

areas or on small lots that are not suitable to develop in any other fashion.

Mr. Dettloff said that he agrees with all the other commissioners' comments made tonight and suggested the applicants coming back with revised plans is a good plan, and wished the applicants good luck.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, that the Rochester Hills Planning Commission hereby postpones Legislative File 2021-0472 and 2021-0473 to a later date to allow the applicant to return with a revised plan.

2021-0473

Request for Site Plan Approval - City File No. 21-022 - City File No. 21-022 - Biggby - to add a modular coffee drive-through with landscaping within an outlet within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

Postponed.

2021-0469

Public Hearing and request for Conditional Use Recommendation - City File No. 21-008 - Bebb Oak Meadows - to construct a drive-through associated with a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

Present for the applicant were Michael Thompson and John Vitale, Stucky Vitale Architects, 27122 Woodward Avenue, Royal Oak, Michigan. Also in attendance were Jill Bauer, PE, Rowe Professional Services Company, and Nick Nacita, Hubbel Roth and Clark, the City's traffic consultant, and property owner Fred Hadid.

Chairperson Brnabic introduced the proposal to construct a drive through with a mixed use development with retail, restaurant and apartments on approximately five acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay. She introduced Michael Thompson with Stucky Vitale Architects as the applicant.

Ms. Kapelanski explained that the plans include the demolition of the existing Barnes & Noble store and the construct a mixed use development which includes of a one-story retail building with a drive-through restaurant and a four-story 94 unit apartment building. She noted that the site is zoned B-3 with an FB-3 overlay and the applicant is proposing this development using the FB-3 provisions. Access to the site is provided via a full access drive on the south side of the property, and then also a right-in/right-out access drive on the north

side. A conditional use permit is required for the proposed drive through, and the site layout meets all of the requirements of the zoning ordinance with the exception of required right-of-way plantings which have been placed elsewhere on the site because of utility conflicts. A Tree Removal Permit is required and replacement trees have been provided on the site. The applicant is seeking site plan and tree removal permit approval and a positive recommendation for the conditional use permit. She noted that staff has suggested an additional condition regarding the drive-through, similar to the Biggby request, noting that if the intensity of the drive through were to increase, the applicant may be required to come back before the Planning Commission for reconsideration of the conditional use request. Ms. Kapelanski noted that Jason Boughton is in attendance to address any stormwater or utility questions, and also Nick Nacita with HRC, the City's traffic consultant, is in attendance since he reviewed the Traffic Impact Study.

Mr. Nacita said that HRC is an engineering consulting firm and they assisted the City with the review of the Bebb Oak Meadows Traffic Impact Study, the use being a mix of apartments, retail and fast food. He said that HRC performed two reviews of their study, and also had one meeting with the developer and MDOT. He said that the limits of their TIS included Rochester Road from Barclay to Auburn, and said Rochester Road is under the jurisdiction of MDOT, therefore, in conjunction with the City's decision MDOT will also need to provide their approval. The Traffic Impact Study (TIS) included an estimate of new trips that they believe the development will generate, and also a capacity analysis which looked at the existing and future level of service delay on their road. He noted that they met with the developer and MDOT regarding a conceptual review only and discussed the number of driveways. He said MDOT preferred to have one driveway only along with shared access with Belle Tire for fire safety, however MDOT indicated they will accept one right-in/right-out entrance with one full entrance to the south as presented. He noted that the study concluded that a right taper lane is warranted at the south driveway, which is a full lane that allows drivers to move over early before they get to the driveway and to get out of the main through traffic, and currently there are no improvements scheduled for the intersections to the north at Barclay or to Auburn to the south. Mr. Nacita said that he would be happy to answer any questions that the Commissioners may have.

Mr. Vitale noted Barnes & Noble is relocating, which provides an opportunity to redevelop this site. He explained they are proposing a mixed use development with a four-story residential building with retail that fronts on Rochester Road. He explained that they have a fast casual restaurant proposed on the end of the building with a drive through window. He said the materials they are utilizing are brick, stone and cement panels throughout the building. He said they have targeted a higher end of the market for the residential portion. He said they worked hard with staff and consultants to accommodate all of the concerns identified. Mr. Vitale said he feels that this would be a great addition to the community and he is here to answer any questions.

