

## UNFINISHED BUSINESS

- 2019-0070 Request for Conditional Use Recommendation - City File No. 19-003 - to add a pharmacy with drive-through at the existing Meijer store located at the southeast corner of Auburn and Rochester Rds., zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Craig Armstrong, Elevatus Architecture, Applicant
- 2019-0071 Request for Site Plan Approval - City File No. 19-003 - to add a drive-through pharmacy, update the facade, improve entries and the garden center at the existing Meijer located at the southeast corner of Auburn and Rochester Rds., zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Craig Armstrong, Elevatus Architecture, Applicant

## NEW BUSINESS

- 2018-0282 Request for Final Site Condominium Plan Recommendation - Berkshire Site Condominiums, a proposed 13-unit site condo development on 4.3 acres, located on the east side of John R, south of Hamlin, zoned R-4 One Family Residential; Parcel No. 15-25-351-045, Francesco Bartolotta, Applicant
- 2019-0004 Request for a Tree Removal Permit - City File No. 17-043 - for the removal and replacement of as many as 204 regulated trees for Legacy of Rochester Hills, a proposed apartment complex on approximately 22 acres located at the northeast corner of Adams and Hamlin Roads, zoned R-2 One Family Residential and governed by Consent Judgment, Parcel Nos. 15-29-101-022 and -023, LRH Development, LLC, Applicant
- (Reference: Staff Report prepared by Kristen Kapelanski, dated March 15, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)*
- Present for the applicant were Jordon Goldberg and Eric Bell, Goldberg Companies, 25101 Chagrin Blvd., Suite 300, Beachwood, OH 44122; Rachel Smith and Lynn Whipple, PEA, 2430 Rochester Ct., Suite 100, Troy, MI 48083 and Gary Ogrocki and Tom Nester from Dimit Architects.*
- Chairperson Brnabic stated that the Planning Commission's role was not the usual site plan review process. She explained that due to the Consent Judgment for Legacy of Rochester Hills, the Planning Commission's review would be limited to whether the site plan was consistent and compliant with the amended Consent, and whether any Ordinance requirements not specifically mentioned in the Consent were in compliance. She asked Mr. Staran to further explain the Consent Judgment.*

Mr. Staran advised that the site was the subject of a previous Consent Judgment. About a year ago, City Council approved an amended Consent Judgment, which amended the Consent from 2006. The original Consent provided for a level of environmental remediation which, when completed, the property would be redeveloped as a mixed-use, commercial and office project. That development never came to fruition due to a number of reasons, including the decline of the economy. The new Consent provided for a much higher level of environmental cleanup and remediation, and instead of a mixed-use office and commercial project, it would be a multi-family residential apartment project. They would cover about ¾ of the site, leaving the easterly portion as a passive, landscaped, undeveloped open space. Chairperson Brnabic was correct about the limited scope of review. The amended Consent already gave conceptual site plan approval to the project, for things such as the general layout, the number of buildings, access, building height, parking areas, which had been pre-determined. Similarly, a great deal of the environmental cleanup had already occurred. The portion of the site where the redevelopment would occur was mostly complete - in some cases, fully complete. It was his understanding that there was an application for a No Further Action determination by the MDEQ. The significance of that was when it was issued, it was stating that the property was cleaned to the highest standard and no further work needed to be done, and there were no further restrictions would encumber the property. There would be further work taking place on the eastern portion of the site, often referred to as Parcel B. That was where the worst of the waste contamination (paint waste) was. That would be encapsulated and capped to forever keep it in place and protect anyone who came on the site. The Consent governed the site plan features, including that there would be a 100 foot setback along the northern property line to provide a landscape buffer to the residents to the north. The eastern portion would remain undeveloped. He added that the Consent governed signs, a gateway feature, drainage and utilities, lighting and parking and loading. The Commission would look at the landscape plan and come to some type of approval. He asked if there were any further questions.

