



Rochester Hills

Minutes - Draft

Planning Commission

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Home Page:
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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Ed Anzek, Gerard Dettloff, Nicholas O. Kaltsounis,
Stephanie Morita, David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, August 15, 2017

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

ROLL CALL

Present 7 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, David Reece and C. Neall Schroeder
Excused 2 - Stephanie Morita and Ryan Schultz

APPROVAL OF MINUTES

[2017-0340](#) July 25, 2017 Regular Meeting

A motion was made by Schroeder, seconded by Hooper, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 7 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Reece and Schroeder
Excused 2 - Morita and Schultz

COMMUNICATIONS

Ms. Roediger welcomed Ms. Kapelanski, the new Manager of Planning. She and Ms. Kapelanski worked together for a period of time in Novi. Ms. Kapelanski was at Novi for about a decade, and she also had experience at Oakland County. She had been reviewing site plans for many years, and Ms. Roediger stated that she was a great addition to the team and would bring great perspective to the community.

A) Planning & Zoning News dated June 2017

NEW BUSINESS

[2014-0497](#) Public Hearing and request for Conditional Use Recommendation - City File No. 14-016 - Silver Spoon Ristorante, a proposed 3,986 square-foot restaurant at 6780 Old Orion Ct., north of Tienken, west of Rochester Rd., zoned R-1, One

Family Residential with an FB-1 Flexible Business Overlay on 1.8 acres of the three-acre parcel, Parcel No.15-03-476-013, Silver Spoon Ristorante Italiano, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated August 11, 2017 and Site Plan and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Joe Nirta, Silver Spoon, 6840 Old Orion Ct. Rochester Hills, MI 48306 and Pietro and Sal D'Aleo, D'Anna Associates, 1055 South Blvd. E., Suite 200, Rochester Hills, MI 48307.

Ms. Kapelanski summarized that the site totaled 3.03 acres on the west side of Old Orion Ct., south of Orion Rd. She noted that the site was Rezoned to add an FB-1 Overlay in 2014 in preparation for submission of the site plan. The applicant was proposing a 4,000 s.f. restaurant with an outdoor seating patio. The first request was for a recommendation to City Council for a Conditional Use Permit. The applicants were also requesting a Natural Features Setback Modification for 245 linear feet to allow for construction of the sidewalk and parking lot and Site Plan approval. ASTI, the City's environmental consultant advised that it was a lower quality wetland, so there no concerns with the requested modification. Staff was recommending approval of the plan, as it met the applicable regulations with some modifications: a reduction in the front yard building setback in the minimum building frontage build to area and for the minimum façade transparency and parking (above the maximum number of spaces). Staff supported all of those requests, as the plan generally met the intent of the FB Overlay. Regarding the parking, similar restaurants in other districts would require a substantial amount of parking above what was required in the FB Overlay, so staff supported the increase in parking spaces. The applicant was also requesting a modification that existing vegetation met the intent of the buffer along the west property line. There was resolution needed regarding the required screen wall along the south property line. There was some ambiguity in the plan sheets about what was proposed. A masonry wall was required, and she expected to work with the applicant to come up with a resolution. All other reviewers recommended approval with minor conditions to be addressed on the final Site Plan. She said that she was available for any questions.

Chairperson Brnabic asked the applicants if they had anything to add. Mr. D'Aleo stated that they had proposed solutions for the conditions, including the south wall.

Chairperson Brnabic opened the Public Hearing at 7:09 p.m.

Laura Barrett, 311 Maplehill Rd., Rochester Hills, MI 48306. Ms. Barrett mentioned that she just moved to the neighborhood one month ago, although she had lived and been a taxpayer in Rochester Hills for 30 years. She said that she was not informed of the zoning situation. She did not know if the subdivision was aware of any changes or given an opportunity to object to the change in zoning. She stated that she totally objected to the proposal. She felt that the restaurant could stay where it was or go somewhere else. She wanted to preserve the green space that she liked at the end of her street. There was already quite a bit of traffic on Orion, and she was very concerned that the restaurant would add to the congestion. She reiterated that she was totally opposed to the building. She finally realized her retirement home, and she was being told that its value would be diminished, and she did not appreciate it.