Chairperson Brnabic noted that a few emails were received and summarized the public comment noting the following: Aubrey A. stated that the City doesn't need more apartments and another mixed use development. She said that her main

concerns include traffic, congestion, and overdevelopment. An email from Sara Malicki expressed the same type of concerns regarding traffic and overdevelopment. A third email correspondence shared the concerns about traffic and a four-story building being built directly adjacent to residential homes. Chairperson Brnabic stated that while there is another four-story apartment in Rochester Hills, there are two-story structures in the vicinity of this proposed development. She noted that one speaker card had been turned in and opened the public hearing at 8:30 p.m.

Alberto Murguia Tesch - 2789 Hickory Lawn Road - Mr. Tesch said that he lives behind the proposed development, and he and his family are really worried about it. He expressed that his first concern is the safety of the neighborhood, because their street is already used as a bypass when Rochester Road is too busy. He noted that he is concerned about trash generated by the apartments and light contamination, and stated that he doesn't know if they'll turn out the lights at night. He said that he is concerned about the height of the building and their loss of privacy in their backyard.

Chairperson Brnabic said that she shares the concern of having a four-story building backing up to residential homes. She noted that there are several residences that back to the Barnes & Noble, and even if it the residence was on the other side of a street they'll still be looking at the building. She said that she thinks a four-story building is a bit much, and they questioned whether they could go with three stories. She asked the applicants what type of fast casual restaurant user they would be expected.

Mr. Vitale said there is a difference between fast food and fast casual, and explained that McDonald's is considered fast food. He said that fast casual is generally a more upscale restaurant, and the traffic generated by a fast casual restaurant would be very different from fast food. For example they may have a Panera, offering more of a different style meal.

Chairperson Brnabic asked with regard to the retail component, how many additional restaurants they would be expecting to have.

Mr. Vitale said they are planning on a fast casual restaurant on one end of the building. He said the total retail space is 13,000 sq. ft. and at this time, they don't have any dedicated users for the balance of the space and it may end up as all retail with no restaurants. Regarding the building height, Mr. Vitale said that it is a pretty large site, given the size and depth of the parcel, and definitely four stories would be supported by the site. He said that there is a good distance between the building and the adjoining neighborhood. He said that they have used a drone onsite who took some photographs, and they can demonstrate that with the screening that is already there for the residential properties and what they are proposing, and the building will not be visible from the neighbors' houses, and most of the height will be screened. He said that the site supports the density that they are proposing. He said they are targeting upscale residents and professionals. He said that with regard to the traffic concerns, they worked very hard with their traffic consultant and with the City to come up with something acceptable.

Ms. Bauer said that in their analysis of the traffic generated by a fast casual restaurant with a drive through, when they were doing their traffic study they presented the worst case scenario. She said that in the study, they were looking at it as if it was a McDonald's and the kind of traffic that might generate. Mr. Vitale stated that the residential component of the development would not be a high traffic generator.

Mr. Hooper said that the TIS existing background conditions level of service E for the two locations, Rochester Road at Auburn and Rochester Road at Wabash Circle. The new development increases the intensity. He commented that there is no agreement there, the future analysis remains E, and then you add F to Rochester for the south side driveway. He asked why the applicants did not go ahead with the TIS recommendation of adding a right lane taper for the south driveway.

Ms. Bauer responded that the right lane taper came as a recommendation for the design portion, however it wouldn't change the level of service but it would be for safety for the people turning right into that driveway. Mr. Vitale responded that they are not opposed to adding a right lane taper.

Mr. Hooper stated that he is not opposed to a four-story building, noting that four stories have been approved several times in the City, including City Walk on Tienken and Rochester, and also for a Fairfield, since it would be approximately 360 ft. away from neighboring residential properties. He asked the applicants whether they have the drone photos that they referred to.