Ms. Roediger put some slides on the screen. She realized that it was the first time the plan had come before the Commissioners, but she noted that staff and the consultants had been working on the project for two-and-a-half years. She pointed out that the original Consent was approved in 2006 for office and retail. When the City was approached by the Goldberg team in 2016 to talk about doing residential, the City knew the history of the area and knew that they wanted residential, so they thought it was a good idea to dig into deeper. That was what they had been doing for the last two-and-a-half years. She noted that along with the amended Consent Judgment, there was a Brownfield Plan approved. A lot of the environmental work began in the summer of last year, and as they got into the cleanup, there were some small modifications made. That matter went to Council last week, and Council reaffirmed the direction of the cleanup. They wanted to make sure that was separated from the Planning Commission, because Council already weighed in as it was their responsibility. She pointed out that Mr. Tom Wackerman was in the audience, the City's environmental consultant. ASTI had been out in the field with the City regularly during the cleanup and had reviewed the plans. Mr. Davis was also present to answer any engineering questions.

*Mr. Bell stated that they were excited to be there. For the last two-and-a half-years, it had been all about Consent Judgments and cleanups, and now they got to get to the fun part. Even though the Commission's review was limited in scope, they wanted to brag a little about the project they were bringing to the City. They hoped that by the end of the presentation, the Commission would be comfortable recommending approval to Council. He advised that he and Mr. Goldberg were the third generation of management of Goldberg Companies, which was a 60-year old, family-owned real estate business. They had been building apartments for most of those years. What differentiated them from others was that they were generational holders of real estate. They planned it, they built it, they owned it and they managed it for generations. He felt that was special because as important as it was to hear from them about the plans, they were also the people called if something was not liked in five or fifteen years.*

*Mr. Goldberg stated that when they took on a site, they developed it for the site itself. He commented that it was a very unique site. They would own the property in 30 years. From the finishes to the amenities, they made sure they spent the most money they could to make sure it looked the best, rent the best and would look even better in ten years, from landscaping to the counter tops to the cabinet quality to the fitness center. He likened it to owning a high end hotel for people to live there a full year and longer. Their average tenant age was much older than at other comps being built. That was because they built bigger units than anyone, and they spent more money. They expected to average about \$2000 a month in rent, which he felt should be the highest in the whole area. They were building a 12k s.f. amenity space with everything from a golf simulator to a resort style pool, business center, conference rooms and a fitness center that would rival almost any other facility out there. They tried to be one stop shop. He indicated that sometimes cities got concerned about different residents coming in and what might happen. He wanted to assure that they marketed themselves to the existing residents who wanted to downsize and to individuals looking to buy homes in the area. They tended to get a lot of residents that wanted to be in Rochester Hills. The average incomes of the residents would be over six figures. He stated that they would be good neighbors and they would be there to support the development for the next 30 years.*

*Mr. Bell mentioned that they spent a lot of time over the last couple of years working with administration, Council and especially the neighbors who abutted the project. They felt that they planned it in a way that was sensitive to them. They put the two-story buildings closest to the residents to have the least impact, and the higher buildings were closer to Hamlin. He felt that the input they had gotten was very important.*

*Mr. O'Brocke gave a summary of each building and how it looked. The buildings to the north were two-story with garages underneath. He also showed a view looking south from the residences of the buildings to show the scale and character of the building. The City wanted the architecture to fit in with the surrounding buildings, so there would be stone, hardy board, stucco paneling, brick and large windows. They added a couple of dormers in the center section. The larger buildings were along Hamlin. He showed the ground floor entrance*

lobby with a two-story overlook. He remarked that they were given a very nice budget to do the nicest space they could. He showed the pool area and game room floor. He showed a picture of a sample unit as a reference of the finishes. He noted that the pool was not 100% designed, but he showed an example of what it might look like. There would be carriage houses with garages underneath and two carriage apartments unit above. He pointed out the maintenance building and dog spa. There would be a mail center. They had been working with the City on a gateway design. It would have their logo and the City's logo, and there would be a water feature.

Ms. Whipple explained that they had started out with a plan that met Ordinance requirements. They met with the neighbors, and they were able to add several trees to the buffer area along the north side of the property. They put in several trees on the east side to help buffer the neighbors from road noise.

