

Paving - LDFA and SS-12 Industrial Drive Sanitary Sewer Extension - LDFA should be removed from the CIP, and LR-20 Leach Road Paving - LDFA should be moved to Projects Pending; and

WHEREAS, *it was determined that projects LS-19 Industrial Drive Road Paving - LDFA and SS-12 Industrial Drive Sanitary Sewer Extension - LDFA should be removed from the CIP, and LS-20 Leach Road Paving - LDFA should be moved to Projects Pending.*

RESOLVED, *that the Capital Improvement Plan presented for review on April 16, 2019, is adopted by the Rochester Hills Planning Commission on April 16, 2019; and*

BE IT FURTHER RESOLVED, *that this Plan should be published and attested to according to law.*

A motion was made by Schroeder, seconded by Morita, that this matter be Approved. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motion had passed unanimously. Subsequent to the meeting, Fiscal advised that the LR numbers should have been LS.

UNFINISHED BUSINESS

2019-0065 Request for Preliminary Planned Unit Development and Conceptual Site Plan Recommendation - City File No. 18-016 - Rochester Hills Trio, a proposed mixed use development consisting of residential units, office and retail space on 5.77 acres located at the northeast corner of Auburn and Livernois Rds., zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated April 12, 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 Peter Stuhlreyer, Greg Ezzo, Joe Latoxis and Mike Pizzola, Designhaus Architecture, 301 Walnut, Rochester, MI 48307 and Fred Haddid, OYK Engineering, owner.

Ms. Kapelanski stated that the applicant was proposing a mixed-use development located at the northeast corner of Livernois and Auburn. The property was zoned B-1 and RM-1 with the FB Overlay over both districts. A PUD was proposed to facilitate the development, consisting of

125 residential units in two three-story buildings and a two-story building at the corner for commercial and office uses only. There had been a number of modifications requested, including for the height, the front yard arterial setback, the parking setback and the front yard landscaping. The building design entrance transparency had been updated since the last meeting. The applicants were closer to compliance with the Ordinance standards, but a modification was still required. She noted that the matter had been considered and postponed at the February 19 Planning Commission meeting. There had been several issues raised, but the engineering issues raised had been satisfactorily addressed (storm water issues), and there were two outstanding. The first was the proposed right in, right out drive on Auburn. It was the City's contention that a right in only was the only access that should be permitted because of significant safety concerns. Auburn Rd. in that location was under the jurisdiction of MDOT, which had concurred with the City's opinion. The second outstanding issue had to do with the renderings and elevations of the rear portions of the garages on the retaining wall. The applicant had provided views from the adjacent property.

Mr. Stuhlreyer recalled a question about the tree deficiency, and he advised that they would pay for eight trees into the City's Tree Fund. He would get into more detail about the rear garages being used as a screen wall and a retaining device in some cases. He indicated that he was at a loss about the façade transparency, which he thought they had figured out. He felt that there was some confusion about the commercial façade being on the residential buildings and the live/work studios and the blend not working out, but they were entirely willing to work out the façade issues, which he felt were very close. He agreed that they were asking for relief for the parking setbacks.

Mr. Stuhlreyer said that there was a question about the garages and how they were stepped down because of the grading of the parking lot that was on a slope. They wanted to assure that it was common practice. There was a six-inch fall between each garage door and 12 feet from the center of each garage. Only on the north line was there a problem. He did not think that it would be anything that would strike anyone as troublesome. The roofs would step down about five or six times, and the doors would step down, each slab about four to six inches. Going further east on the property, the parking grade was flat. At the highest grade in the northeast corner of the property, they created terraces and bowed the wall down towards the natural woods to the north and east and softened the edge. The garage wall would be buried in some cases by the grade, and in some cases flush and in others, outside of the grade by several feet. The

higher the wall, the further away from the property line (about five feet in the corner).

Mr. Stuhlreyer talked about the water course in the center, which was the flow way across the site. It terminated on the northeast where their outlet pipe would be, which would outlet the detained retention onto the property to the east where it went currently. He asked if there were any questions.