Ms. Kapelanski pointed out that the ordinance does allow for four-story buildings on Rochester Road, provided that appropriate setbacks are maintained from adjoining residential and any other adjacent zoning districts and they have met those requirements.

Mr. Vitale showed pictures on the overhead, and noted that they "ghosted" the four-story building, taken from the adjoining residential properties, to show the distance and to put it into scale. He noted the pictures also show the screening that takes place with the existing trees.

Mr. Hooper commented that that screening would only really exist in the summer.

Mr. Vitale said that screening would be during the summer, however he noted that they would be installing more trees along the property line, and they could make those evergreens if that would help the screening.

Mr. Hooper confirmed that making them evergreens would be assumed. He referred to the two trash dumpsters on the site plan, one on the south side and one at the southwest corner of the property. He suggested that the applicants move the dumpster away from the residential properties to be less intrusive and so that they would not provide negative consequences to the residential homeowners.

Mr. Vitale responded that they could relocate the dumpster to the commercial

side.

Mr. Hooper noted that there are only two color renderings provided. He commented on the balconies shown on the façade and asked whether they are about 3 ft. wide, and questioned whether there would be outdoor closets. Mr. Vitale responded they are probably 3.5 ft. wide, just enough to step out, and there would be outdoor closets that would be part of the mechanical rooms for each unit. He said the intent for the balconies would not be to allow for having a large party out there.

Mr. Hooper said that there appears most of the building has very little masonry, and he noted there are not many labels on the drawing which identify the materials used.

Mr. Vitale said there would be a mix of masonry and aluminum panels, and pointed out that the darker shaded area is a lot of the masonry, the lightest shade is the metal panel, and the façade includes brick and stone. He said that the towers are the major portions that are brick, and the lighter color is metal panels.

Ms. Kapelanski pointed out the brick locations on the façade. Mr. Thompson said that "BR-1" on the plans is brick and "ST-1" is stone. Mr. Hooper said that he was not seeing any masonry on floors two through four.

Mr. Vitale responded that was correct, the lighter aluminum panels are on the higher rise part of the building, including the stair towers, and there are some portions of the building that are brick. He stated that for example, the darker shades that are shown in the background are masonry and the lighter portion is the metal panel.

Mr. Hooper said the applicant referred to brick all around the building, however the north elevation has very little brick. He noted there is brick on just on the one corner of the courtyard. He said that every architect has a different dream, however the commission has made some serious mistakes in the past not having enough masonry. He questioned the square footage of the apartment units and the projected price range.

Mr. Vitale responded that they would be 900-1200 sq. ft., with two bedroom two bath units, and a mixture of 1-2 bedroom units. He said he was not sure at this point of the price range.

Mr. Gaber said that he is waiting for somebody to say they're putting in entry level apartments for the City. He noted that although he understands the costs involved with the property and construction, he would like to once see entry level units offered. He asked why the back building is slanted and not perpendicular to the side property lines. Mr. Vitale responded that that is a design feature to give the development a more unique look and to not be so regimented. He said

that it is for no reason other than aesthetics.

Mr. Gaber asked whether there would be rooftop mechanical equipment. Mr. Vitale responded that there would be rooftop equipment on the retail building but not for the residential building. He said that each unit would have its own furnace, which be located adjacent to the balconies that he was referring to.

Mr. Gaber stated that he would like to see more masonry on the top portion of the building, and commented that on the north and south sides of the residential building there is quite a bit of non-masonry material. He said that the Commission has asked developers before to break that up such an expanse with columns, architectural features or masonry, and that would be appropriate in this case also. Mr. Vitale responded that they could look at that, to better define the masonry, at least on the first floor.

Mr. Gaber asked the applicant if 95 units was the maximum density they could fit for this property, together with the parking requirements and other items. Mr. Vitale responded that the design got them pretty close to maximizing the site, since the property and development are expensive it was necessary.