Dan and Sue Marus, 250 Maplehill Rd., Rochester Hills, MI 48306. Mr. Marus said that they just bought a lot directly across from the “forgone conclusion.” He had no idea about the rezoning in 2014, and he did not know what an FB Overlay was. He maintained that he had no ill will towards the restaurant and its success. Mrs. Marus agreed, because they had been at the Silver Spoon on many occasions. Mr. Marus said that he was constructing a home directly across the street. Mrs. Marus said that they were not notified when they purchased their home or submitted plans. Mr. Marus said that they would be building a 3,000 s.f. ranch, with close to \$750,000 into it, and then be living across from a brick wall and parking lot. He said that they received no notification from the City. He stated that he was very apprehensive. He thought that there would be green space there. When he originally drove down the street, he thought it was a wetland that was not buildable. Mrs. Marus said that they were not even allowed to put in a basement because of the water table. She said that they were looking forward to walking to the nearby restaurants. Mr. Marus said that he was not opposed to the plaza, but he asked why they would want to blow it out into a residential area. Mrs. Marus noted that Lino’s was for sale, and she asked if it was possible to rebuild there.

Mr. Nirta said that the entire frontage would be all blue spruce, and people would only be able to see down the two driveways. The entire building would be surrounded by trees, and there would be more green space than there was currently. Mr. Marus said that he just did not want to have to look at a parking lot. Chairperson Brnabic related that all questions would be answered after the Public Hearing.

Mr. Marus said that the slides showed more detail than what was sent out

in the notice for the meeting, so he really had no sense. He knew it was an abandoned temple, but he had no idea what was proposed. It appeared to him that he might be looking at a parking lot with a dumpster.

Gary Palmer, 240 Maplehill Rd., Rochester Hills, MI 48306. Mr. Palmer said that he was not going to attend, but he went to the website and saw the plans. He found it very unusual that the City would want a restaurant on a 25 mph secondary road. Sheriffs had been stopping drivers saying that it was not a through street. Also, there was no direct access from Tienken, Rochester or Orion Rd. He felt that it was unusual that they would want a parking lot to be on the side where the residential area was instead of in front of the restaurant, like it was at the Papa Joe's center and at 99% of other restaurants. He said that he would be happy to sell his lot on the corner of Orion and Maplehill, because there was a lot more traffic on Orion Rd. He thought that it was a bit ridiculous that it was being proposed in a residential area between two residential streets.

Vourneen Krantz, 144 Ann Maria, Rochester Hills, MI 48036. Ms. Krantz had a friend with her (no name). The friend said that Vourneen had been a resident of Rochester Hills for over ten years. She built her house on a designated wetland, and she had to have special approval to do it. She was surrounded by wetland. The south wall, if constructed, would keep all the water captive in her yard, and it would have no place to drain other than into her property. She claimed that the proposal was a bolt out of the blue for her. She mentioned headlights shining into her backyard and house, and she felt invaded. She said that it was kind of thoughtless on the City's part to have something that seemed like a done deal. It did not seem like there was a leg to stand on, and that it was a foregone conclusion. Ms. Krantz said that her backyard abutted the parking lot. She had phragmites, and there was a minimal wetland partly on her property and partly on the subject property. When they put the wall up, it would fill up and flood her basement. She stated that there would be noise, traffic and lights. She pointed out that it was a residential area, and said that it was crazy to even think of building a restaurant there. She was faced with that and with the water issue. Her friend asked how the rest of the topography would change. The restaurant seemed to be on a little island of its own. In five or ten years, it might not look the same, and she wondered what long range plans there were that she did not know about. There was no access to Tienken, and there was no access to Rochester, and she wondered what it would look like down the road.

Chairperson Brnabic closed the Public Hearing at 7:20 p.m.

Chairperson Brnabic asked Ms. Kapelanski to explain the FB-1 Overlay. Ms. Kapelanski stated that FB-1 permitted, as Conditional Uses, some commercial uses. Restaurants were permitted as a Conditional Use and residential uses were permitted outright, as were civic and education uses. The FB Overlay district was designed "to foster a lively and sustainable development that creates an imageable neighborhood identity." As part of the original Rezoning, a restaurant was considered as a possibility for the site and at that time, the Planning Commission and City Council decided to go forward with the Rezoning. The FB-1 Overlay provided for some flexibility in zoning standards, but it also had regulations to ensure that whatever use went in blended and did not adversely affect the adjacent properties, hence, the requirements for the screen walls, landscaping and additional public spaces.

Ms. Roediger added that the site was Rezoned almost three years ago. At that time, notice was given to all the properties within 300 feet. The FB Overlay stood for flexible business district, and it allowed for a mixture of uses with a better concentration on design and how a site was laid out. In this instance, they were dealing with an existing building and site that the applicants were trying to work with to create a unique restaurant experience to include and embrace the natural features. The western half of the property would remain completely natural, so there would be no change to the wetland area. It was reviewed by the City's wetland consultant, and there would be no modification to the wetland and vegetation area on the western half of the property. That area would serve as a buffer and good transition between the residential neighborhood to the west and the use that fronted on Old Orion Ct.

