a half a mile at 7:15 a.m. She could not even get out of her driveway to take her son to middle school. She said that she could only imagine that putting another big school would make things a lot worse.

**Nina Kelly, 2947 Mohawk Ct., Rochester Hills, MI 48306** Ms. Kelly remarked that her house could be seen in almost all the traffic studies

shown. When she looked out her backyard, she would be able to see the development. Someone had mentioned that Rochester Hills was in the top ten places to live in America, and she agreed. The reason they bought there was because they had one and one-half acres of land on Tienken and Adams. It felt like she was in the country, but she could get to stores easily. When they bought the house, she never imagined that she would have to look at a two-story school. She agreed that it was a beautiful school, but she feared that it would be opening a box leading down the road to the entire intersection being commercialized. She believed that the owners of the house on the northeast corner were waiting to ask for a Rezoning. There was a commercial real estate sign on the property south of Premier, and she feared it would be Rezoned commercial. She claimed that would cause her to put her house on the market. She asked the Commissioners to consider what it would do for the intersection long-term and what other proposals would come before them.

**Rachelle Hartley, 1955 N. Kilburn, Rochester Hills, MI 48306** Ms.

Hartley said that she lived north of the intersection. She said that she did not plan on speaking, but she had a few questions come to mind listening to the developers. In addition to the morning traffic flow, she did not hear anything mentioned about the southbound traffic on Adams that would have to turn left at Tienken in order to gain access to the development. There would be several high school students turning into the athletic parking lot. She traveled the area at 7:00 a.m. every day, and the left turn lane was highly congested. She did not see how adding more traffic would allow anyone to get where they needed to be at the high school. The number of existing families in the area that would probably use the new school was mentioned, and they were not currently adding to the traffic flow because they were leaving the area to travel to the other Premier location. They would add to the congestion in the area. She did not know if there would be elementary aged children or if it was just a daycare type environment, but last year, the Rochester Community School district had to shut down elementary schools in certain areas due to the Fire Marshall saying that there could not be kindergarden and first grade on the second level of a school. She wondered how the applicants were getting away with that in the proposed building. She felt that in addition to what others had said, that the community was beautiful, and they did not want to commercialize it. It was a residential corner, and she stated that it needed to remain that way.

**Alison Picot, 1128 Canyon Creek Drive, Rochester Hills, MI 48306**

Ms. Picot said that she had been a resident of Rochester Hills for over 30

years. She went to Adams High School and she was on her third house in Rochester Hills. She and her husband sent their kids to Premier Academy, and she had known Mr. Schmitz for over 25 years. She felt that it was important for the community to know that at one point, the corner was not just residential. There was a business there back in the mid-1990's. The traffic had not changed at all. To some degree, she felt that the community had to trust the traffic studies. There were educated people who prepared them. She lived by Tienken and Livernois. When they put in the roundabout, her small subdivision of people were furious. She said that the roundabout had cut the traffic through their subdivision by more than 50%. The amount of people cutting through lessened because they were able to increase the flow and efficiency of the intersection. It was actually good. Mr. Schmitz had been a community member for years, and he built a home in Shadow Woods, and he would not intentionally do anything to cause additional harm. That sounded like something the City should be addressing. The type of education that would be provided at the institution would only contribute to the educational programs and awards that the schools in Rochester Hills were known for. The people had high expectations in the community. She had taught at all three high schools, and the children were offered things above and beyond other surrounding communities. The new school would only contribute to that. She thought that it was inevitable that new things happened in the community. It grew and changed, and they adapted. If they did not approve Premier, it would be approved in three years by someone else. She felt that allowing someone who grew up in the community, who contributed to the community and would continue to contribute should be looked forward to and approved.

**Tracy Fraccarolli, 1263 Cobridge Dr., Rochester Hills, MI 48309** Ms. Fraccarolli said that she was a little confused, because there had been a lot of talk about students and faculty and classroom sizes, and she wanted to know if it was a school or a daycare. If it was a school, she wondered if a Conditional Use would apply. She asked how optimizing the signals would affect pedestrian crossing. There had been kids hit by cars in the intersection. Her kids went to Adams and Van Hoosen, and it was a real concern for parents, because there were kids walking to school in the dark at 7:00 in the morning. She asked if it was a school and there were holiday events or teacher conferences where all the people would park. She wondered if people would park at the high school and walk over.