Chairperson Brnabic asked Mr. Stuhlreyer to put up the colored renderings. She noted that they were proposing a water feature and a piece of art, but it was somewhat difficult to see on the plans. Mr. Stuhlreyer said that in the U-shaped building, there would be a feature that was not part of the storm water feature. It would be a self-contained water feature between the arms of the larger building. It would be a small waterfall that would navigate the grade between the two-story and the three-story portion. Chairperson Brnabic said that she did not see anything showing the proposed artwork. Mr. Stuhlreyer believed that the art sculpture would go in the gazebo area, but he did not think they had anything commissioned for the art. They would be happy to come back to show what they had selected. Chairperson Brnabic suggested that it would be a good idea.

Chairperson Brnabic stated that she had a concern with the use of a PUD with the high density proposed. Even though there would be a water feature and an art sculpture, she did not think that was enough to offset the density. She said that the building on the corner was not objectionable. They were projecting that the average rent for the apartments would be \$1,800+ and affordable. She maintained that there were plenty of apartments in the City that were more affordable. She was concerned that they wished to use a PUD, but they were not proposing enough of a public benefit. She did not think that PUDs should be used for everything, and she did not see where the proposal was offering something that stood out that the community needed.. She reiterated that she was concerned with the high density.

Mr. Schroeder asked if the garage on the east end would be five feet above grade. Mr. Stuhlreyer asked if he meant before the floor slab of the garage from the backside, which was confirmed, and he answered that it would be roughly five feet. Mr. Schroeder considered that it could be built within the one-foot offsite. Mr. Stuhlreyer said that they could do that, and they were going to pursue an offsite construction easement with the neighbor.

Mr. Schultz said that he went through the elevations to compare them with some of the floor plans. A couple of times in the past, the Commissioners had seen a situation where the balconies were not shown in a consistent fashion, or they were shown one way in the rendering and ended up differently in a set of construction documents. They became a Juliet balcony, when they were supposed to be projections. He felt that the clarity on the plans was a little lacking where the elevations, in rendered form, did not necessarily match what they were in floor plan form. He wanted to make sure that before the next step, they had clarity. One isometric rendering showed the building with a Juliet balcony, but in the floor plans, it was shown as a projection. That had led to a lot of frustration in the past for the Commission, so he wanted there to be consistency, so they knew what they were getting.

Mr. Stuhreyer advised that they were working off of the architectural drawings. The floor plans and elevations were more advanced than normal at this stage of site plan approval. They could condition approval on the architectural drawings. Mr. Schultz said that they just did not want to give an approval and have the applicant come back six months later stating that costs had become an issue, and they wished to do a different balcony than was approved. He thought that it would also be helpful if the Commission could see a section view cut through the property as to what the neighbors to the north would look at with respect to the back of the garages. He advised that he was a developer, and he knew how things could be tweaked so a model looked convenient for an argument. He needed to see a section view to see what the back of the garage would look like. If it got obscured by the berm, then it did, but at this point, he did not think that they had all the cards in front of them to make a fair decision. He would like to see it broken up into a carport/garage/carport/garage to break up the massing. It felt like mini-storage the way it looked.

Mr. Kaltounis had pulled up pictures to see the architectural drawings and to take a closer look at the balconies. The cross section layout showed a balcony that protruded, but on another drawing, it just called out an aluminum railing. He thought that the drawings needed to be updated to help with their final decision when it came to the balconies. He wanted to make sure that things were documented. The plans did not call for balconies, and that was something he would prefer. If something was not called out, it would not happen in his experience. The note said "prefinished aluminum railing system" with no details of a protrusion or anything about the structure. He did not want to get into a same problem that had happened in the past. Mr. Latoxis stated that they designed all

the balconies to be occupy-able. Mr. Kaltsounis outlined that he would like notes and cross sectional views and details for the balconies.

Mr. Kaltsounis said that Chairperson Brnabic had questions about the density, and he said that he was back and forth about that. He felt that the materials and the colors were stunning. He assumed they were expensive and would set the project apart from anything in the City. He would approve a PUD with the materials shown, because it was over and above what they would typically get. However, the garages were an absolute no go for him. He remarked that they had storage units in the City that looked better than the garages. He would regret driving down Auburn Rd. for the next 20 years and seeing a wall 30 feet tall, and he stated that he could not do it.