Ms. Smith talked about the underground utilities. There would be an underground detention system with 12-foot diameter pipe to hold the stormwater. There would be a mechanical pretreatment structure that would treat the water before it went into the detention system and be released slowly towards the east to Innovation Hills. They were working with the Parks Dept. and the Engineering Dept. on that. The stormwater would go into the ponds being designed at the park and eventually into the River. There were two existing stubs for sanitary sewer to the property line along the northern property line they would connect to. There would be a new water main loop around the whole site with connections to the north to Adams Rd. and to Hamlin Rd. They were providing a stormwater overflow route that also would go towards the Park. They were providing a berm at the northeast corner to help direct any stormwater to the Park. Nothing would go to the north into the neighboring properties.

Ms. Morita asked for Sheet L-1.2 to be put on the overhead. She stated that on the east side of the property, she loved the number of trees, but it seemed as if a lot of them were deciduous and not evergreen. She was concerned that there would be road noise from the highway and from Hamlin during the early spring and late fall because of the type of trees. The trees along Hamlin looked deciduous. Ms. Whipple explained that the ones along the road were all required by Ordinance. They could not fit all the deciduous trees and had to relocate some of them on the property due to the site lines. Ms. Morita asked if the ones closer to the south part of the encapsulated area could be evergreens rather than deciduous. Ms. Whipple agreed that some could be changed. Ms. Morita said that the view for the neighbors at the east end of Portage was such that they could see all the way to the road, and there would be nothing blocking the noise. She said that she would like to see more evergreens. In the area just to the west of the sanitary sewer easement, she noted one evergreen and the rest deciduous. It seemed as if for every two deciduous trees there was one evergreen. Ms. Whipple explained that by the numbers it showed another number which was for a grouping of trees, so they were not single trees. Ms. Morita asked if they could add a few more evergreens around the encapsulated area.

Ms. Morita pointed out the east side of the property and her neighbors' homes. She stated that the way the property was sloping, there was water shedding

toward her property. The previous Saturday night, there was standing water within two feet of her foundation. She never had water there before. The property was sloping toward her property, and she stated that the swale needed to come all the way to the west. The water was heading north and it was not sloping away from her property. There were significant elevation changes on the east side of the property. It went from 830 feet to 837 feet. One spot was originally 827 feet that was now 841 feet. They were providing a swale based on two-foot lines with a two-foot berm on the northern property line, but with the amount of water, especially with the elevation change, it would not capture the water that was shedding off the property to the north. She needed them to take a look at that. If her property was flooded again, she stressed that it would not be good. There was a huge elevation change right behind her house and it was dropping faster than it was before. There was nothing stopping it from going into her yard. It was flooding her neighbors to the east and the west. She recognized that it was an unusual weather condition, but there had been significant rains before, and her yard did not get that flooded ever.

Mr. Goldberg explained that there was what was happening currently and what it would be like once the drainage systems were in. They recognized that there were issues with the heavy storm, and they had been working really hard to find the right solution. They had been talking with everyone, and they were committed to making sure it was fixed and how to best fix it. It was a pre-development issue that was not going to be an issue post-development. They were very concerned about any flooding. They would be committed to do whatever they had to until they started construction, when it would be fixed forever.

Ms. Morita asked what the mounds of dirt were for that had been there since last Friday. Mr. Goldberg maintained that every member of his team was willing to meet with anyone on site and go over how things worked. Ms. Morita said that water just blew through a one or two-foot mound because of the elevation change.

Ms. Smith added that they were doing brownfield cleanup work there. Mr. Anthony, Goldberg's environmental consultant, agreed that it was temporary. The soil piles were for constructing an even larger berm on the north side of the stormwater collection swale they built. They were not done constructing that section. PEA just worked up a new design to make it more robust. Ms. Morita asked if he was talking about underground storage. Ms. Smith said that they could not put any pipes in yet because they had not gotten engineering approval or permits. They were not doing the development work yet. Mr. Anthony said that they were only doing temporary work during the current phase of the construction. Ms. Smith advised that they were digging pits and trenches and whatever they could to keep the stormwater on site. Ms. Morita remarked that they must have missed the truck load after truck load of soil that got dumped on the property in the last couple of days. Ms. Smith said that was for the brownfield cleanup. Ms. Morita said that she was hearing two different stories. Mr. Anthony was the expert on the brownfield and Ms. Smith was the expert for the stormwater for the development. She asked again what the mounds of soil were. Mr. Anthony advised that it was for material for constructing a temporary system to protect the homes while they were going through a phase of the