**Cameron Evans, 1452 Royal Crescent, Rochester Hills 48306-4052**  
Mr. Evans said that he lived north of Tienken between Brewster and

*Livernois. He drove the route every morning taking his daughter to Van Hoosen. It was problematic, which did not come as a surprise, because the applicant's expert said that the intersection was an "E." He stated that E was not good enough, that E was failure, and that E did not represent one of the ten best places to live. He asked them to stop the Conditional Use until the intersection was addressed and fixed the way it should be. He said that there were cameras that sat up at the intersection that were already supposed to automatically adjust the traffic light based on the traffic flow. He was not sure what else could be done when it was already computerized. He asked Mr. Gaber if there would be one continuous left turn lane, and if it would require Tienken to be extended or if they would just "jam in" a left turn lane where there were only two lanes. People already drove on the wrong side of Tienken going westbound in the morning to get to a left turn lane because they were sick of waiting 12 or 15 minutes to get from Brewster through the intersection. He asked if there would be a right out only exit onto Tienken. If someone tried to go left, there were bound to be near misses and accidents. When he exited Van Hoosen, he came southbound on Adams, and he took a left onto Tienken. There were kids who cut through the subdivision northeast of the intersection. They came out, took a quick left and immediate right into the athletic parking lot. It was dangerous, and they would now be adding to the traffic that had to make a left onto Tienken to be able to turn right into Premier, because they would not be able to make a left from Adams into it. He reiterated that the intersection was an E, and their expert said that the traffic would get worse not better, even with all the improvements. He asked them to please vote no.*

*Chairperson Brnabic thanked everyone who came out to participate and to speak. She asked Mr. Gaber if he wished to respond to some of the questions.*

*Mr. Gaber stated that they felt that it was a great location for the Academy. It was a school zone, with two large, prestigious schools across the street. From a compatibility standpoint, it made more sense to have another type of institution like those. In terms of the massing, he thought that things could be made to look the way people wanted, but the slides that showed the height and mass and compared it to a typical, two-story single family home in the neighborhood were pretty compelling. Regarding precedent, he felt it was somewhat overblown. The property was zoned and master planned residential, as were the surrounding properties. Therefore, an applicant had the right to do what was permitted or apply for a Conditional Use. Conditional Uses included more than schools, but not businesses, per se. He did not see a precedent for someone to*

*Rezone the property for a retail outlet or something else, because the zoning criteria was for residential. He maintained that people had a right to develop their property, and the purchaser of the Premier property had that right as well.*

*Ms. Elliott said that there was an issue with the playground size. The State of Michigan child licensing rules stated that a center operating more than three hours needed 1,200 s.f. of space unless it was a really large center. Rochester Hills required 100 s.f. per child. Based on the size of the facility, there would be a limit in classes using the playground. One class would potentially have 24 students, but that would be the maximum. There would be signs posted on the playground, and staff would be trained and aware of the policies to have one class at a time. In the rare case that there would be over 21 students, there would be an additional teacher or they could also utilize the gym.*

*Mr. Gaber introduced Mike Peterson, Civil Engineer. Mr. Gaber said that as Mr. Davis had mentioned, the engineering was somewhat preliminary, and the details would be developed as they went through construction plan approval. Mr. Peterson advised that they met with the City's Engineering Dept. to make sure that what they wanted to do would work, and that the drainage would be accommodated. Currently, water flow was unrestricted from the northwest to the southeast, where it exited. Part of that drainage was from the intersection. There was a culvert that ran between the two houses, and there was a swale that ran across the property to the southeast. The intent for the project was to take that drainage, reroute it across the north side of the site and take it down the east side of the site and discharge it into the same spot it was going now. Mr. Davis had talked about a gravity system versus a pump system, and he agreed that to accommodate for gravity, the site would have to be raised four to six feet. Through a lot of discussion, they felt that they had come up with a solution with the pump system. Someone had mentioned the water from the site percolating into the ground. The intent was to collect the water produced by the hard surfaces, as required by the City's Engineering Design Standards and the Drain Commission Office, and clean it and put it into a detention system (underground pipe). It would then be let out at a very controlled and much reduced rate over what was happening now. There was mention about increased volume. One of the things they would look at with a more detailed design was possibly perking some of the water into the ground by using a pipe with holes in it underground. The design would also need to look at the percolation of the ground and the soils of the ground.*