Mr. Gaber questioned various aspects of the site plan where the rear building attaches to the front building, and what the dotted lines represented. He questioned whether there was a driveway that went under the building rom north to south and noted that there was no illustration of that area. He asked if there are any renderings of the courtyard.

Mr. Vitale responded and said that is correct about the driveway, and there is a landscape plan but not renderings of these additional items. He mentioned that they do want to have some outdoor amenities including a gazebo. He noted that the driveway is there to service the retail building, and you can drive under the residential building to access the retail portion. He said that it's sort of a service road for the retail.

Mr. Gaber said that looking at the HRC report, they made comments that challenge the applicant's traffic report, specifically about using internal capture reductions to explain how the level of service in the area is being affected by this development.

Ms. Bauer responded that Rochester Road is an MDOT roadway, the signal timings are such that it's meant to create progression and said that side streets such as Auburn Road have a poor level of service when compared to Rochester Road. From their study and in comparing the background conditions to the future conditions, the site will have minimal impact. She said that they looked at this development also as if it were a shopping center with the same building, and determined that it would generate about the same number of trips as with the proposed mixed use development. She said that she knows there has been discussion back and forth and about their practice of using internal capture, with the approach that they took internal capture is typically used with mixed use developments. She commented that it wouldn't be a new trip on the roadway if someone living in the apartment went to the fast casual restaurant onsite. Regarding the impact overall to the level of service, she said that if you

compare the condition if there was no development whatsoever on this site to the proposed future condition, those cues are one to two car lengths different, or about 50 feet, which is really a minimal impact. Ms. Bauer said that in the a.m. or p.m. weekday peak hour and in the weekend peak hour, the development would be adding about 10-15 cars to the Rochester Road and Auburn Road intersection. She noted that overall if you think about the thousands of cars that are driving through there in an hour that is a pretty small percentage.

Mr. Gaber said that in terms of the numbers, the HRC report says that at Rochester and Auburn Road, the southbound lane on Rochester and you want to turn left on Auburn, in the afternoon trips for this development would add 25 seconds of delay. The northbound through on Rochester at Auburn is 12 seconds of delay, and then southbound is 20 seconds. So it looks like it does change the level of service in the second scenario from D to F and C to F, he said that he is trying to understand those numbers.

Ms. Bauer responded that the level of service letter provided is incorrect, if you look at the actual delay number, it should be C to D and D to E. She said that sometimes that happens with Synchro. She said that they also looked at doing a singular driveway, and what impacts that would have, and this information was provided in an addendum.

Mr. Gaber commented that for signal optimization, the report noted there needs to be changes to Wabash and Rochester Road intersection.

Ms. Bauer commented that that recommendation did not come from the study, it was because it was what they understood that the City and MDOT had been talking about, that signal operates in what is called a split phase. It is their understanding that here has been discussion of reconfiguring that signal or the intersection itself, so that the split phasing is not needed. When they looked at that, that intersection operated better overall and provided better progression on Rochester Road.

Mr. Gaber commented regarding improvements to the site entry ways, and asked HRC to review their requests or recommendations and to comment as to whether they have been incorporated into the site plan. Mr. Nacita responded that with the site plan they viewed they have a handful of comments, and from the latest site plan revision they are under the understanding that their comments have not been addressed.

Mr. Gaber asked the applicant if those comments would be addressed, and how they would be addressed. Mr. Thompson responded that he had plans to address those comments, if they could go line-by-line to discuss them.

Mr. Nacita said that there were five items from their review letter. He said that the first item was that it was agreed at the conceptual meeting with MDOT that the site have would two driveways, with one a right-in/right-out and the south entrance would be full access. Mr. Nacita said that he was concerned that the site plan that they reviewed, dated September 14, 2021, they did not think that the curb at the right-in/right-out driveway was not dominant enough to restrict left hand turns out.

Mr. Thompson said that this design works for fire access, for restricting the left hand turn, however they are open to widening both of those to provide enhanced access for fire trucks. Mr. Vitale said that they are willing to work with HRC to address their concern, they were trying to modify to address the fire marshal's concern and are open to making it work for both.