Chairperson Brnabic asked the applicants if they had any communication with the neighbors. Mr. Nirta advised that they only had three years ago. They talked with the neighbors and a few came into the restaurant, but there had been nothing recent. Chairperson Brnabic stressed that the Commission always recommended communicating with the neighbors. The more, proper information the neighbors had, the better for everyone, and it would give the opportunity to ask questions.

Mr. Nirta said that one of the neighbors said that the restaurant would lower her property value, but he did not believe that would happen because of the quality of the building they were proposing. It would be much nicer compared to the church that was falling down. He felt that the property values would at least be sustained. They would be adding trees, and his idea was to hide the restaurant completely. One gentleman had mentioned the low volume of traffic, but Mr. Nirta stated that he did not

want traffic. People did not come to his restaurant because they were driving by and saw it. They would know he was there. He wanted to keep it as quiet and secluded as possible and not have signage on the road. He added that they moved the setback an additional 20 feet from the wetland over what was required.

Mr. D'Aleo noted that the preliminary drainage drawings had been prepared by their civil engineer, who was out of town. All of the underground structure would divert water away from the edges of the property so that no adjacent property would be affected. The water would all be handled on site.

Chairperson Brnabic said that there was also some concern about lights shining into homes from the parking lot. Mr. Sal D'Aleo said that the south end was the most critical, and there would be two layers of buffering there. They needed to update the screen wall, but it would be full masonry. On the side facing the neighbors, there would be two layers of vegetation - tall trees and a lower, coniferous band of trees. The wall would not be visible, and any light pollution would be screened. There were a lot of trees being planted. He reiterated that the intent was to hide the restaurant.

Mr. Nirta said that he did not plan to put in a lighting system like at a stadium. It would be low, ambient lighting at sidewalk level. There would not be high lights shining into the neighbors' homes.

Mr. Kaltsounis stated that he was not fond of walls. He previously owned a daycare in the City that had a wall in the back, and every time it rained, there was no drainage to get the water out of the neighbors' backyard. Half of their backyard would flood on a rainy day. There was a six or seven-foot drop, the same as the subject situation, and he envisioned the same thing happening. He concurred with Chairperson Brnabic about visiting with the neighbors, and he wished it had happened before the meeting.

Mr. Kaltsounis observed that the wall would be seven feet high. It was a stone wall, and there was drainage and a sock on the inside of the wall but nothing on the outside. He asked at what level the parking lot was. He asked if they would be putting in seven feet of fill. Mr. D'Aleo disagreed. Mr. Sal D'Aleo said that they would be working with the existing topography. Mr. Kaltsounis said that some pictures did not show a seven-foot wall. Mr. Sal D'Aleo explained that the wall would be put in to buffer and to maintain drainage to the storm structure so there was a

proper slope. Mr. Kaltsounis said that the wall was at the end of the parking lot and there was a curb, but there were large trees outside the retaining wall and several shrubs. He asked the location of the shrubs and what they were intended for. Mr. Sal D'Aleo said that the main intent was screening both from noise and lights and to cover the back end of the wall, so the neighbor did not see that hard edge. Mr. Kaltsounis said that typically, shrubs were put in so they could block headlamps, but he felt that the shrubs were in a bad position. He asked the intention for the trees. Mr. Sal D'Aleo reiterated that it would be two layers of screening. One was to maintain height and to be a sound and light barrier. Mr. Nirta said that it was not a retaining wall, so there would not be seven feet of fill. He asked Mr. D'Aleo if it was just a screen wall. Mr. Sal D'Aleo said that it would retain the existing earth. The retaining portion was only three feet. Mr. Kaltsounis said that the plans showed seven feet. Mr. D'Aleo explained that it was for the screening on top of the retaining wall. That would block lights and noise at the higher level. The wall in total would be seven feet from the bottom earth to the top. On the outside of the wall the intent of the vegetation was to block the wall itself. They were sensitive to what the neighbors looked at. As far as drainage, if they needed to install a sock (he was an architect and could not really speak about the intricacies of drainage), he was sure the owner would be more than willing to accommodate.

Mr. Kaltsounis said that he wished that they were not fumbling through the prints trying to get answers. He claimed that he was not against the development, but he wanted to make sure that the details were set. When a car was seven feet in the air, it turned into a lighthouse. Mr. Sal D'Aleo said that the parking lot was three feet lower than the adjacent neighbor. Mr. Kaltsounis said that he wished he knew that. He clarified that they would be running tanks under the parking lot. He asked how low the tanks were shown on the plan. Mr. Sal D'Aleo agreed that it was a question for the civil engineer. Mr. Kaltsounis asked if they would be under the frost line, which was confirmed. Mr. Kaltsounis said they would be at 42" but there would be a drain sock at seven feet underneath the parking lot deck. He assumed that there would not be good drainage in that corner. Mr. D'Aleo said that when the construction plans were worked out, they would absolutely address drainage. It was only partially developed with the intent of showing everything on the construction plans.