*Mr. Gaber asked Mr. Peterson to explain how the extension of the center left turn lane would run. Mr. Peterson said that they had numerous discussions with the City and the Road Commission. One of the suggestions was to increase the stacking space on Tienken. They were not going to squeeze it in, but they would expand Tienken on the north side. The Road Commission was comfortable with the planned geometrics. It was not something the applicant had to do, but it was something that Mr. Schmitz felt would help the situation. They could not fit an additional lane, so the existing left turn lane would be extended.*

*Mr. Peterson advised that there would be signs regarding right-in, right-out put in place by the applicant, but they would be reviewed by the Road Commission and the City. He said that all of the setbacks and dimensions for the project were correct and had been reviewed by the City and the Road Commission. The Road Commission had no plans to widen either of the roads. Regarding downstream flooding, he said that they could only accommodate what they could do on their site. The water from their site would be treated and cleaned prior to going into the detention system, and as it exited the site, it would be free of debris. If there were issues downstream, it was perhaps something the City could look at.*

*Mr. Gaber asked Ms. Elliott to address the question about whether the proposal was a school or daycare. Ms. Elliott said they considered themselves a private preschool. They had kids as young as six weeks, and they went through kindergarden. She maintained that even their youngest students were doing more advanced things. They taught infants sign language and different art mediums. All of their teachers submitted lesson plans, even for infants, so they could see what fine and gross motor activities they were doing. They got an elite education from an early age.*

*Mr. Gaber asked Mr. Labadie to address traffic questions. Mr. Labadie had not been aware that the high school was proposing driveway changes. He hoped that they would consolidate a couple of driveways and move them further away from the intersection. He stated that the implications on the project were not measurable. The development was less than a second in the morning and less than four seconds in the afternoon of additional delay in the traffic. That was the impact. Cut-through traffic was also not measured, and it would not typically be unless asked. He said that it would take a wholesale improvement of the intersection and the roads in order to potentially make a difference in that. It was not traditionally counted in a study of the size and type of*

development. Mr. Gaber recalled that there were programs the City had to deal with traffic mitigation in neighborhoods.

Mr. Davis agreed that the City had a traffic calming program. There were a couple of ways to deal with cut-through traffic. One was to improve the major roads so people did not seek other routes. They could widen Adams and Tienken to five lanes. In the past, both roads had been discussed, and on a community level, people did not want the roads widened. There were over 22,000 vehicles per day on Adams, and that was stressing the amount of capacity a two-lane road could handle. The option was to try to discourage people from cutting through the subdivisions by installing speed humps. Someone spoke from the Hawthorne Subdivision. They went through the program and had a number of speed humps installed. There was currently a request from the Judson Park Subdivision to study it. The City had not gotten the speed data reviewed, and it was currently being reviewed by a consultant. If the speeds were high enough, and the subdivision qualified, which was six miles per hour over the speed limit (31 mph), speed humps could be further pursued.

Chairperson Brnabic asked if the City had ever evaluated the area regarding storm drainage issues. She asked if there had been prior complaints or if it was something that had just come up due to the proposed new development. Mr. Davis said that he was aware of complaints in the past. Many years ago, a homeowner south of the proposal on the east side of Adams complained about issues with the Brookdale West Subdivision sending too much drainage across Adams Rd. and causing flooding east of the property in his yard. Mr. Davis said that the subject site was not unique in requiring storm water detention. All developments were required to follow the standards. Storm water detention was provided to offset a site becoming more impervious. When a site was paved and a building was put up, instead of having ground cover that could allow some drainage to soak in, it increased the amount of storm water runoff from any property. Detention was an accepted means of trying to offset additional drainage. The property currently had existing drainage from the intersection that ran through it. There was a ditch that exited the southeast part of the property and continued east to the Shadow Woods Subdivision. From there, it entered into their privately-owned storm sewer system, eventually to their detention basins, and they in turn released water into other subdivisions' systems. When the City had a known problem with flooding, they would investigate, but oftentimes, it turned out that it was difficult to maintain certain structures that might get flooded and covered with debris during large storm events.

