

District, to clarify regulations for accessory structures, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.

Mr. Hooper mentioned the section on fences where barbed wire could not be installed on fences except above a six-foot fence in a non-residential area and enclosing a storage area. He wished to see barb wire eliminated completely. Mr. Anzek reminded that there were other things besides barb wire that were just as bad, so he suggested adding eliminating "barb wire and similar types" of material. Ms. Kapelanski said that she thought it should have been struck from the Ordinance. She would confirm that it was not generally permitted, and it would go to Council as a separate amendment.

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

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

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

2017-0064

Request for Revised Site Plan Approval - City File No. 16-018 - Cedar Valley Apartments, a proposed two-story apartment complex totaling 99 units on approximately six acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel No. 15-23-15-025, Bret Russell, Michigan Income Fund, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 11, 2018 and site plans and elevations had been placed on file and by reference became a part of the record thereof).

Present for the applicant were Jeffrey Cuthbertson, Cuthbertson Law, PLC, 345 Diversion St., Suite 410, Rochester, MI 48307; Peter Stuhlfreyer, Designhaus Architecture, 301 Walnut Blvd, Rochester, MI 48307; and Bret Buchholtz, Nowak & Fraus, 46777 Woodward Ave., Pontiac, MI 48342.

Ms. Kapelanski stated that the plan had previously received approval for a Revised Site Plan, Revised Natural Features Setback and Revised Tree Removal Permit in September 2017. She noted that the site was zoned R-4 One Family Residential with an FB-2 Flexible Business Overlay, and the applicant had approval for 99 units on 5.5 acres.

Building A was currently under construction, but a few site changes were proposed. Building B had been shifted 102 feet further east to allow a parking area between Buildings A and B. Parking canopies were added to that area and along the southern property line. On the previous proposal, there was parking facing the north property line which had been eliminated. The applicant was also requesting a change in the approved elevations. The balconies had been eliminated, and the metal panels had been replaced with stone and stained composite siding. The siding had been reduced and replaced with painted lap siding in other areas, and the stone placement had been changed to a geometric pattern. She noted that FB-2 had standards for primary and accent building materials, and it was at the Planning Commission's discretion to determine if painted lap siding and stained composite siding as depicted in the proposed elevations and material samples would be considered primary materials.

Mr. Stuhlreyer said that when the project was first brought in front of the City, the goal was to raise the bar on a rental product in Rochester Hills and bring something a little more fashion-forward and interesting to attract new residents perhaps from Royal Oak or Ferndale. Barring the engineering changes and a little maneuvering on the site, it was brought forward at the last meeting with revised elevations, and he thought the impression was that they were lowering the standard. That was the feedback he received; he was not present at that meeting. Regarding the façade changes, they believed that they were holding to the high standard of a contemporary design. He showed some images and samples of the materials that would be interchanged. He stated that the proposed changes to the façade were not a budget cut; they were a budget increase. Many of the items in the project were expensive and high-end, including the ceiling heights, the landscaping, the covered parking and the acreage that was purchased for a pocket park. They made some changes to the material palette, not to the massing, shape, style or quality. He heard a comment about a "massive siding" building. He showed an example of the prefinished cedar, which he felt looked very natural. There would be a high percentage on the project, and he thought that it would be very pleasing to the eye. He indicated that the renderings showed a white building with white siding, and there were some comments about the whiteness of the siding. He stated that the color they were proposing was meant to coordinate with the limestone, which was an improvement in material from the original. It was a higher-end cladding, replacing the original cultured stone with a limestone silicate-based cladding. The dark bronze metal aluminum windows would coordinate with the rest of the materials. He stated that it was not a cold, white box - it was a warm color.

He maintained that the proposed elevations would have the same contemporary edginess, and that the white would not be stark. The stone was not cinder block and would not look like cement. He felt that they had raised the bar with the most recent version of the Cedar Valley concept. From an architectural standpoint, he could stand behind the project as raising the bar.

Mr. Kaltsounis said that it was mentioned that the stone was limestone, but then it was added that it was a silica-based limestone. Mr. Stuhlreyer said that it was manufactured, and it was a product meant to be coordinated with brick. It was basically manufactured limestone that was seen on many projects. It was 12" x 24," and it had no resemblance to a cinder block. He added that the cedar was a lap siding, but their siding was known as shiplap siding. It would lay entirely flat to the structure, and it would not shingle downwards. It was ¾" thick. He indicated that there was nothing vinyl about the lighter color board.