Mr. Stuhldreier pointed out that the back wall of the garage was ten feet. Mr. Kaltsounis said that the City would not even allow a wall that high. He looked at a rendering where it looked as if they had a suspended parking lot. He did not see a ten-foot wall. Mr. Stuhldreier said that with 30 to 50-foot trees in the woods, they would not be caught off guard. They had to look at the grades to understand that it modulated its way around the site. He pointed to a garage that would be buried with a six-foot wall in the back. It went to a 16-foot wall and back to where the parking lot almost met grade. The site dropped significantly, and the roofs would stay about the same height, so that the three-story buildings were really the loss of the ground and not the rising of the roof. The carports in the apartment development would block most of the back of the garages, and there would be landscaping and trees. He had not seen any resistance from the apartment community. Chairperson Brnabic wondered how much of an awareness that community had about the project, indicating that Mr. Stuhldreier could not say that there was not resistance if there was no awareness.

Mr. Kaltsounis reiterated that they needed more details, commenting that he was horrified about the garage. He stated that it needed to be broken up or have some kind of feature. He felt that they were taking a beautiful project and ruining it. He said that there had been a lot developers before the Commission that had shown different elevations from the neighboring properties. To him, it looked like a 30-foot wall, but he just did not know, and he needed to see the numbers. There was a beautiful development finished with garages, which did not appeal to him at all. He did not want to look at the wall from Auburn. He said that he looked forward to hearing from the other Commissioners.

Ms. Morita asked Mr. Stuhlreyer to put up page S-100. She said that she was trying to figure out how far back from the lot line the garages were. It looked as if the building on the far east was about seven feet, three inches from the lot line at the southern portion and six-and-a-half feet at the northern portion. She could not tell how far from the lot line Building E was or if Building D was right on the lot line. Mr. Stuhlreyer said that Building D was right on the lot line. Ms. Morita asked how they proposed to maintain the back side of that building if they did not own the property behind them. Mr. Stuhlreyer said that it would be a solid brick wall, and it would only pitch towards their (applicant) side so there would be no exposure of weather or storm water. It would be very similar to building a brick wall on a property line for screening. There would be no maintenance of the other side of the brick wall. Ms. Morita asked if it would be black brick with black grout. She pointed out that grout occasionally needed to be repaired, and she wondered how they would do that repair if they could not even legally get onto the property. Ms. Morita said that she lived in a brick house, and she had three bricks shatter over the winter that needed to be replaced. She pointed out that there would be a wall with a roof on it. If they could stand on their side of the property and rebuild a wall, that would be one thing, but they would have a building in the way. She asked if they would take down the entire garage in order to get to the back wall. Mr. Stuhlreyer said that if there was a problem with the back of the brick wall, there would have to be an agreement with the neighboring property owner. Ms. Morita asked if they had contacted the owner to see if he would be amenable to an easement to allow maintenance to be done. Mr. Stuhlreyer said that it was something for the developer to do.

Ms. Morita noted that City Council liked PUDs, because the City got a tradeoff of sorts, such as some type of amenity or increased quality. Contrary to Mr. Kaltsounis, she did not particularly like the look of the project. She did not think it fit in with the area. It was very modern and atypical for the other buildings in the area, especially the apartments to the north. She thought that it would stick out, and not really in a good way. She understood the quality of the materials, but she asked what else the City would get. Mr. Stuhlreyer said that when they started discussing the project with the City in 2018, they talked about the FB-2 and what it meant from a 30,000-foot view. It was to bring a more walkable area and something that would engage with pedestrians moving east and west and north and south. By moving the buildings close to the property lines and having end caps and using each of those bookends to provide some sort of light retail, commercial function and live/work studios, there would be connection to sidewalks with a business entry. People walking by would

get engaged with the building as opposed to at an apartment complex looking at a parking lot. They provided three pauses along the pedestrian connection. The first was at the restaurant/retail building end cap, the second was the large, landscaped water feature and the third was the gazebo with the sculpture. That connectivity was what FB was all about. They had to ask for relief to not be as close to the road with the retail because of the Fire Department's road. The PUD and the public benefit were intertwined in the conception of the planning of the project. He understood that it was not as traditional of a building, but he felt that it had the appropriate line of massing and materiality, combining a soft suburban yet commercial edge.