*When those inlets got covered with debris, the water could not get into the storm system. There were a number of instances in different areas in the City where that occurred. He said that he could certainly work with the Shadow Woods Subdivision. What was proposed for the subject site was a pass through flow from the existing flow from the intersection and on the site, the water would be detained to offset the increased storm water. That was typical of any development in the City. Another area directed towards the Shadow Woods Subdivision was the basin on the west side of Adams. That was south of the subject site. There has always been a lot of water going towards Shadow Woods. Even before the subdivision was built, the area drained from northwest to southeast. .*

*Mr. Labadie said that one lady wanted to know who was responsible for the signal and the intersection, and he advised that they were both under the jurisdiction of the Road Commission. Someone else brought up how people from southbound Adams got into the site. He said that they would have to get in the southbound left turn lane to make a left onto Tienken and make a right turn into the site. There would be no southbound left turn at the driveway on Adams. Someone asked about pedestrians if the signal timing was changed. He said that the timing had to incorporate pedestrian crossings. It was not a matter of taking pedestrian time away or making the crossing any more dangerous; it would have what it was supposed to have based on the width of the street. A gentleman talked about timing and cameras. Mr. Labadie agreed that the signals were supposed to work, but they did not have an endless amount of time. There were maximums and minimums within their phases. The traffic volumes had changed to the point where the maximums and minimums at the intersection were not appropriate. He did not think he said that the traffic would get worse. He said that the impact from the development on the operation of the intersection would not be perceptible. He said that the extended right turn lane and extended left turn lane were not justified as needed in the study. Mr. Schmitz was doing those on his own. They would be improvements to the intersection that would make it work better and allow cars to get into the turn lanes sooner and not block the through lanes for cars trying to get through the intersection.*

*Mr. Gaber clarified that neither Mr. Labadie nor the Road Commission were recommending any restrictions on the ingress and egress movements off of Tienken. Mr. Labadie said that was correct.*

*Mr. Schmitz thanked the residents for coming out in favor or against - he could appreciate both arguments. At the last meeting, the Planning Commission asked him to do a number of things: consult with a traffic engineer, order a traffic study and meet with the Road Commission. He*



*had done all of those things. He reached out to over 3,000 residences in Rochester Hills to invite them to an open house to discuss concerns. Three residents showed up. It was a little disappointing because of the amount of money and effort his staff went through to reach out to the community to listen to people. He stated that he was not requesting any Variances. He was trying to build something in the community. He went to Adams. He grew up on Broadmoor Ct. in Shadow Woods. He drove Adams every day. He had not seen any difference in the traffic from 1991 to today. He chose to try to make the community better, and he told the County he would invest \$500,000 in road improvements. He just wanted the Commissioners to understand that he did everything they asked, and he felt that he had gone above and beyond what most developers would do for such a small development. They would be bringing something to the community that was better than they had.*

*Mr. Hooper thanked everyone for coming and participating in the governmental process in Rochester Hills. He asked about the Fire Marshall requirement for elementary schools and if it applied to Premier. Mr. Schmitz said that their architects and consultants followed the State guidelines and the licensing board. The City recently approved a Goddard School that was two stories, and it had the same rules and regulations. Mr. Hooper asked if they complied with certain aged children not being on the second floor, which Mr. Schmitz confirmed. Mr. Hooper asked the ages of the children, and Mr. Schmitz advised that they would be from six weeks to kindergarden age. Mr. Hooper mentioned the traffic study and optimizing the traffic signal timing. He asked Mr. Davis if the City would look into that or if the developer would. Mr. Davis thought that the City should. He was not aware that it was not optimized. He indicated that traffic was an ongoing thing, and it could increase because of other conditions. Sometimes, signals needed to be reviewed and tweaked. When there were power outages, the timed signals would default to a certain condition, and they would get complaints from residents, and the City would contact the Road Commission. The Road Commission might not know a signal had defaulted, and they might not know about road improvements. There were some improvements at the intersection that could have modified how the signal had been timed in the past. It was monitored by the Road Commission, but it was not adjusted every day. If they got complaints, they would investigate.*