Mr. Nacita said their next comment was that on the right-of-way drawing some layers made it confusing as to where the right-of-way is located, it was not a critical item necessarily. He explained that the third comment was that at the conceptual meeting with MDOT they were concerned with having two lanes exiting the site, they believed that if there were two cars that arrived at the same time at the full access driveway they would be in competition with each other. Mr. Thompson responded that they were planning on leaving this as one egress lane.

Mr. Gaber asked for confirmation that anyone leaving and wanting to turn right or left at this location would be in the same exist lane. Mr. Thompson said that was correct.

Mr. Gaber asked why this design was chosen instead of having separate right and left hand turns like elsewhere in the City. Mr. Thompson said that it was discussed in their meeting that there would be some conflict when there is a right turn and a left turn, there is a conflict as you are coming across Rochester Road, a person turning right limits the visibility of a person turning left and then there's a conflict. So stacking them one at a time that conflict is lost. Mr. Vitale said that they studied it and that was the safer alternative.

Mr. Gaber said that could be a real disadvantage to the site, he would feel bad for the person looking to turn right who was stuck behind a person waiting to turn left.

Mr. Nacita said that the last comment was about the corner clearance, to make sure that on the landscaping plan that landscaping or any other obstacles would meet the required site distance.

Mr. Gaber said that a general comment with regard to this proposal is that there have been a number of comments about whether the City needs this type of development and that it's too dense. He noted that the FB Flexible Business zoning designation gives this flexibility to property owners and developers, and staff may want to reconsider having the FB districts. Otherwise developers could have to do a PUD, which is what the City did with Tienken Trail Lofts at Tienken west of Rochester Road, another mixed use development before there were the FB districts. He noted that this gives the City the ability to have other protections added to the site. He the PUD allows more flexibility to address traffic congestion, neighbors' concerns and related concerns. He said the FB district is generally for dealing more with multiple sites that utilize interior roads, for example the development on the east side of Rochester Road with Fifth Third Bank, some apartments, First State Bank, Genysis Bank, and the senior living facility just north of Bordine's, and those concepts don't seem to apply to a development like this.

Dr. Bowyer said that she likes the slanted look. She said that she lives just to the northwest of this proposal. She said that she's not a big fan of the four stories, because of the density together with the commercial portion at the front. She asked the applicants whether they are planning on having a pool or a fitness center for the development. Mr. Vitale said they would have a fitness center and maybe a pool.

Dr. Bowyer asked where the loading area is located for the apartment building on the plans, for when people are moving in and they would want to be close to a door. Mr. Vitale identified an area on the plans that would be close to the elevator and said that would be an ideal location to make a designated loading area.

Dr. Bowyer said that having a truck in that location looks like it could block traffic from going around the building. She said that she agrees there needs to be more brick utilized on the apartment building facades, but that the front of commercial building looks great. She said the apartment facades are all white on the top, from a distance it looks like a prison and the applicant needs to do something with that. She said that she would like to see brick on floors two, three and four. She stated that it would be nice if the applicant could connect the site to the businesses on adjoining properties through the back parking lot, and said it would be nice to have an interior road since traffic is a nightmare and it would reduce traffic on Rochester Road by allowing residents to access stores and restaurants further south without using Rochester Road. Dr. Bowyer said that in the approximately 22 years since she has lived nearby, the only accident she ever had was just in front of the southern entrance to this proposed development. She was just sitting on Rochester Road southbound, next to the left turn lane, and a truck in the left turn lane was trying to turn into Barnes & Noble. Because cars were stacked up way past Barnes & Noble, the cars behind the truck gave him a spot, but he didn't realize how big his truck was, he pulled in and took her car with him. She said that's not unusual in this area, to be backed up that far and for people to have to allow gaps in the cars to allow people to get in and out of the businesses. Mr. Vitale said that unfortunately they cannot solve the traffic on Rochester Road, but the traffic study has proven that no matter what is developed on the site, even a shopping center, it will add the same amount of impact. He said they are not developing something that will have a higher amount of traffic impact.