Ms. Morita asked if it was still his position that without the right turn out at the west side of the property that the project would not be successful. Mr. Stuhldreier said that it was their position that the right turn out was less safe than forcing the blending of commercial traffic with the residential components of the project. Ms. Morita commented that he did not answer the question. Mr. Stuhldreier thought that the project would be much better off, as most of the intersections in town, with a right out, and not worrying about something being 450 feet away based on MDOT's standard. Ms. Morita asked if it was his position that if they did not have the right turn out that the project could still be a success. Mr. Stuhldreier felt that it would still be a success, and they were still going to work with MDOT and negotiate, regardless of the outcome.

Mr. Schultz indicated that he fell somewhere in between Ms. Morita and Mr. Kaltsounis regarding the buildings. He did think that the materiality and massing created a new language for the community, because there was not the same type of product mix. To go full apartment building such as that to the north was probably not appropriate and would not fit. He felt that it was good that they were creating new language. He thought that it would get him over the hump regarding the garages if they varied the materials and deviated from the dark brick. He thought that breaking it up with a brick patterning or doing some long board might help break up the long expanse which felt somewhat prison-like. They should cut as many sections as they could to the back side of the property and give the Commissioners a realistic view of what would happen there. If the berm obscured it, it did, and they were telling the truth. The story did not tell itself at this point, and he thought that they needed a few more answers.

Mr. Stuhldreier said that he understood. In defense of the garage design, he remarked that it was the foil. It was either a big, black brick wall with a bunch of carports or a set of long garages. There would be trees

surrounding them and beautiful buildings. He agreed that the garages were backdrop and not heavily detailed. Mr. Shultz stated that he liked black, glazed brick, which had been done on buildings before. What was proposed was something close to that, but the starkness in the renderings was probably what was putting most of the Commissioners on edge. It was tough to sell materials using SketchUp, which did not necessarily render true to form. He concluded that the more detail the better.

Mr. Hooper said that he fell in line with Mr. Shultz. He referred to sheet C-2.01 and the southeast corner. The top of wall was 822 and bottom of wall was 815, so the wall was seven feet tall with a ten-foot garage on top of that. There would be a 17-foot tall wall at the southeast corner at Auburn Rd. Going north along the wall, the garage stayed ten feet, but the wall went from seven feet to ten feet to eight feet to 11 feet to ten feet, and then there was a step down in the northeast corner that dropped to six feet. At its worst case, the wall was 21 feet high. Traveling west down Auburn Rd., he did not think there was vegetative screening that would screen. There was no berm there. The existing grades dropped, and it fell away. Mr. Stuhlreyer agreed that it fell away from the street, which Mr. Hooper claimed was worse. There was not a berm to hide anything, and the grade continuously fell to the east. He added that along the north property line, the wall was six feet in the corner and went to eight-and-a-half feet to seven feet to two feet to a foot. It went to nothing at the road that cut through to the apartments to the north. From the apartment road to the west, someone would see a ten-foot garage, but to the east, there was a lot of massing to the wall. He felt that there had to be something to break it up, and vegetation would not do it. He suggested getting an easement from the neighbors to plant screening trees on their property in addition to adding something to break up the view. He referred to a rendering of the northeast corner looking west. Mr. Stuhlreyer said that was exactly the worst case scenario of the situation, which they broke down with a terrace. Mr. Hooper said that was where it dropped to a ten-foot garage going west. He said that vegetation next to the wall did not exist, but they were trying to show it. Mr. Stuhlreyer claimed that it was a tree and shrub area. Mr. Hooper asked if it was 20 feet tall, which Mr. Stuhlreyer did not believe. Mr. Hooper said that was his concern. He was trying to look for options and to work with the applicants, and he asked if there was something they could do to reduce the visual impact of the wall.