*Mr. Kaltsounis believed that there could be no building in a right-of-way. One resident talked about setbacks being measured from the proposed right-of-way rather than the existing. He asked staff about that.*

*Ms. Roediger advised that the current Ordinance required setbacks to be measured from proposed right-of-ways. At the last meeting, the Commissioners discussed an amendment, per the City Attorney, to measure from the existing, because it was not legal to do otherwise without compensation, and it was considered a taking. The City had not enforced the application in the past, and they were looking at an amendment. Mr. Kaltsounis asked if it was an amendment before them on the meeting agenda, which Ms. Roediger confirmed.*

*Mr. Reece indicated that the required size of the playground was not clear to him. To Mr. Hooper's question, he asked if the facility was licensed by the State of Michigan and inspected by the State Fire Marshall. He knew there was an issue in the last year when renovations were occurring at the schools, and they had to be shut down because there were younger children on a second floor. He wanted a clear answer as to whether the facility was inspected and approved by the State Fire Marshall's office, and if all the standards, such as the playground size, applied. He wondered what was required based on the laws. He asked what assurances the City would have that the traffic calming recommendations would occur, since the City did not control that. He asked if there was any consideration for going to a porous asphalt to help alleviate some of the issues with a non-porous site.*

*Mr. Schmitz said that each year, the State licensing members came out to the school and re-issued their license. They did a tour of the facility and checked fire alarms, smoke alarms, what classrooms were operational to what age groups, and they did a thorough investigation. Sometimes, it took two days to get through the process, and it was done every year. Mr. Schmitz said that the local Fire Marshall came out to do inspections every year. They checked with the State licensing people, and got an approval from the City's Fire Department. Mr. Reece said that if it was a school, the State Fire Marshall would have jurisdiction, and Mr. Gaber had brought up in his letter that it was a school. Mr. Schmitz said that they did not like to use the word daycare because they used a curriculum, but they were a daycare.*

*Mr. Klatt assured that the building would be built per code. Children 2 ½ years and younger had to be on the first floor. The building would have egress doors out to grade. The second level would have the older children, three and up, and there would be two means of egress and a staircase at each end of the building. Mr. Gaber asked if the code standards were for a daycare or a school. Mr. Schmitz said that it was set up for a daycare. In order to get through the minutia of the licensing, the*

*building was totally non-combustible. His other Premiers were built out of wood. They could not have a two-story wood structure, and it would all be concrete and steel and totally sprinkled.*

*Mr. Reece asked how it related to the size of the playground. He heard that the City had an Ordinance and the State had an Ordinance, and he asked which was being complied with. Mr. Klatt said that they would have 2,164 s.f. of playground space. The State requirements were 1,200 s.f. minimum. Per the City's Ordinance, it was 100 s.f. per child. They would have a maximum of 21 students in the playground at one time.*

*Mr. Reece asked if it was being treated as a daycare facility from a planning standpoint. Ms. Roediger said that was correct. Mr. Reece considered that was why it needed a Conditional Use. A school would be a permitted use. He clarified that a daycare was permitted with a Conditional Use approval. Ms. Roediger agreed. Mr. Reece stated that there was not a Rezoning or Variance request. Ms. Roediger added that a Conditional Use was the more conservative approach.*