Dr. Bowyer said that whatever is constructed will still lead to a bigger nightmare for Rochester Road, she realizes that it is MDOT's road. With regard to the drive through, she that there are the two lanes heading south, and they will turn to access the window on the other side of the building. She suggested that there should be a curb or a wall so drivers don't hit people in the drive through and cause a head-on collision. Mr. Thompson said they have addressed that by widening the standard drive aisle, and there is no curb around the drive through as it is now.

Dr. Bowyer asked if there would be pavement markings to delineate the drive through lanes with arrows, so that drivers to the south would know that they need to move over a lane so they would not cause a conflict with the drive through

traffic. Mr. Vitale said it would definitely be marked and signage that will help guide traffic and keep it organized. He said that was one of the reasons why they want the tow access locations on Rochester Road. Dr. Bowyer said there needs to be a curb or a wall so that the drive through lanes are totally clear and there are no head-on collisions, there could be major accidents there. Dr. Bowyer said that she understands they are looking to construct high end apartments with the price of construction, and asked the applicants to confirm that they would have enough parking both for the residents and their visitors.

Mr. Dettloff asked whether the owner of the parcel is in attendance to the meeting. He asked whether the owner could provide a ballpark estimate for the price points. Mr. Hadid responded that they had a professional complete it, the price for rent identified was \$1.50-1.52/sq. ft.

Mr. Dettloff asked if it was an independent study done for rent prices or if it was something that the applicant completed. Mr. Hadid replied that they had an independent study completed. Mr. Dettloff said that the commissioners don't want to see a saturation of the market, however there is definitely a need for more high end apartments in the City. Mr. Hadid said that they always construct buildings high end but that doesn't necessarily mean the price will be high end.

Mr. Kaltsounis said to be blunt, the applicants are setting themselves up for failure. He noted that the driveways are extremely critical, and said the south entrance will become a left turn fight and nightmare like Kroger at Livernois and Walton. He said that it is a big mess going in and out, and in this instance you are adding a turn so it will be worse. He said that if everyone is going to leave for work at the same time at 8:00 a.m. it will be an issue. He said that he would like that analysis presented today. His second concern is that every high end residential development has one thing which these plans are missing, which are carports. He said that carports need to be on this plan. He said the applicant will need to come back showing carports and also to address the traffic items. He said this is the applicant's business decision, but a premium customer will need a carport for their cars. He said the applicants also need to come back to revise the renderings to show additional brick. He asked where the applicants would put carports, and said the plans are not ready for approval in this condition. He asked for the height of the open air drive through, he cannot imagine a Panera bread truck getting through the left turn at the corner, it would hit both of the curbs to get out of the driveway. He said the light study shows light going onto the neighbor's property and that needs to get fixed. He said that he's not excited for a four-story building, however there is a precedent on Rochester Road. He said there are serious intangibles that need to come back for review, and making a left hand turn out of this site will be very difficult.

Ms. Neubauer asked how many units there would be on the fourth floor, and how many would be two bedroom units.

Mr. Hadid said that there would be 24 or 25, and said that about ¼ of them would be two bedroom units. Ms. Neubauer asked Mr. Hadid how many other completed developments he has in Rochester Hills. Mr. Hadid said that he does not have any.

Ms. Neubauer said that she would like to see renderings for the courtyard design, and extra screening with evergreens included in the plans. She suggested the applicant provide a rendering of the amenities to be offered, and address issues from traffic consultant. She said that she would like to see how the drive throughs will look, and asked if there would be one or two speakers. Mr. Thompson replied that there would be two. Ms. Neubauer said that when she was in high school they had new construction and it was said that it looked like a prison, and she didn't understand that at the time. However she said that when you have lots of tiny windows they look like cells, and there has to be something to break it up. She said where they have aluminum would be a good place to add masonry. She noted the applicant said they would be willing to add masonry to the first floor, she said what the commissioners are looking for is all the way around the building. She said it looks contemporary, but stone and masonry can also look contemporary. She also asked the applicant to include the underdrive in the renderings. Mr. Vitale pointed out the underdrive on the elevations. Ms. Neubauer said that 94 units will be a lot for this parcel, especially because they are so small and it would not be attractive.