brownfield work. Ms. Morita asked what it was to protect the homes from, and Mr. Anthony responded that it was from stormwater runoff. Ms. Morita asked why the bigger piles were brought in. Mr. Anthony reiterated that the materials were brought in in order to make the berm more robust. They worked with PEA to design part of the temporary trench to make it more robust so it could handle a higher flow. Ms. Morita indicated that with the way the water was shedding to the north, the plan was not going to work. They were talking about raising the current elevation and having the water's velocity increase towards the northern property line. Mr. Anthony said that they would work with staff immediately. They would make sure that it was protective of the homes. Ms. Morita suggested that the swale needed to be brought farther west. Mr. Anthony said that they would look at that. Ms. Smith said that they had a swale proposed behind all of the buildings on the north side. There would be storm catch basins in the greenbelt behind all the buildings. Ms. Morita stated that there was no swale planned; it was a continual slope downward toward the north property line according to the line elevations. Ms. Smith maintained that there would be a swale. It would be shown on the final engineering plans. They were not allowed to drain off to the north.

Mr. Bell explained that there were two systems; the system they were creating on the fly to protect the homes during construction. Materials had been delivered to the site, and they would be spread in such a way to protect the homes pre-construction. Ms. Smith had been working on the permanent system. He stated that it was critical to them to protect the homes to the north. If their system was deficient in any way, they would make sure it was addressed with staff. Ms. Morita said that she needed them to look at it, and she would like it made a condition of approval. They needed to look at extending the swale further west so the water did not sheet directly north. Mr. Bell stated that they would absolutely do that.

Ms. Smith asked to see Sheet C-5.4. She agreed that there was a small existing area that sloped down that was in the 100-foot buffer they were not disturbing. The new work was all being directed to the Park. Ms. Morita said that she respectfully disagreed. She claimed that it would not all flow east; it would flow towards the path of least resistance, which would be north. Ms. Smith said that they would better define the contours on the final engineering plans. Ms. Morita said that other than that, she wanted to thank the applicants for working with the neighbors. She said that they had been great, and she appreciated it.

Chairperson Brnabic opened the floor to speakers at 8:15 p.m. She reminded people that they had three minutes to express opinions and ask questions, which would be answered at the end of the comments.

**Lawrence J. Schloss, Current Dr., Rochester Hills, MI 48309** Mr. Schloss stated that he was a resident of River Valley. He said that having seen the proposed buildings, they looked like they were meant for downtown Chicago or another metropolitan area. He claimed that it was a residential area with kids, grandkids and open rolling terrain. He did not think the height was suitable or necessary. There would be people coming and going with apartments, which he said was not consistent with the neighborhood. He asked what they were

inviting. The atrium appeared as if it would invite an improvement that was not suitable with the neighborhood. He did not think it would invite the right tenants. He said that he would be remiss if he did not say something about the roads. When they were adding one or two more accesses to the northbound bottleneck at Portage Trail, and he was a safety lawyer and saw problems with collisions and near misses there, there was no regard for safety. There were already three lanes contending for one - the right turn lane and the through lanes. They would add access, and he did not think that was conducive to a residential neighborhood. There had been a lot of near misses with cars competing for one lane. Two cars could not fit side by side. He stated that he did not like the development. He added that it looked like what they might want to see in downtown Chicago or Detroit.