Mr. Kaltsounis said that he appreciated the effort and some of the details, but when he first opened the drawings, which were a little washed out, it was hard to see the details. To him, the limestone block did not appeal as much as a cultured stone. He noted that the elevations showed a massive white corner, and he thought that looked like a siding monster. He stated that he had the same thoughts as before when they denied the elevations.

Mr. Stuhlreyer had hoped to demonstrate some of the shortcomings of computer modeling for 8 ½ x 11" pages. He agreed that the view Mr. Kaltsounis showed of the building was a little more white, but he said that there were other views that showed the single pitched, brown roof with the white and cedar. Mr. Kaltsounis maintained that the white corners were too much, and that the block looked like cinder block to him. Mr. Stuhlreyer said that the Commissioners would have to look at another building the developer did. He suggested the First Street Lofts in Rochester. The lower two levels on the south face of that building were the same material he was proposing, and there was no correlation to cinder block. He thought that the printer color gave the wrong impression. Mr. Kaltsounis said that he still felt the same. The building that was approved was very beautiful with a different texture. The proposed building looked white and gray with a touch of brown. He was excited about what they had approved, and he was not excited about what was now proposed.

Mr. Reece referred to the south elevation in the packet. He asked if the

balconies were removed. Mr. Stuhlreyer said that they were proposing Juliet balconies. Mr. Reece asked if the original balconies were removed. Mr. Stuhlreyer said that they were gone, but there was still a railing and a small balcony. Mr. Reece stated that the massing of the proposed elevations were completely different than what was approved. By changing the predominant massing to white or beige even, the look and feel was completely changed from what was originally approved. The sample design of what Mr. Stuhlreyer said they were trying to achieve was not even close to what the Commissioners were looking at. With the balconies gone and the color changes, it changed the entire appearance of the development. He believed that when they initially approved the project, it was a unique design to the City. There was not a lot of similar product that came before the Commissioners. They liked what they saw originally with the balconies and the color schemes as presented. The applicants came back and had significantly changed the look and feel of the buildings, and the Commissioners voted it down. He stated that he would stand by that vote this time around.

Mr. Schroeder said that when it was originally approved, the balcony was a very important part of the approval for him. He stated that they approved balconies, and there should be balconies. He asked the resolution for the east property, and if it was added. Mr. Cuthbertson advised that the property to the east was combined with the original parcel, and there was now one parcel.

Chairperson Brnabic said that she totally agreed with the comments. With the change in appearance - the color scheme, the lack of balconies and considering the denial of the elevations previously - she did not feel any differently.

Ms. Morita agreed with Mr. Reece's statements. She had difficulty with the second building being shifted farther to the east. One of the things she had liked about the approved plan was that the placement of Building B took into consideration what the neighbors would look at. The farther east the building was shifted, the taller and larger it would look. She remembered commenting that it had been very considerate of the neighbors, so she thought that moving it farther east was not as considerate, and it concerned her. She stated that she did not like it, and she would not approve it.

Mr. Stuhlreyer responded that the elevation went down towards the east. Also, there would be fewer cars closer to the single-family homes. It would be further east, but it would be sunk further in the ground.

Mr. Cuthbertson said that the decision to move the building to put parking in the middle was based on feedback from potential tenants that the walk from Building A all the way to the parking lot on the east end had serious impacts to its desirability. Adding the covered parking would help make the site more attractive to potential tenants. With respect to the architectural matters that had come up, he had reviewed the building design standards in Section 138.8.502 that he believed applied to the matter. He said that with all due respect to the concerns about aesthetics, the standards dealt with things like façade transparency, building materials, finish heights both for ground level and ceiling and encroachments. For the building materials being substituted, subsection B.1.c indicated that they were durable, relatively low maintenance materials that convincingly matched the appearance of Sections A. Façade Transparency and B. Building Materials. With the revised elevations, he believed that the façade met the 60% exterior wall surface area requirement of the Ordinance. While there was a concern, which he had heard loud and clear, with respect to color and potential massing of materials, he believed that what they had presented was in conformance with the design standards.