Mr. Struzik said that moving the dumpster away from residences is always better, and said that he likes the mixed use idea. He said with the large setback and the right kind of landscaping on the west property line, he thinks the four stories should work. He implored the applicants to please work with the adjoining neighbors, especially those that are directly adjacent to the site. He said that he appreciates the sidewalks to take foot traffic from Rochester Road into the development, including a sidewalk that goes all the way back through to the apartments. He said that he likes the northern in-out, it wasn't quite a straight shot. He said that he rides his bike through this area a lot and people just don't look. He noted that he can wear a neon yellow vest with flashing LED lights during the daytime, and they don't look. He said the fact that the exit is not straight will help slow people down when exiting. He said that he doesn't see the need to have a left turn lane, however he understands the concerns. As a pedestrian he likes having less road area to cross on the sidewalk. Mr. Vitale said there was a lot of discussion about that with their traffic consultant, engineers, MDOT, the City in multiple meetings it was something that they studied pretty extensively. That part was a major part of their work over six months and this driveway is very important.

Mr. Struzik said that he appreciates the work that went the design, that there is a balance between the needs of pedestrians, moving cars, and the need for safety, and sometimes there is not a clear and obvious solution. He said that he agrees with the need for additional masonry on the building. He asked if there is fire suppression, if there was a vehicle fire under the bridgeway. Mr. Vitale said that they haven't gotten to that level of detail but that if fire suppression was required in that location they'd probably have to provide it.

Mr. Struzik said that a vehicle catching on fire in that location would not be great. He related an occurrence where there was a vehicle fire at 9 Mile Road and I-75 where the heat from the vehicle fire caused the bridge to collapse, and he would hate to see a similar occurrence here.

Dr. Bowyer asked for clarification that this project would only come before

Council for the conditional use for the drive through. Ms. Kapelanski confirmed that was correct.

Dr. Bowyer said that if there's any way the applicants can reduce the density that would be positive, by either taking away some of the single bedrooms and making them three bedroom units, or getting rid of the fourth floor. She said that Ms. Neubauer requested a picture of a semi-truck fire truck to show how it could be accommodated under the underpass. She said that with the proposal going to City Council for the conditional use, residents are up in arms regarding the overdevelopment of the City aside from this proposal.

Chairperson Brnabic said that the City has already set a precedent for four story hotels; however she wouldn't want to get stuck on that since those were hotels in the M-59 corridor which is a different situation than a mixed use development.

Mr. Gaber asked the applicant to consider a green roof for this building. Mr. Vitale responded that they have not considered a green roof but will be as energy conscious as they can, doing all of the things that will make sense.

Mr. Gaber asked if the retail building is intended to serve the residents of the apartments or the general public. Mr. Vitale responded that they hope it will serve both.

Mr. Gaber asked what the rear of the retail building looks like, since there will be apartment units with windows facing the back of the retail building. Mr. Vitale said the rear elevations will be masonry, and not glass, and there will be service doors.

Mr. Gaber asked with 13,000 sq. ft. of retail space, whether they have had an interest expressed for renting the space. Mr. Hadid said they have had a lot of people express interest but they have no commitments at this time. He said potential tenants may include a medical use, restaurants, and a phone or optic center. Mr. Gaber commented that for the new commercial building south of Bolyard Lumber, their representative said they've been trying to lease that space for two to three years and they haven't had any luck. Mr. Hadid replied that they have had a lot of people interested and they have been very selective and have not made any decisions.

Mr. Gaber asked if they would be bringing new businesses to the area, or if they would be taking them from other locations within the City. Ms. Roediger said that the Gateway project on Rochester Road went to City Council last night, and they indicated that they had four letters of intent signed for that building now. She said that it looked like the drive through there really drove the interest in the building.