Mr. Hooper mentioned the request for relief from some FB standards. He did not have a problem with paying into the Tree Fund for the eight trees. He understood the parking lot setbacks. The issue would be

maintenance and whether they could get an easement from the neighbors to the east and north to do work. The applicants said that they could work out the building transparency issues with staff. It came down to the road - the western entrance in and out. MDOT owned the road and stated that they would not allow right in right out, and the City agreed. That sounded like a done deal to him, but if they were able to get MDOT to change its mind, then so be it, however, MDOT did not want it, and staff did not want it.

Mr. Stuhlreyer said that they understood, but he sat in a meeting where MDOT allowed it, and they shook hands and left. Mr. Hooper said that something changed, so they had to get back to whoever that was. The Commissioners could not tell the people who owned the road that they had to allow something they did not want. It was not their argument to make. He said that he really liked the project, but there were a couple of things that needed to be improved to make it a better project.

Mr. Reece felt that the summary of comments were pretty spot on. Ms. Morita's comment about the PUD and what the City was getting was that in reality, it was the owner getting the benefit of the PUD. He did not see the project as being particularly walkable in that part of town, other than for people coming from the apartments over to a restaurant. There was not a lot to make people want to walk up and down Auburn Rd. He did not see the City gaining a lot from the development. He thought that it was nice, although in his opinion, it was a little overbuilt. The bigger problem was the entry at the west end of the site and how that was worked out. Without that, it would really make it a congested in and out with the volume of single-family units and the retail. The tree line shown on the east was not realistic. The reality was that the applicant would have to cut in at least a ten-foot road to build the wall. Any trees up against the wall would be gone and need to be replaced. Any of the foundation work that would have to be done would go into the root structure of those trees, and they would most likely die. In the wintertime, people would look at a black wall. Most of those trees were deciduous and would lose leaves, so all someone would see in the winter going down Auburn Rd. would be the wall. He thought that Mr. Schultz' comments were good. There were a lot of benefits to the development, but the Commissioners needed to see more detail. They had to get the balconies worked out, and they had to be clear that what was shown was what they would get. They wanted to make sure that the applicants would not come back with changes to the colors, and something had to be done with the garages. The way they were currently depicted was not acceptable to him. The Commissioners were willing to work with the applicants, but they needed to do something

about the stark walls. He stated that was not Rochester Hills, although he realized that changes were coming in the City. He mentioned the dentist building at Hamlin and Livernois. In his opinion, now that it was built, it looked like it had been dropped from the sky, and it did not belong there. He felt that it was horrendous-looking. He was afraid that they would kick themselves if the garages were approved as shown. The colors and the breakup of the renderings for the buildings were acceptable, but the garages were a show stopper for him.

Chairperson Brnabic stated that a PUD was a request and not an automatic given when a developer applied. Ms. Roediger agreed. She continued that as the applicant indicated, they had been talking about the project for quite some time. Initially, when the project was brought forth, the City was going through its Master Plan process. In terms of the types of uses the City wanted in certain locations, they discussed that it would be a truly integrated, mixed-use project. They discussed affordability and creating a variety of housing options. The Planning Commission had struggled with the balance of creating different types of housing and keeping it affordable with density. A lot of communities dealt with trying to get the right mix of housing at a price point that was affordable without overdeveloping a site. Staff thought the proposal was a worthy project because of the mixture of uses and amenities. They had not touched too much on the walkability of the area, but they had an injury report for pedestrians trying to cross the subject roads. There were people who walked to the IAGD to the south, and there was an injury, because there was a gap in the pathway system at the intersection. There were requests to improve the walkability in the area because of the IAGD, and there were also schools not too far away.

Chairperson Brnabic considered that walkability could be created under the current zoning without going the PUD route. Ms. Roediger agreed. Chairperson Brnabic asked what the gain was for the developer applying for a PUD versus using the current zoning to develop. Ms. Roediger said that it was the height and the mixture of uses. The underlying zoning would not allow residential, office and commercial uses. Chairperson Brnabic said that the commercial would face Livernois, and the apartments would face Auburn, so the projects could be done under the current zoning. She asked if the height was the only thing that could not be done under the current zoning, which was confirmed.