Mr. Kaltsounis said that he appreciated those thoughts, but when he mentioned natural materials, the applicants were changing a natural-looking, wood-colored siding to something that was painted shiplap. He thought that in a couple of years, shiplap would be out the door. They were going from a cut, natural-looking stone product to a block-looking product. He noted that the Commissioners had rejected many previous houses with a majority of siding. If it had been brought the first time around, he thought it would have gotten the same reaction. He agreed that the building that was approved was beautiful. He moved a motion to deny the revised site plan, supported by Mr. Dettloff.

Ms. Kapelanski advised that the Commissioners had the option of approving the site plan with the exclusion of the revised elevations.

Mr. Stuhreyer stated that it was an important factor, as construction was underway. Mr. Kaltsounis said that he would like to hear thoughts from the other Commissioners about possibly amending the motion. He said that he could live with the partial balconies, but moving the building closer to the neighbors was another story.

Chairperson Brnabic said that the problem was that the Commissioners had approved the original site plan with the previous elevations. The

project had already started, and they wanted to make changes. Things were being changed that the Commissioners did not care for including the appearance, the color schemes, and removing the balconies. Mr. Stuhlreyer explained that with respect to the site plan, the change had to do more with the land acquisition than anything else.

Mr. Anzek said that as far as the site plan with the shift of Building B eastwardly 102 feet, he did not have a problem with it. He thought it was a plus to have better fire access and room for moving vans and things. He liked the separation, and he did not think moving it eastward would be an issue to the homes to the east, because there was still a significant wetland area there. Going to the south to the residents of Eddington Farms, there was a 100-foot utility easement. There was probably 200+ feet to any homes to the south. He still had concerns with the lack of balconies and the elevations. He was not sure why what was proposed looked so red and the originally approved looked more like stained cedar. He thought that if they could separate the two items, he would prefer to deal with the site plan only.

Mr. Reece said that he tended to agree with Ms. Morita about moving the building to the east. To be able to vote, he said that he would like to see a cross section to see exactly how the elevations compared with the residences to the east. He did not think there was enough information to make that determination, so he supported the motion as stated.

Mr. Hooper said that he actually supported Mr. Anzek and Mr. Reece. As far as moving the building, it made sense to him. If he was going to be a tenant, he would want the parking in the middle between the buildings and not at the east end. Mr. Reece made a good point that they should see cross sections to see the effect on the adjoining residential properties. As far as seeing the look, feel and textures of the revised elevations for the fourth time, if there were no balconies, it was a no go for him.

Mr. Kaltsounis thought, hearing those comments, that it would be better to postpone the matter so the developer could put together the requested items discussed. Chairperson Brnabic agreed. Mr. Kaltsounis rescinded his motion to deny and offered a motion to postpone to a later date. Mr. Reece said that he was not interested in entertaining further discussion about the elevations. If the motion was relative to the site plan, he would be happy to look at that separately. Once they had approved a very beautiful-looking building, and he was not interested in doing that again - he had better things to do. Mr. Kaltsounis agreed, and said that he did not want to see the elevations again. If it was a matter of just postponing

the site plan, that would be fine, but he did not want to see a siding monster again. Mr. Reece said that he would support a motion relative to the site plan only.

Chairperson Brnabic asked the applicants if they agreed to a postponement in that regard. Mr. Cuthbertson said that with respect to the site plan, they would welcome a postponement, but they would like a decision on the record based on the elevations. He reiterated that the materials were compliant with Section 138.8.502 in terms of durable, relatively low maintenance materials, and he was unsure the basis of dictating what colors, balconies, architectural forms, etc. existed. He said that he had asked that question of staff and had indicated his concern to the City Attorney as well. If the Planning Commission was inclined to deny the materials as presented, he stated that the sooner that could happen, the better.

Mr. Kaltsounis said that the Commission had already denied the materials. Mr. Cuthbertson claimed that it was a different site plan with different materials.

Ms. Morita said that she tended to agree with Mr. Kaltsounis. She thought that the time for the property owner to complain to whomever about the denial had long gone. If there was nothing different than what was previously presented, she did not think they needed to pass on it again.