Mr. Kaltsounis asked what type of trees would be in the buffer. Mr. Sal D'Aleo said that there would be Cleveland Pears (9) along the wall, and two types of low lying Norway Spruce. Mr. Kaltsounis asked if there would be shrubs underneath evergreen trees and a brick wall into the tree lines.

Ms. Roediger advised that the shrubs on the south side of the wall were viburnums. They would not be planting large evergreen trees underneath deciduous trees. The evergreen trees were focused more at the corners. Mr. Kaltsounis asked if the trees across the southern edge of the property line would have leaves that fell off in the fall or pears that would drop onto the neighbor's lawn. Ms. Roediger said that they would fall into the wetland. Mr. Sal D'Aleo did not think those trees would produce fruit. Mr. Nirta agreed, and said that they would be decorative only. Mr. Kaltsounis maintained that the trees would not stop the lighthouse effect at night. Mr. Nirta thought he was envisioning it differently, because the cars would be below the wall. Mr. Kaltsounis said that he knew what they were explaining, but he did not see it on paper. He promised the neighbors that he would do what he could to see everything laid out right, and he was not excited about what was on the south side of the wall. He was concerned that the proposed trees would not screen year round and about not having drainage on the other side of the wall.

Ms. Kapelanski clarified that the engineering details on sheet 9 did show a seven-foot wall, but sheet 5 showed that the parking lot was three or four feet at finished grade higher than the adjacent property to the south. The landscape plans indicated a three to four-foot retaining wall with a wall on top. She would anticipate in that location a three or four-foot change in grade with a three or four-foot retaining wall. On top of the three or four feet of retaining would be an additional four to five feet of screen wall. In front of that would be the shrubs and the pear trees. She would not expect that there would be headlights shining into the south property. She realized that the plans were a little ambiguous and had some conflicting details, but if they provided the full eight feet of masonry wall that was required, she did not think there would be an issue with headlights.

Mr. Kaltsounis said that he would like to see more detail for the lights and drainage. He would like to see clarification for the corner and a definitive plan with grades and details. If the applicants would have had a conversation with the residents, it would have come up.

Mr. Hooper remarked that Ms. Kapelanski stole his thunder. He agreed that the detailed grades were on the engineering plan. It showed the proposed elevations and existing contour elevations, so the parking lot was raised in elevation, which he was sure was to contain the underground detention system in the parking lot. He asked what the retaining wall would be made of. Mr. Sal D'Aleo said that it would be similar to a versalock product. It would be split face block. Mr. Hooper asked if there

was an associated color scheme. Mr. D'Aleo said that they had not gotten that far. Mr. Hooper felt that they were ahead of the curve. He thought it should come back with the details. The Commissioners needed to know what the product and color scheme was for the wall. He was not opposed to the landscaping; he felt that it was fine to screen the wall on the residents' side. Regarding the height of the wall, he asked if the eight-foot tall buffer was from the existing property line or from the new, proposed parking elevation.

Ms. Kapelanski said that she interpreted it as from the bottom of the wall. It would include a portion of the retaining wall. Otherwise, it would end up from the existing parking lot elevation with a wall that was over ten feet high. Mr. Hooper said that it looked like the parking lot elevation change in grade was about 2.2 feet going from east to west. He asked if the screen wall on top of the retaining wall would be the same product. Mr. D'Aleo agreed that it would be a contiguous surface. Mr. Hooper recommended that it would have to be double faced at the screen portion, because it was exposed on their side. The other side would be buried by earth. They would want to make sure that at the back elevation, at 804, with the existing contours, that the wall would be four feet tall at the southwest corner. Ms. Kapelanski believed that was correct. It would range from three to four feet along the property line. Mr. Hooper said that they wanted to make sure that the wall was a sufficient height to screen any potential headlights, which it would do with a minimum four-foot tall screening wall on top of the retaining wall. He asked if the dumpster enclosure would be made of the same product, which was confirmed.

Regarding storm drainage, Mr. Hooper stated that the applicants could not spill any drainage from their property onto the adjacent properties. They would have to retain all the water within their own system, which would then be discharged into the County storm drain. There would be no change in drainage because of the development - that was a requirement of the City. At the Rezoning, the applicants talked about not having overhead lighting, but rather low level, ambient lighting, which they were providing. They wanted the restaurant to be hidden, and it would be a destination location. He thought that the landscaping would be quite extensive around the perimeter of the property. He would want to see the missing details about the wall and what the elevation was between the retaining portion and the screening portion as it went around the parking lot. The typical section details were not really accurate compared with what would actually be built.