**Edmund Baron, 3310 Greenspring Lane, Rochester Hills, MI 48309** Mr. Baron stated that he was a former City Council member, and he was also on the Planning Commission. He said that he could understand what the members were going through. He wanted to thank Mr. Goldberg and his team. He felt that they wanted to be more accommodating, and he hoped that continued until the matter went to Council. He was quite impressed by Ms. Morita. She took the bone by the heel and kicked it. He commented that he could not wait to see her at the Council meeting. He noted the children's playground, which was located on Parcel A, the residentially cleaned parcel, but it abutted Parcel B, which was the industrial cleanup. It seemed to be an inappropriate location for the play area. If he was a grandfather paying \$2400 per month to live there and his grandkids came over, he would not want them to play next to a contaminated site. He brought up methane gas. He thought most people were familiar with the house that blew up on Park St. The Fire Dept. had to evacuate eight families. It had already happened in the City. That was one of the reasons the neighbors were concerned. He mentioned that Mr. Wackerman had stated that the finance people for the Goldberg Companies were requiring insurance on the property due to concerns like methane gas, etc. Whether it was from the subject site or from across the street, insurance was being required. He said that Rochester Hills was trees, evergreens and hills. He mentioned River Oaks apartments and the berms and trees, and said that it was beautiful, and that it was Rochester Hills. He saw more accommodation for that, and he hoped that it would continue. He asked if the plan had already been approved by the County with regard to the new curb cuts. He felt that was important. He asked Ms. Morita what she thought about the project and if it was best for all of them. They used Adams. He said that the applicants seemed like a very thoughtful group versus the City Council and some other groups.

Paul Boulanger, 2025 Mapleridge Rd., Rochester Hills, MI 48309 Mr. Boulanger noted that the applicants said they had talked with the neighbors, but he claimed that they never talked to those across Adams Rd. They would share the road, but they were never asked if they had concerns. He noticed problems with noise, and he said that it was not all coming from the expressway or Hamlin; it was coming mostly from Adams. He stated that it was a very dangerous street. There were a lot of problems with the traffic, and he said that the street had to be fixed. He hoped that the neighbors got together about it. He noticed that the land was not flat. It went up and down, so some neighbors would see a two-story building, and others would have two-stories on a hill. He did not

know if it would be graded, but perhaps a berm could be added to cut down some of the sounds. He said that people could not go straight across out of the exit onto Adams Rd. to go south. The people on Hamlin would turn north, and the three lanes on each side narrowed down to one. If people tried to cut across to the third turn lane, there would be a lot of accidents. There would be a lot of accidents at the crosswalk. He claimed that it all had to be changed. He was told by the County that the exit onto Hamlin near Adams was too close. He wondered if they had checked with the Road Commission. He wondered if there was a roof going straight across because of the land not being flat. He claimed that he never got the elevations he had been asking for.

Chairperson Brnabic thanked everyone for taking the time to come out and express concerns and ask questions. She knew that some people had an opinion about the height, but she reminded that it had already been determined by the Consent Judgment. She realized that not everyone appreciated certain things, but it was legally binding. She asked Mr. Davis to discuss the comments about curb cuts and things approved by the County.

Mr. Davis advised that Hamlin was owned by the City, which did permit issuance things and maintained it. Adams was owned by the Road Commission, and they would be involved in determining whether a permit would be issued for the curb cut onto Adams. He had seen in the past that they were agreeable to the right in right out only entrance on Adams. The applicants had 700 feet of frontage on Adams and 1,500 feet of frontage on Hamlin. With one right in right out only, he did not think it was unreasonable, and that ultimately, the Road Commission would approve it. Someone said that it was dangerous, but they could say that every four lane boulevard in the City with a crossover, whether it was coming out of a driveway or a business on roads like Crooks or Hamlin had the same situation. It might be self-enforcing. Adams was congested at times, but there was a lot of traffic. Even though the development was in the four-lane section of Hamlin and Adams, it did neck down. In 2015, the latest traffic counts from SEMCOG for Adams showed over 31k vehicles. That was over capacity for a two-lane road, and it would cause congestion at times. It might be self-enforcing for the Adams entrance to use the crossover at times, but there was a Hamlin Rd. option. Traffic was much lighter on Hamlin. There were about 21k vehicles on the four-lane boulevard, so the level of service was not a problem. There was a question about whether the entrance on Hamlin was too close to Adams. The City's Traffic Engineer, Paul Shumejko had commented on the plan. He suggested that the crossover location should be lined up with the driveway to make it work. The traffic engineer for the developer had looked at signal timing and making sure they could make the intersection be coordinated for the development. They were not through the final plan reviews. Engineering would do a full construction plan review, which included a more detailed analysis of the stormwater and where they would work out the final issues with the Road Commission. There had been a lot of progress. If the Planning Commission desired more information, he had brought data from 2015-2017 showing a total of 70 accidents. He knew that it was not the City's most dangerous roadway section for accidents.