*To Mr. Reece's question about the Road Commission making the change to the traffic signal, Mr. Davis stated that the City had a good relationship with the Road Commission. They trusted the City's judgment. If they told them there was a problem at a particular intersection, the Road Commission would generally check it and oftentimes, a change would be made. If it was not changed, they would give a reason why. It could be that a phase could not be adjusted because of certain constraints. He gave Mr. Reece his assurance that he would work with the Road Commission, and he would either find a reason why they could not change the timing, or they would optimize it. Mr. Reece said that he did not see a reason why Mr. Davis could not go forward with the request to the Road Commission. Mr. Davis said that they met with the applicant, and it was pointed out that the intersection was not optimized. He said he would check into it.*

*Mr. Davis said that as far as porous asphalt, for many years, the City just controlled rate of storm water. A detention basin would be put in, drainage would go into it, and it would be released at a controlled rate. They were now trying to control volume and water quality. It had been mentioned that there would be an effort to clean the storm water, and that occurred with all sites. There were manufactured treatment devices for the purpose of removing sediment out of storm water. The City would also look at trying to control volume. It was better to keep the storm water on the site and infiltrate it into the ground rather than send it downstream into another*

collection system. That depended on the soils. There would be soil analysis done, and it was suggested that they used a perforated pipe. That would probably be more likely than porous pavement. He was fine with porous pavement, and the City's standards permitted it, but there had not been a lot of developers who pursued that option. There was also future maintenance to make sure the pavement did not get clogged up in the future. Mr. Reece said that he would like a condition added that they studied porous pavement along with other options.

Mr. Anzek reminded that it would be a private facility, and it would not be exempt under State law. They would have to submit building plans to the City. Mr. Reece noted that the City's Fire Marshall did not have jurisdiction over schools. That was a big difference. Mr. Klatt said that they met with Mr. McEwen of the Building Dept. to review the code analysis, and he was in approval of what they were proposing.

Ms. Morita thanked everyone for coming and taking the time and for the presentation. When changes were made in the community, the City liked to hear from the residents. For those residents that came to the last meeting, they should know that because of their concerns, the property owner made changes and improvements to the plan. She also had concerns about what guarantees they would have, if it went forward, that the improvements to both Adams and Tienken would come to fruition and about the timing and optimization of the signals. She suggested that if the Planning Commission was granting an approval, that the improvements on Adams and Tienken would be at the applicant's sole cost. The Commissioners had to try to determine that there would be no economic detrimental effect to the City. She did not want a situation where the road improvements were started and not finished. She did not want the City to become responsible for finishing the work. The improvements had to be at the applicants sole cost and completed prior to the issuance of a Certificate of Occupancy. They should not be done during the school year, because they did not want the intersection under construction when they were trying to get kids to school. She understood that might cause some timing issues, but it did not prevent the construction from being done at the same time. It just had to be done before the Certificate of Occupancy was issued. She did not care who made the phone calls, but she would like to see the intersection light timing optimization addressed and improved prior to any construction permits being issued. That way, she hoped the residents would see an improvement sooner as opposed to later. She had gone round and round with the Road Commission about a light by her house, and they made improvements and then there was a power outage, and she had to

*call the City again to call the Road Commission. That would be a continual process. If residents noticed that something got bad again, they needed to let Mr. Davis know. She said that people could also email her, and she would forward it. To Mr. Reece's point about porous pavement and the percolated pipe, she agreed that should be added as a condition. She said that she appreciated the effort.*

*Mr. Kaltsounis recapped that the work to the light timing optimization should be done before issuance of a Certificate of Occupancy. Mr. Gaber stated that the applicants did not control that. They were requiring something to be done by a third party. If something was not done to the City's liking, he said that they would be stuck with it. Ms. Morita reminded that their own traffic consultant said that the traffic at the intersection was at the worst grade it could be. He also said that if the light were optimized, that it would be improved. She personally did not want to put anything else at the intersection that would make an already really bad intersection worse until there was some improvement. She said that she liked the development and the idea of the development, but she did not want the City to be put in a position where they had not done everything they could to improve the traffic at the intersection before they moved forward with increasing the traffic. She did not think the applicants would want that, either. She knew that it could be done; she just wanted it done sooner as opposed to later.*