Mr. Schultz asked the applicants if they were asking the Commissioners to split the two elements or if they wanted a vote on the entire package. He asked if they wanted them to vote on the elevations separately from the site plans. Mr. Cuthbertson stated that they would like the issues separated. They would be happy to come back with additional information as it related to the site plan and the cross sections. They believed that there were different materials and elevations than presented in November, and if it was the Planning Commission's pleasure to deny those, they would like to have that denial so they might make some decisions about what to come back with, if anything. Mr. Schultz asked if the Commissioners had to make a motion to split the two items.

Ms. Kapelanski believed that they would, in terms of procedure, and then postpone one and deny the other. She related that she compared the two elevations, and she could not find anything different, unless she was missing something from the previous denial.

Mr. Stuhldreier said that he was present to clarify that it was not a stark

white, sided monster. It would be soft and natural and of higher quality than was presented the first time. He agreed that there were different colors, but the foundational parts of the elevations and the massing did not change.

Mr. Anzek said that to Mr. Cuthbertson's point, the Commissioners were not there to argue what elements were permitted by the Zoning Ordinance. They were there to decide whether or not they wanted to amend a previously approved site plan that contained very specific elements as part of that approval. The question was not what was permitted by Ordinance; it was what had been approved and whether or not they wanted to change it.

Mr. Kaltsounis said that to make things easier, he would rather postpone everything and have the applicant come back with an amended proposal and make sure that the elevations were not included. Regarding getting a "no" for the elevations, he could not remember a time where a motion was split like that. He stated that it was either all or none. He did not think the applicants wanted to get a no for the site plan revisions. Mr. Cuthbertson agreed that they did not want a no for moving the building. He said that the question he was asked was if the items were to be split if they would want a decision on the elevations. The answer was yes. If the Planning Commission was not willing to do that, they would want to have the matter deferred.

Mr. Kaltsounis outlined that he would like to postpone everything and have the developer come back with a revised proposal with nothing about the elevations. Chairperson Brnabic asked if there was a second to postponing everything, which Ms. Morita offered.

Ms. Morita wanted to clarify for the record that she did not feel that the Commissioners needed to make a decision on the elevation changes that had been presented. They already decided that in November. Her expectation from the applicants was that when they came back, the site plan would be submitted as requested in order to make a decision on moving the building, but they would revert back to the original materials. There would not be a presentation of the materials and elevations that had already been denied six months ago.

Mr. Hooper said that he agreed 100% with everything Ms. Morita had stated.

MOTION by Kaltsounis, seconded by Morita in the matter of City File No.

16-018 (Cedar Valley Apartments), the Planning Commission **postpones review of the Revised Site Plan** until such time as the applicant is prepared to bring forward the requested items discussed at the May 15, 2018 meeting, with one (1) finding and two (2) conditions.

Findings

1. The applicant presented the same elevations that were previously denied by the Planning Commission on November 21, 2017.

Conditions

1. The elevations provided must be the same as those approved at the September 19, 2017 meeting.
2. Provide cross sections showing the view from the homes to the east.

A motion was made by Kaltsounis, seconded by Morita, that this matter be Postponed. 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 that the motion had passed unanimously and then called for a break from 8:40 to 8:50 p.m.

2018-0193

Request for a Tree Removal Permit - City File No. 89-121.4 - for the removal and replacement of 13 regulated trees associated with the renovation of Rochester Hills Plaza, located on Walton, between Livernois and Rochdale, Zoned B-3 Shopping Center Business with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-033, Stucky Vitale Architects, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 11, 2018 and site plans and elevations had been placed on file and by reference became a part of the record thereof).

Present for the applicant were Arkan Jonna (speaker), AF Jonna Development and Chris Jonna and Laith Jonna, Jonna Properties, 2360 Orchard Lake Rd., Sylvan Lake, MI 48320.

Ms. Kapelanski stated that the applicants were proposing a renovation of the shopping center with a revised parking lot layout, new landscaping and updated façade. There would be no changes to the existing building layout or footprint. A Tree Removal Permit was required, and the applicants were proposing to remove and replace onsite 13 regulated trees. Staff recommended approval of the proposed revisions, as they met the Ordinance requirements.

Mr. Kaltsounis recalled that many years ago, a bank ATM was approved