Mr. Reece stated that Mr. Hooper was spot on. His recommendation

would be to get some cut sections through the site that accurately delineated the wall and the elevations through to the house at 144 Ann Maria and to see, as the grade dropped, into the swamp and up to the edge of the residence. The grade was about equal; the house was at 800, the edge of the parking lot was at 801, so there was not significant change in elevation. The problem was that the drawings did not reflect what the Commissioners thought they wanted to do there, and that was why they were struggling. They would not approve something that would be a detriment to the community. On the other hand, they had all been to the Silver Spoon restaurant, and they knew it was a great product. It was not a McDonald's, and not a BWW type of restaurant, and it had a very sedate crowd. He did not think it was a bad location based on that. If it was a different type of use, there would be a completely different issue. They needed to better accurately reflect the product, what it looked like, better elevations, and he strongly recommended trying to get some of the parking off the south wall and moved inward away from the neighbor at 144 Ann Maria. That would eliminate a lot of the issues. He asked if they could take a look at moving some of the parking so that it was not facing into the subdivision. He felt that would be a win-win for everyone. If everything was done right, with proper drainage, the wetland would do its purpose and move the water away from the houses on the edge of the wetland. The Commissioners needed to see the details that demonstrated that so they would feel comfortable accepting the plan. They were not comfortable at this point. He recommended that they came back with some better information quickly. The residents would be notified. He also recommended that Mr. Nirta invited the residents into his restaurant for a glass of wine to look at the plans. People did not know what they did not know, and the plans had not been adequately reviewed by the neighbors to understand what was going on in that regard. He maintained that the owners had a right to build on the property, and they would be doing it in a very respectful and high quality way, and they were trying to blend the best of both worlds. The applicants needed to do due diligence a little better and come back with a plan the Commissioners could sleep well with if it were approved. He stressed that it was not a given, and none of the Commissioners were in cahoots about approving the plan ahead of time. They all reviewed the plans independently and all had their own comments. There was not a caucus that got together and said that it should be rubber stamped. That was why they were bringing up the comments they were. It was the Commissioners' duty to do it for the residents. People did not believe it when he said it, but it was the truth. City staff approved it based on their requirements, but they were just recommendations to the Commissioners. They were not puppets, and they did not arbitrarily approve or disapprove anything without

thoughtful effort. They were all professionals, and they knew what they were looking at, and they would make the right decision for everyone. Chairperson Brnabic stated that she absolutely agreed.

Mr. Anzek thought that Mr. Reece had summed it up well. Typically, with a restaurant close to residential, there were always issues with noise. He could anticipate that they would have lovely music, but he wondered how loud it would be outside in the patio area. He asked what the hours of operation were. He had seen some quality restaurants close at 10:00 p.m. on weekends. From the interior diagrams, he ascertained that there would be a bar. Mr. Nirta agreed that it would be the almost identical footprint of the restaurant they currently had. Mr. Anzek said that bar activity in itself promoted longevity - sometimes to 2:00 a.m. in the morning. Mr. Nirta said that he did not intend to have crowds that hung out late. Mr. Anzek hoped not, but he noted that it would be something the Commissioners would consider as part of the Conditional Use (hours of operation). He observed that they proposed 64 parking spaces and about 30 tables. Mr. Nirta said that there would be 80 seats. Mr. Anzek did not know if 64 parking spaces was the correct amount, because some people came four to a car. The parking did exceed the Ordinance requirements quite significantly. He did not necessarily want to reduce the parking, because that could force people to park on the side street. He would like to know that there would be no off street parking. There were other situations in the City where "No Parking" signs in a public right-of-way had to be put up. He stated that he did like the site plan, but it was taking design and pushing necessary activities further away - hence the parking. There was a generous curve across the front of the building and a landscape feature directly across the front, and if that was turned into parking spaces, they might be able to pick up another seven. If the curving from the northern entrance was squared off, it might not be as attractive from a design standpoint, but it would function as parking.

Mr. Nirta said that was what they started with, but he sent them back to the drawing board, because there were four giant conifers that were 24" in diameter, and he wanted to leave them in place. They extended the parking lot to the north instead. Mr. Anzek said that he appreciated that, but if the trees were that big, they were probably on their last legs. If they were healthy, they might last another ten or 15 years. He was just trying to find a way to get parking closer to the restaurant. He thought they might have lost some opportunities with their design. He could come up with about 20 additional spaces with a different design. That could eliminate the leg on the very north side parallel to Maplehill Rd. or the southern-most 15 spaces. He said that he would like to see some

alternative layouts to appease some of the comments they heard. He would be concerned about music. He knew that Mr. Nirta ran a class restaurant, and Mr. Anzek would expect quality, high class and soft music, but he cautioned that soft music outside at 2:00 a.m. in the morning would not sit well with the neighbors.