Mr. Weaver said that he thinks the commercial building looks great from Rochester Road but he has mixed feelings on the size of the proposed development. He said there have been discussions about too much density in the City, and he is concerned about the drive through conflicting with oncoming traffic based on the design. He said some sort of signage or separation there

could help. He is concerned with the neighbor's view, and said that the landscape plan needs to show how it will look for the neighbors, and adding their existing trees would help also, and he would hate for the new trees planted to be detrimental to the health of the existing trees on the residential properties. He said that a 12 ft. high evergreen is going to take 15 years to grow in fully, and noted larger trees are available and will help the situation if a four story building is approved. With regard to the soil conditions onsite, he said that the landscape notes need to say something about breaking up the clay barrier to help the rooting of the plantings, also because when the asphalt is removed the soil will be very compacted underneath. He wished the applicants luck and complimented them on this project.

Chairperson Brnabic asked the applicants to describe where a swimming pool would be added onsite. Mr. Vitale said the pool would be located in the courtyard.

Mr. Kaltsounis asked if the applicants would like a motion to postpone and come back. Mr. Vitale said that they would take everything mentioned work with staff and if this could be approved conditionally. Mr. Kaltsounis said that there are too many issues to be worked out with staff. Mr. Kaltsounis moved to postpone this item, seconded by Ms. Neubauer.

Mr. Hooper asked whether the south driveway could be moved further to the south, and said that if they decide to move forward with a pool it needs to be shown on the plans. Mr. Vitale that they can look at the pros and cons of moving the driveway further south, but there could be some added traffic issues with that too. Chairperson Brnabic said that adding masonry to the facades is very important.

Dr. Bowyer asked staff regarding the retention pond that is currently onsite. Mr. Boughton responded that Barnes & Noble had a 10 year retention pond, but the new proposed one would have a larger 25 ft. capacity. Mr. Dettloff asked the name of the firm that completed their market study. Mr. Hadid replied that the company was called Lease Up.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, that the Rochester Hills Planning Commission hereby postpones Legislative File Numbers 2021-0469, -0470 and -0471 to a later date to allow the applicant to address the Planning Commission concerns.

2021-0471

Request for Site Plan Approval - City File No. 21-008 - Bebb Oak Meadows - a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

Postponed

2021-0470

Request for approval of a Tree Removal Permit - City File No. 21-008 - for the removal and replacement of as many as 13 trees for Bebb Oak Meadows, a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

Postponed

ANY OTHER BUSINESS

Chairperson Brnabic asked for any other discussion.

Ms. Roediger said that there have been a lot of comments about the proposed Chick-fil-A and that she would provide an update regarding the status. She said that the City provided the first round of reviews on Monday back to the applicant, so it is in their hands. She said that we wouldn't see that application coming before the Planning Commission until 2022.

Mr. Gaber asked the location of the other Chick-fil-A that adjoins residential property.

Mr. Struzik said he thinks that it is located in Walker, Michigan, near Grand Rapids.

Dr. Bowyer asked if there have been discussions about requiring LEED certification.

Ms. Kapelanski replied that there have been discussions about sustainable design, but if that was something that the Planning Commission wanted to pursue it could be brought up as a discussion item.

Dr. Bowyer said that with overdevelopment, looking at the FB districts would help slow down development.

Ms. Roediger said that requiring sustainability elements is a good concept, however she has seen in other communities that this can become onerous and adds significant cost and delays to projects. However, it would have to be an incentive and not a requirement. The incentives would have to allow more density or other items.

Mr. Dettloff asked if that could be discussed at the joint meeting with Council.

Mr. Gaber suggested the City consider revising the FB Flexible Business zone district or doing away with them, depending on the objectives. He noted that there were some items missing in the staff report regarding the conditional land use criteria.

Ms. Roediger said that staff has been working on zoning ordinance and general ordinance amendments including lighting, performance standards, vibration,