Ms. Morita noted that she had mentioned to Mr. Schneck that the developers had pledged \$20k or \$30k towards widening Adams Rd at the Portage Trail



entrance. They were looking at doing some construction on Adams. She asked Mr. Davis if Mr. Schneck had looked into that and if he had an update. The residents were concerned about being able to turn right with the increased traffic.

Mr. Davis agreed that he had talked with Mr. Schneck. Regarding the road overlay work to be done on Adams from Hamlin to Gunn, the Road Commission reaffirmed that the scope of the type of work was well beyond the Adams Rd. resurfacing project. As far as trying to incorporate some work to extend the outer northbound lane up to Portage Trail and have it go into a right turn lane there and perhaps provide a taper lane north of that was beyond the scope of services and they were not going to do it. North of Hamlin, the pavement width was 29 feet. There were two 12-foot lanes for 24 feet and a two-and-a-half foot wide curb on each side. Towards Portage Trail, just south of that, the existing section was 21 feet. It was eight feet too short in order to carry that second lane north. If they tried to extend a lane there and do it on the east side of the road to make it 29 feet and continuous, the roadway would get very close to the existing pathway. The pathway was about ten feet off of the back of the curb. They were ten feet off the pathway by Hamlin, and it stayed ten feet off all the way up to Portage Trail. Even though the road section narrowed, the pathway stayed close to the road. They could not be two feet off the pathway, so there was not room to move it east. It would take a larger project if they were going to continue a second lane up to Portage Trail, and it would probably involve getting into the median and going to the west in order to accommodate the road widening in that area. He maintained that it was not a simple matter to do that project, and he could see why the Road Commission said that it was beyond the scope of the overlay.

Ms. Morita said that as is normally the course for the Road Commission, if the City offered to pay for something, they were definitely receptive. The City did have some available funds, and she wondered if they could at least get something into the CIP process to see how much it would cost and whether or not they wanted to prioritize. She did not know if it would cost a half a million or a million dollars. She felt that they should at least get a ballpark. Mr. Davis said that could certainly be done. He felt that it would be an expensive project. The Road Commission would probably do an early preliminary engineering study of the corridor if they were going to move forward. It was probably a little late for the current CIP, but it could be done next year. He believed that there was already an effort where the Road Commission and the City and OU was looking at the Adams corridor. That was a long term project, but it was in the works. Ms. Morita noted that the study was being done for Avon to University not at Hamlin and Adams.

Mr. Davis said they could look at it for next year's CIP, and even perhaps look at the bridge.

**A motion was made by Kaltsounis, seconded by Schultz, that this matter be Granted . The motion PASSED by an unanimous vote.**

Chairperson Brnabic noted the questions in regards to the children's playground. Mr. Wackerman came forward and stated that he had been working for the City for 20 years. He said that the eastern parcel had been

referred to as a park, but Mr. Wackerman stated that it was not a park - it was a green space. It was not intended for active use. Everything in the environmental business had to do with exposure. That is, how long someone stayed at and used a place. There were two closure standards; residential and non-residential. Parcel B would have extremely low use. The cleanup on Parcel B would be the same as any other commercial property in the State. He was sure people had been to a number of commercial properties that had been contaminated, especially in urban areas. Some commercial properties had been built on landfills that had active gas and leachate collection systems. They were safe. The playground would be adjacent to a treed landscaped area. Trees could go there because the soil had been removed and replaced with clean material. There were portions of the eastern property that were been excavated and backfilled with clean material. The only portions of the property to remain impacted was Parcel B, and that area would be encapsulated. It would have a cap, sidewalls which would tie into the underlying clay, and it would entomb the existing materials on the property. The playground would be a fair distance from that, and it would not abut the contaminated areas. He had no problem at all with use of the playground. The parcel it would be on would be unrestricted residential and as clean as someone's home was (assuming they lived on clean property).