*Mr. Schmitz said that they could request it, but he felt during the whole process that the traffic was an issue between the County and the City. If there was a power outage and the fixed timing was out again, he wondered who would maintain it or say when it was optimized or not. Ms. Morita said that she understood that concern, but the point was that currently, it was not optimized at all. Until the County optimized it, they did not know what the setting should be. If it went out again, the County could reset it, but she wanted it done before the construction permits were issued. They were not going to start building in a week, so they had a little time to get the light optimized.*

*Mr. Labadie said that he found that the signal timing needed to be optimized based on traffic volumes they counted last month. That had nothing to do with whether there had been a power outage or not. It needed to be looked at, but they would not run out there because Mr. Davis or he asked them to. There might be a good reason why it could only be changed so much. Their ability to get out and look at it was restricted, as they had other things to do. Re-setting the timing was not something they did right away. He maintained that the impact of the*

development would be the same, whether the timing was changed or not. It was less than a second and less than four seconds. It did not seem right to hook the timing to the approval. If a decision was going to be made on the fact that the traffic impact was not perceptible, it would be because there was less than a second and less than four seconds of delay. Whether the timing was changed or not, it did not make a difference.

Ms. Morita felt that the issue was whether the study held water or not. It was either one of the worst intersections in terms of grade or it was not. If it was, there was an issue with adding more traffic at the intersection. She was just asking them to work with Mr. Davis and the County to optimize the light. They should not say that it could not happen. If it was a condition that could not be met for some reason, they could come back before the Commissioners. However, she wanted it to be one of the conditions.

Mr. Davis said that it was in his interest to have the signal right, regardless of whether the development went forward or not. The City wanted it to be the best it could be at all times. He pointed out that he was responsible for issuing a Land Improvement Permit, which generally came before Building permits were issued. He said that he would put the burden on himself. He wanted to be convinced that the Road Commission had a reason they could not optimize it or to tell him that they did optimize it. He would see that the condition happened.

Mr. Kaltsounis thanked everyone for having the passion to be at the meeting. When the project was before the Commissioners in August, he stated that it was not ready. There were claims about traffic and people entering and exiting that did not make sense. He appreciated the data presented. He said that another turning point for him was adding space on Adams. With every development, the Commissioners had to see what they could do to improve an area. He understood there was a traffic issue. They had to make sure the property would work the best way it could. He reviewed the plans for several hours over the weekend. He started in negative, but he came out more positive.

**MOTION** by Kaltsounis, seconded by Hooper, in the matter of City File No. 17-018 (Premier Academy) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a childcare center in the R-1 district, based on plans dated received by the Planning Department on November 16, 2017, with the following seven (7) findings and subject to the following 2 (2) conditions.

Findings

1. *The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.*
2. *The expanded use will promote the intent and purpose of the zoning ordinance.*
3. *The proposed building 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 existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the 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 schooling 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.*

Conditions

1. *Due to current traffic conditions at the intersection, applicant shall work with Engineering to review the light timing optimization, prior to the issuance of a Land Improvement Permit.*
2. *Improvements to Adams and Tienken Roads shall be at the sole cost of the applicant, and be completed outside of the school year term and prior to issuance of Certificate of Occupancy by the Building Department.*

Roll Call Vote:

Ayes: Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder, Schultz

Nays: None

Absent: None

**MOTION CARRIED**2017-0338

Request for a Tree Removal Permit - City File No. 17-018 - for the removal and replacement of as many as 12 trees associated with Premier Academy, a 14,911 square-foot childcare center on approximately 1.6 acres located at the southeast corner of Tienken and Adams, zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021, -022, and a portion of -004, Jeff Schmitz, JS Capitol Group, Applicant

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 17-018 (Premier Academy), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on November 16, 2017, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to replace up to 12 regulated trees with 12 tree credits on site.*

Conditions

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

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

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

2017-0339

Request for Site Plan Approval - City File No. 17-018 - Premier Academy, a



proposed 14,911 square-foot childcare center on approximately 1.6 acres located at the southeast corner of Tienken and Adams, zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021, -022, and a portion of -004, Jeff Schmitz, JS Capitol Group, Applicant