Mr. D'Aleo advised that the patio would be on the north side of the property away from the residential area. Mr. Anzek said that he understood, but he pointed out that the City has had concerns from the squawk boxes at drive-through restaurants. He was just asking them to take into consideration pulling some of the parking closer to the restaurant. He suggested that someone could estimate the life of the trees, noting that the work around them would disrupt their roots, so they might be lost regardless.

Mr. Dettloff mentioned the EIS, which indicated that the restaurant would operational Monday through Sunday. He clarified that the current restaurant was not open Sunday, and he asked if they would be adding that day. Mr. Nirta said that he believed the EIS was written a few years ago when they applied, but they would be closed Sunday. Mr. Dettloff said that the EIS also stated that there would be 8-12 employees for a 4,000 s.f. restaurant. That seemed a little light to him, but perhaps not, since they would only be open for dinner. Mr. Nirta said that was correct. Mr. Dettloff said that regarding entertainment, there was currently an outdoor area in the Papa Joe's center, but the music was not played outside. He asked if that was the intent for the proposed location (music strictly inside). Mr. Nirta said that was correct, and he would make sure that the noise did not carry out. They would be diligent about where the band would be, and it would be interior to the restaurant. Mr. Dettloff maintained that he had a first class establishment, and it was a true asset to the City, but he thought that having a little more detail to satisfy some of the concerns would go a long way.

Mr. Kaltsounis mentioned that he loved the building, and he felt that it was very classy with nice colors and design. He hoped that the applicants took good notes. He reiterated concerns about drainage and parking, noting that other Commissioners had some good ideas. Whenever he heard "foregone conclusion" he thought it meant that the residents and developers met over the details. He indicated that everyone should understand what was happening around them. When a development came in, the Commissioners asked the same questions, found the right answers and everything got addressed. Something was easier to pass if no one was sitting in the audience objecting, and there had been many

developments like that. He recommended meeting with the neighbors in the next couple of weeks. He moved to postpone.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano) the Rochester Hills Planning Commission hereby postpones review to a later meeting where staff is satisfied that all concerns had been addressed and the applicants had met with the neighbors.

Mr. Schroeder said that he supported the motion. They needed detailed cross sections for the south property line. He also believed that they should look at an alternate parking layout. He appreciated that they wanted to save 24" trees, but he had been in the business for over 50 years, and when they started to work around the trees, within two or three years, the trees would be dead. He wondered if it would be possible to move the outdoor dining to the other side.

Mr. Nirta said that anything was possible, but it would put it even closer to the residents. Mr. Schroeder said that he understood, but if it were landscaped, it might be more desirable. Mr. D'Aleo said that they were also trying to preserve the existing footings of the building, and moving the patio would shift everything.

Chairperson Brnabic asked the applicants if they had any further questions, and if they agreed with postponement until more complete details were provided. Mr. Nirta stated that they were in agreement, and he thanked the Commissioners for their thoughtful consideration. Mr. Nirta asked if they had to wait until the September meeting. Ms. Roediger advised that there was a special meeting in two weeks, and she would work with the applicants.

Mr. Reece asked Ms. Roediger to clarify the City's noticing requirements. It seemed like people always came and said that they were never notified of a project. Mr. Reece asked what they could do so the residents would know when it came back. Ms. Roediger said that everyone who spoke would get notification. She said that for anything that required a Public Hearing, a mailing went to all the properties within 300 feet of the subject parcel (from the property lines). In order to be more transparent for the public, there was an interactive development map on the City's website that showed potential development plans. They were working on an Ordinance amendment and perhaps for ways to increase notification or change policies without expending too many resources. They talked about putting up a sign on a property for Rezoning. Mr. Reece announced to the audience that if people spoke and gave an address or

just provided an address, they would be notified when the matter came back to the Planning Commission. He stated that the information was there; the City was not trying to hide information. Every time a similar issue came up, it was noticed legally. If they did not, the City would get in trouble. He strongly recommended that they made a concerted effort to schedule a meeting with the immediate neighbors and go through what they wanted to do, so people were better informed rather than misinformed. Then they could all make a better decision going forward.

Voice Vote:

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

Nays: None

Absent: Morita, Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously. She wished the applicants good luck, and she hoped that everything would move forward accordingly.