Mr. Kaltsounis asked what would be below the sidewalls and cap. Mr. Wackerman said that there would be natural clay below. He mentioned the methane gas and house explosion on the other side of the City. He said that the subject situation was very different. The other was a sanitary landfill, which generated methane gas. The subject site had paint waste and industrial waste. They did not expect any methane gas to be generated. The applicant would be encapsulating the entire area, which would eliminate lateral migration of any gas that might be generated. There would be two vent pipes, which would act as relief valves. As barometric pressure changed, they would not want to have something like an enclosed Tupperware container that might bulge when the pressure changed. That might affect the integrity of the cap. The vents were being put in primarily to balance the pressure differences. They were also going to be including a gas measurement system. They would measure what came out of the vents, and if anything was unacceptable, there would be a contingency, and there would be action. The other landfill was not managed and maintained, was completely open and had no cap or sidewalls. Regarding finance people requiring insurance, he had no idea what that meant. He would go back and look at the documents, but he had not been asked to make an opinion on financial insurance mechanisms for the site. He was not sure what that was about.

Mr. Hooper asked if the dog park and the exercise equipment area, as well as the playground would be outside of the encapsulated area and in a residentially cleaned area. Mr. Wackerman agreed.

Chairperson Brnabic noted the question regarding elevations and land grading. Ms. Smith explained that in general, the site dropped from west to east about 50 feet. It would keep sloping in that direction when they were done, because of the drive connections to Hamlin. They had to step the buildings down to follow the grade of Hamlin from west to east. Each building would be a lower elevation.

Mr. Hooper summarized that because of the limited review, there was not much he could comment on. In his view, it was a pretty exciting project. People had been talking negative, but he saw it as something that would be quite an asset to Rochester Hills. If the developers did what they said they would, and they did appear committed, he felt that they would be very successful. The project would speak for itself for the City and its residents and provide the necessary cleanup that had been long overdue. He welcomed the applicants, and he wanted to see some of the details worked out, such as the grading. He was sure that would be resolved with the final engineering plans.

Mr. Kaltsounis asked the applicants if they had experience handling brownfield properties. Mr. Goldberg said that it was their first. They took on the site because their environmental people assured us, and because it was to residential standards, it would not affect their financing. They did not require extra insurance, and no letters needed to be shown to residents. It would be a regular residential site like anything else in the country, or they would not have been there.

Mr. Schroeder felt that it was a great development. He walked the site 40 years ago, as he used to be the City Engineer. He worked with people who had an interest, but the unknown about the landfill was a big detriment. He was interested in the landfill, and he asked if it had been virtually all building material.

Mr. Anthony said that was not necessary true.  $\frac{3}{4}$  of the landfill was excavated. The majority of it was not organic matter. From the western edge almost up to where the green space would be, there was broken glass, bricks, and remnants of municipal trash. There was some remnants of construction. Towards the east side were the drums of paint waste, which was associated with industrial. Mr. Schroeder asked if all the buildings' footings would have basements in clean fill. Mr. Anthony agreed, and said that it would be in sand. The clay that was beneath the fill material on the east side was not a pure clay, but it was still an indigenous layer. Whether it was silt or clay it had the same effect in not allowing a downward migration of the water. There had been groundwater monitoring since the mid 1990's. The City had been lucky because the material had not been migrating away. Mr. Schroeder clarified that there was no methane. Mr. Anthony agreed. They did considerable methane monitoring and landfill gas monitoring. Along Hamlin Rd., since 2007, nothing had shown methane crossing Hamlin onto the subject property. There were low traces of landfill gases as opposed to methane towards the east, but it was nothing over a screening level that would have triggered an action. Mr. Schroeder said that some fill from the former ballpark went into Hamlin. Mr. Anthony said that made sense. He could see a truck or two going to the Cardinal Landfill taking a turn over to their property. Mr. Schroeder said that on the house that burned down on Park, it was next to a landfill, and back in those days, there was no control. The DNR gave a permit and they were never there. The landfill was right up against the neighbor's yard. The gas penetrated into their home, which could never happen today with the controls. Mr. Anthony agreed that more investigation was done throughout the State because of that site.