Mr. Kaltsounis was not sure about all the iterations staff had seen, but he did not think that the Planning Commission had seen many. They had just asked for more detail, and they were asking for more again. At the

last meeting, there were no renderings for the garages. They thought that there would be a problem with the height and grades. They discussed the balconies not being defined, talking with the neighbors and getting those approvals in place. There was an assumption of communication with the neighbors, but he asked if anyone had been notified besides the apartment complex owner.

Mr. Haddid said that he did talk with the owner who knew what was going on and what was planned. It was his understanding that the owner even came to the City, but Ms. Roediger said that she had not talked with him. Mr. Kaltsounis said that the Commissioners needed more details and iterations. He recommended postponing the matter to give the applicant time to sort out the issues raised as well as the issue with MDOT. He felt that there were a lot of loose ends and too many questions with the concept.

Mr. Davis said that he had just heard that Mr. Haddid had talked with the adjacent property owners. He stated that there would be a private street that connected to a private street. The development to the north had rights to cross the subject property to get to Auburn Rd. He was often asked, years after developments were in place and the developers were gone, how something happened and why something had not been foreseen. He asked what would prevent the traffic from Trio going through the apartment complex. He asked Mr. Haddid if he had talked to them about that and if they were okay with that. He asked if an amendment could be in place so the Trio traffic could drive through the apartment's roads. There was a legal document in place so that the apartment traffic could use Trio's roads, but he had not heard anything about the other way around. As far as the storm water, they had approved the calculations, and detention volumes had been provided, and the outlet direction all made sense. He had also wanted to see some discussion with the apartment owner on how the route would go through their property. He indicated that it seemed as if it would be pretty harmless, but the City had a problem across the street that was of the same nature. When the Mosque developed, there was a natural water course and when the calculations were run, it showed that the existing amount of water was consistent with .2 CFS per acre allowed to be discharged from a detention basin. They had years of problems with that, because of a property owner who said that all the shallow concentrated flow was concentrated into a pipe and discharged right at his property line and carved out a ditch through his property. There was the same potential with the subject development. If the adjacent property owner and the applicant were okay with that, he would be. He wanted to hear that communication, not that

someone came to City Hall, and said he had seen the plans. That was not enough. It needed to go to the next level where there was something in writing about the flow and about going on his property to repair some bricks or planting some trees on the adjacent property for screening. He suggested having a meeting between MDOT and the City and the applicant to talk about the west entrance, but as it stood, it was a right in only that had been approved. Regardless of what might have happened in a previous meeting that was where it stood.

Mr. Haddid stated that they had a long meeting with the adjacent owner. They met in his office and showed him the plans and discussed sharing the wetland for detention. He said that the neighbor was planning to expand, so he came to the City to discuss the option of expanding. They had talked with the neighbor about the wall, the garages, the three-story building and everything. Mr. Davis said that having a written document for the Commission in support was a lot different than hearing that a meeting was held. Mr. Haddid did not know if that was needed, since the other owner did not come to the Public Hearing. He saw what was planned and did not have a problem, so Mr. Haddid questioned why a letter was needed. Mr. Kaltsounis said that there was a term in his industry called "industrial amnesia." If the traffic from the proposed development impeded on the other owner's property, and he decided to come after Mr. Haddid for road repairs, and they started going back and forth, it would just protect Mr. Haddid in the future. To avoid industrial amnesia, the Commission made sure that things were well documented. They had recent experiences of things not being well documented that made trouble for people. He reiterated that it was just to protect Mr. Haddid, and it was a good thing to do. He said that it would avoid pain and lawsuits in the future. He would not just trust anyone's word, and he would be much more comfortable seeing something in writing. Mr. Haddid wondered if his project would be a no go if the owner did not want to write a letter, but he said that he would try.

Mr. Schultz said that for projects of this scale, he thought that the Commission needed to talk a little more in detail about a phasing situation. He guessed that the project would potentially be \$30-50 million, but there could be an economic swing during some of the development, and things might not get developed. He felt that it would help to have a phasing document in the PUD Agreement that stated that certain things would happen first, and afterwards other phases could happen, especially with a project of that size. He indicated that if they had to have another meeting with the neighbor to be a good neighbor and document things, it would be a \$50 million insurance policy. He stated that the more meetings the better.