2017-0336

Request for Natural Features Setback Modifications - City File No. 14-016 - for natural features setback impacts of up to 245 linear feet for Silver Spoon Ristorante, a proposed 3,986 square-foot restaurant at 6780 Old Orion Ct., north of Tienken, west of Rochester Rd., zoned R-1, One Family Residential with an FB-1 Flexible Business Overlay on 1.8 acres of the three-acre parcel, Parcel No.15-03-476-013, Silver Spoon Ristorante Italiano, LLC, Applicant

Postponed

2017-0337

Request for Site Plan Approval - City File No. 14-016 - Silver Spoon Ristorante, a proposed 3,986 square-foot restaurant at 6780 Old Orion Ct., north of Tienken, west of Rochester Rd., zoned R-1, One Family Residential with an FB-1 Flexible Business Overlay on 1.8 acres of the three-acre parcel, Parcel No.15-03-476-013, Silver Spoon Ristorante Italiano, LLC, Applicant

Postponed

2017-0322

Request for approval of a Tree Removal Permit - City File No. 17-020 - Oakridge Dental Center, a proposed 5,000 square-foot dental office on 2.1 acres located at the northeast corner of Hamlin and Livernois, zoned O-1, Office Business, Parcel No. 15-22-351-002, Christian Unverzagt, M1/DTW, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated August 11, 2017 and Site Plan and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Christian Unverzagt and Thomas Affeldt, M1/DTW, 1938 Franklin St., Suite 204, Detroit, MI 48207 and Dr. Obeid, owner.

Ms. Kapelanski summarized that the project was for a 5,000 s.f., one-story dental office on 2.2 acres at the northeast corner of Hamlin and Livernois. She advised that dental offices were permitted uses in the O-1 Office Business district. The property was Conditionally Rezoned in 2010, and there were a number of conditions associated with the Rezoning that had been met, which were noted throughout the planning review. A Tree Removal Permit was required, and the request was to remove and replace 30 trees on site. The applicant was requesting a Finding that the existing vegetation along the east property would provide sufficient screening in combination with proposed tree replacement plantings, and staff was in support of that. She related that the building was quite contemporary in design. The applicant had provided an architectural narrative to elaborate on the intent of the design. City staff recommended approval of the plan, as it met the applicable regulations. She said that she was available for any questions.

Mr. Anzek asked if the practice would see patients or if they built dental structures. Dr. Obeid said that he owned a current practice on Livernois, which had been there for over 15 years. He had been seeing patients for ten years, and he was just, hopefully, moving to a new building. He agreed that he saw patients. Mr. Anzek said that he asked because it was a very high quality piece of land, and he thought there might be demand for additional tenants. He wondered if they had considered future expansion, either vertically or how the parking lot might be expanded. He did not want them to miss an opportunity. Once the building went up, people might inquire if there was any more room to do something.

Dr. Obeid said that as far as the dental office, he was not planning to expand. It was the way he liked to operate. He might take on another dentist in the future, but the size of the building would be big enough for two dentists. As far as expanding outside the dental field, it was not something he was currently interested in. He wanted to focus on his dentistry. Mr. Anzek felt that what was presented was attractive and a very nice way to preserve green space. He felt that it would be a fine asset to the community.

Mr. Kaltsounis said that he saw what Mr. Anzek was talking about, as it was a very prime piece of property. He said that he loved the layout of the property, the trees and pond. He was concerned that there were seven dental chairs - one person per chair plus assistants (he thought seven). There were 16 parking spots for two dentists, and he wondered if that was enough. Dr. Obeid said that he only had two assistants. Three chairs would be for hygiene and four for dental work. They were planning to equip three out of four, so the fourth one would be for future cosmetic work and things like that. As far as patients, they rarely had more than two or three at the same time, because that was how he scheduled. Mr. Affeldt noted that operationally, there was down time within each chair for a room to be cleaned, etc. Mr. Kaltsounis suggested that they just thought a little more about what they might need.

Mr. Kaltsounis said that he liked the shape of the building, but to him, the material made it look like the Arizona Memorial in Hawaii. He realized that was not a really good example. He asked them to explain the siding.

Mr. Unverzagt explained that in addition to the bird's eye drawing that was included, there were also a number of detailed drawings in the packet. They did not deliberately set out to make an unusually shaped plan. It came out a little in response to the roundabout, and they needed to be as far north as they could, so they positioned the storm water retention and the parking and held the building tight to the north. It was essentially more of a rectangle that was twisted to grab the landscape. In many ways, he stated that it was very pragmatic in the way it was arranged. Given that it had an irregular plan, they felt that it would be challenging to also have an irregular application of material. The façade cladding was very regular in that it changed based on someone's point of view and the time of day. The thing that was hard to communicate was that the siding was not flat or panel set next to each other; the panels were at a slight angle and overlapped vertically. At times, there would be strong shadows and depth. The other thing that was hard to communicate was the varying degree of apertures. There were a number of punched openings and larger expanses. There were moments where the building would inflect inward and pull the landscape in. They could see it as a figure on the ground during the day, but they were equally excited about the times of the year when there was not as much daylight and it reversed, and it was more like a lantern glowing from within. He commented that they were not Hollywood renderers, so there were some things about the view the Commissioners were looking at that he was not entirely happy with. If they looked at the other views, there was more variation and material play that

would happen. Mr. Kaltsounis asked what the material was. Mr. Unverzagt stated that the predominant material was a cement fiber board or larger lapped panel. There were also some metal panels on the backside, glass of varying degrees, clear and frosted, aluminum mullions, some fiber board and window projections. There would also be some flat inlet fiber board at some of the detail points.