Mr. Schultz commended the architects for putting together a really nice plan and

elevation. The Commission had a lot of aggravation with four stories. The subject proposal offered a lot of fenestration. The material choices were very nice, and he commended the team on putting together a really nice elevation that was in context with the community. It did not look metropolitan, but it was sensitive to the context of the community in which it was going.

Ms. Morita noted that Mr. Baron had asked whether or not she liked the project. A slide of the original proposal was put up on the screen, as well as what the new proposal was. She saw a lot more green on the site now than before. The entire east side of the property as originally proposed would have been parking, and now there would be green space. The developer had been very sensitive to landscaping and working with the neighbors directly adjacent to make sure they were screened. She said that it was not just about being altruistic. If the neighbors were screened, the tenants were screened, so everyone was happy. She felt that they were going to get something that fit in with the architecture of the surrounding subdivisions, which was something they had asked for. Mr. Schultz commended the architect, but it resulted from meeting with the residents. At first, there were more modern buildings that were out of context for the area. They asked them to look around the area and create something that would fit in. She said that she was happier with the project. A big difference between the subject proposal and the one previously was the traffic and trip generation, which would be about 1/3 less if it had been office and commercial. There would be less traffic created with the subject development. There had been a north exit onto Adams originally. The developer was asked by the neighbors to take that out, and it was. She thanked the development team for working with the residents and hearing them. They did want the developers to succeed.

Mr. Kaltsounis summarized that the site was governed by a Consent and the Commission had limited actions. He felt that they had reviewed some features that needed some tweaks.

**MOTION** by Kaltsounis, seconded by Schultz, in the matter of City File No. 17-043 (Legacy of Rochester Hills), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on January 25, 2019, 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 remove 204 on site regulated trees and replace on site with appropriate tree credits.

#### 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 at a rate of \$216.75 per tree.*

**2019-0005** Request for Site Plan Recommendation of Approval - City File No. 17-043 - Legacy of Rochester Hills, a proposed 359-unit apartment complex on approximately 22 acres, located at the northeast corner of Adams and Hamlin Roads, zoned R-2 One Family Residential and governed by Consent Judgment, Parcel Nos. 15-29-101-022 and -023, LRH Development, LLC, Applicant

*Mr. Kaltsounis realized that it was under a Consent Judgment, and that five stories was not the greatest, but they Commissioners had seen a lot of apartments that were siding monsters, and he felt that the proposal was quite palatable. He appreciated that.*

**MOTION** *by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-043 (Legacy of Rochester Hills), the Planning Commission recommends to City Council approval of the Site Plan, based on plans dated received by the Planning Department on January 25, 2019, with the following six (6) findings and subject to the following six (6) conditions.*

**Findings**

1. *A Consent Judgment governs the site, and all deviations from compliance with Ordinance regulations are allowed as part of the Consent Judgment.*
2. *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.*
3. *The proposed project will be accessed from Hamlin and Adams Roads, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
4. *Off-street parking areas have been designed to avoid common traffic problems and promote safety for the residents.*
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.*

Conditions

1. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff, including, but not limited to, the following:*
  - a. *Finalizing the storm sewer connection with Innovation Hills;*
  - b. *Resolving the traffic signal design issues along Hamlin Road, as noted in the engineering review letter; and*
  - c. *Addressing the outstanding comments in the ASTI review letter related to finalizing the environmental clean-up details of the site.*
2. *Provide a landscape bond for landscaping and irrigation in the amount of \$454,332.00, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*
3. *Final tree placements in the open space area between Parcel A and Parcel B and north of the northern-most apartment buildings to be field located.*
4. *Treatment of the grass area between the northern-most apartment buildings and the proposed tree buffer as either mowed lawn or natural area to be decided in consultation with the adjacent homeowners prior to construction.*
5. *Submit a revised plan for the swale to clarify the grading and drainage along the north property line, to be approved by staff prior to final approval.*
6. *Submit an updated landscaping plan that changes deciduous trees to evergreen in the encapsulation area, to be approved by staff prior to final approval.*

**A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.**

**ANY OTHER BUSINESS**

**2019-0118** Request for Election of Officers - Chairperson, Vice Chairperson and Secretary