Chairperson Brnabic said that she agreed exactly. She re-expressed her concern with the project. She had seen a lot of PUDs come before the Commission over the years. There always had been a benefit and something that would be a plus for the community. She was leery when someone applied for a PUD where she could not see the benefit stand out. It boiled down to three stories. If developers wanted that, and that was the vision of the City for the future, she thought that they should have further discussions about rezoning. She did not like the concept of everyone using a PUD. A PUD stood for something; it was not just an ordinary way to develop. They would have more control with a PUD, but they should not be a dime a dozen. That was her concern, and they were using a PUD to get three stories, and the benefit was not standing out. They had seen a lot of PUDs where the benefit to the community stood out, and she did not feel that the proposed was one. She did not support the project the way it was.

MOTION by Kaltsounis, seconded by Dettloff, that in the matter of City File No. 18-016 (Rochester Hills Trio), the Rochester Hills Planning Commission hereby **postpones** the request for **Preliminary Planned Unit Development Recommendation** until such time as the applicant can provide details as discussed, including details and cross sections for the wall, the balconies, the entrance by the intersection on Auburn and getting approvals in writing from the neighbor about the wall, the drainage and traffic into the apartment complex.

Chairperson Brnabic asked the applicants if they agreed with the postponement. Mr. Stuhlreyer summarized that by the next meeting, they should have had a conversation with the neighbor, and provide clarification of the balcony locations and detail of the balconies and a redesign of the garages, with the understanding that the board understood that no matter what they did with the brick wall, there would be a brick wall on the property line, whether it had a garage attached or not, and even if it was just a standard six-foot wall, it would be 13 feet. That was just a condition of how the site balanced whether it was fourteen townhomes or the proposed project. He added that a brick wall on the outside had that unfortunate scenario.

Mr. Dettloff asked about Mr. Davis' recommendation to meet with MDOT, the City and the applicants. Mr. Stuhlreyer said that they would have to speak with their legal counsel to see what the strategy would be moving forward with MDOT, and they would have an answer at the meeting. They might very well take the right out off. Regarding the drainage, they would

address it again and show that measures had already been taken to not have the pipe discharge onto the adjacent property at all. There was a six-foot gravel spillway on the applicant's property, and they had even more property before it got off the property line. The creation of a ditch was unlikely, but they would further detail that and bring it back for discussion.

Mr. Hooper said that for the garages, they should break the wall up, add screening, obtain an easement agreement with the neighbor, and soften the eastern wall somehow. He understood what Mr. Stuhlreyer was saying, and that the wall was a wall because of the detention system and the grade being raised, but they still had to soften the impact. Mr. Stuhlreyer said that they would have a discussion with the neighbor to see how he felt about it. There were options that would not benefit him. Carports with lights under them being higher than the wall would not be good for them. A wall that had materials that had to be maintained on their side just to break up the massing might not be good for them. The neighbor meeting would determine a lot of the design approach.

Mr. Kaltsounis emphasized that the neighbors were also the hundreds of thousands of people that drove down Auburn Rd., and he was one of them. Mr. Stuhlreyer said that he would do a better job of showing how the wall would impact people visually coming down the road. Mr. Kaltsounis recommended getting a picture before the trees got leaves.

Mr. Schroeder asked if there was a chance of building the berm against the wall on the neighbor's property or putting a wall in between the applicant's and the neighbor's roadway (a second berm and more trees) to break it up. Mr. Stuhlreyer felt that more trees would be appropriate but not to change the way the water flowed. They would try to show that better from the neighbors' point of view. He felt that they could add trees, including perhaps the eight trees they were paying into the Tree Fund.

Mr. Shultz suggested to Mr. Ezzo to do a ready rock wall with the garages on top of that so that there were two entirely different materials instead of having a poured, concrete wall with brick face.

Voice Vote:

Ayes: All
Nays: None
Absent: None

MOTION CARRIED

Chairperson Brnabic called for a break from 8:55 p.m. to 9:05 p.m.