**MOTION** by Kaltsounis, seconded by Dettloff, in the matter of City File No. 17-018 (Premier Academy), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on November 16, 2017, with the following seven (7) findings and subject to the following five (5) 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 proposed project will be accessed from Tienken Rd. and Adams, thereby promoting the safe flow of vehicular traffic both within the site and on adjoining streets. Paths have been incorporated to promote the safety and convenience of pedestrian traffic.*
3. *The Planning Commission has determined that the proposed parking is adequate based on evidence submitted by the applicant that this standard would be more reasonable because of the level of current or future employment or customer traffic.*
4. *Off-street parking areas have been designed to avoid common traffic problems and promote safety for the school visitors.*
5. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
6. *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.*
7. *The proposed development will offer a diversified schooling opportunity for the community.*

Conditions

1. *Address all applicable comments from other City departments and*

*outside agency review letters, prior to final approval by staff.*

- 2. Provide a landscape bond in the amount of \$29,400.00 for landscaping, trees and irrigation, as adjusted by staff as necessary, plus inspection fees, prior to grade certification being issued by Engineering.*
- 3. Due to current traffic conditions at the intersection, applicant shall work with Engineering to review the light timing optimization, prior to the issuance of a Land Improvement Permit.*
- 4. Improvements to Adams and Tienken Roads shall be at the sole cost of the applicant, and be completed outside of the school year term and prior to issuance of Certificate of Occupancy by the Building Department.*
- 5. Applicant shall work with Engineering staff to identify areas of the parking lot fit for porous pavement options, prior to issuance of a Land Improvement Permit.*

*Mr. Hooper stated that the Planning Commission had seen a number of daycares, and he felt that they were a function of society. There were two wage-earner families, where 30 or 40 years ago, that was not the case. The need was prevalent, and it was something all communities should provide. He saw a similar situation with senior citizens. There were a number of assisted living facilities approved in the City with more in the planning stages, and that was also a function of society. People were living longer, and there was a need to take care of seniors in later stages of life. There was a demand that the City needed to meet. In the last several years, he had seen at least five preschools in private homes or in facilities such as the proposed. There was a need, and they were definitely used by the citizens of Rochester Hills. He commended Mr. Schmitz on the support received and the kind words said about his character as a developer and owner in the community, and the fact that he was born and raised in Rochester Hills and developing in the community. He said that it was not too often that the Planning Commissioners heard those types of comments.*

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

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

*Chairperson Brnabic stated for the record after each motion that the motion had passed unanimously. She wished the applicants good luck and congratulations.*

*Break from 10:00 p.m to 10:10 p.m.*

- 2017-0525** Recommendation of an Ordinance to amend various sections of Chapter 138, Zoning of the Code of Ordinances of the City of Rochester Hills, and to prescribe a penalty for the violations thereof, and a review and discussion of Chapter 134, Signs, Planning Staff

## **NEW BUSINESS**

- 2007-0190** Request for Approval of the Final Site Condominium Plan - The Commons South, a twelve-unit, single-family site condominium development on 3.98 acres, located on the north side of Shortridge, east of Livernois, Zoned R-4, One Family Residential, Vaqar Siddiqui, Applicant
- 2017-0577** Public Hearing and request for Conditional Use Recommendation - City file No. 17-036 - to construct a drive-through at a relocated Burger King restaurant at The Winchester District, an outlot on the property at the southwest corner of Rochester and Avon Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners, LLC, Applicant
- 2017-0578** Request for Tree Removal Permit - City File No. 17-036 - for the removal and replacement of as many as seven trees for The Winchester District, a proposed shopping center redevelopment with the addition of a relocated Burger King restaurant and two new outbuildings, located at the southwest corner of Avon and Rochester Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners, LLC, Applicant
- 2017-0576** Request for Site Plan Approval - City File No. 17-036 - The Winchester District, a proposed shopping center redevelopment with the addition of a relocated Burger King restaurant and two new outbuildings, located at the southwest corner of Avon and Rochester Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners. LLC, Applicant

## **ANY OTHER BUSINESS**