Mr. Kaltsounis said that was the only item he was really grappling with. Mr. Unverzagt remarked that they would love it and love driving around it. He thought that it would work very well with the landscape. Mr. Kaltsounis commented that with the way the property was laid out with open land and the retention pond, people would feel at ease sitting in one of the dental chairs. It was just the siding. Mr. Unverzagt added that it would be a lighter color to contrast with the landscape. They did not have quite the maturity as City Hall had, but it was what they hoped happened over time.

Mr. Reece said that as an architect, he really appreciated what they had done with the site. He felt that it was a great layout, and he understood what they had done relative to the roundabout, but as a Planning Commissioner in Rochester Hills, he was struggling with the exterior appearance of the building. He could not quite get the details that Mr. Unverzagt described about the overlap and where some of the other materials would be. He loved the shape of the building and the site layout, but he was not married to having an entire building out of cement fiber board. Generally, the Commissioners liked to see a different look, although they were not as rigid as Birmingham, for example, in the City's design guidelines. The property had been sitting there for 30 years. He remembered when St. Mary's of the Hills wanted to build there, and it got canned because of the wetlands and for other reasons. He gave a hat's off to them for wanting to do what they did. He had seen some of the work they had done on their website. He needed to be better convinced and understand what the exterior of the building would look like, because if they did not love it after it was done, they would be stuck with it. He asked if it was the right material and color palette for a primary residential area of the City. He acknowledged that there were some poor looking buildings across Livernois, but everything else was fairly residential. He did not want it to look like the Arizona Memorial that fell from the sky. It was ironic how the proposed building resembled it in many ways. He said that he would wait to hear from other Commissioners, but he was struggling with the color palette and material selection. He would not change the layout, but he wondered if they needed to see a little more diversity in the colors. He asked where the zinc shingles were going.

Mr. Unverzagt responded that they would be on the back side. Mr. Reece asked if they would be on the south facing façade (x-ray room), which was confirmed. He said that he liked it, because it would break up the elevation and provide contrast with the materials and colors, but on the primary facing elevation, he was not so convinced that was being done. Mr. Unverzagt said that there would be some darker contrasting framing for the glazing systems. It would be a black aluminum. There would be a darker fiber board where it would press inward. Mr. Reece asked about the glass color. Mr. Unverzagt advised that it would mostly be a clear glass with a very light tint to deal with solar. It would not be colored or mirrored or reflective. There would be a few windows on the bathrooms that would overlook the parking lot which were a frosted glass. They were not able to see too well the transparency of the office on the southwest corner and the difference between the operatory wing and the hygiene wing. There was a little more variation. Also, when they tried to flatten them in the elevations, they did not quite look right. Mr. Reece said that they would be overlapped, and he clarified that it would be vertical cement fiber board, but he wondered how the change in elevation would be created. He asked if it would be strictly a lap joint or if it would be built out with something. Mr. Unverzagt said that it would be built out with some structural Z-clips to push it off the wall. It would be a ventilated façade system. Mr. Reece asked if it was a rain screen, and Mr. Unverzagt said that it was kind of a technical derivation of a rain screen. The panels would be separate, independent, and they would overlap, but they would not lap literally one on top of the other. That depth would allow for shadow play and a variation in the way the sun hit it, but it would be much more dynamic than if it were just an applied façade. He believed that there was a version of the building with materials applied that would not be so nice. Mr. Reece asked if there was something Mr. Unverzagt had done that was similar in design. Mr. Unverzagt said that he had provided a few examples of projects he had done. They cared about not just producing slick renderings. They really cared about how things were constructed and went together. They did not just design things and tell the builder to figure it out. They were very interested in materiality and assembly, which he felt brought their projects to life. He thought that their projects, when built, were actually much better than the drawings. That was partly because of the way they engaged materiality and construction. Their projects were all unique because of their clients and the locations. It was not that they saw a perfect opportunity to do an irregular building; it was a great site, and they felt it would do justice to the site.

Mr. Reece said that he agreed with that part 100%. He asked if it would be a factory coded finish. Mr. Unverzagt agreed. Mr. Reece asked the

warranty. Mr. Affeldt believed it would be ten or 15 years. Mr. Reece asked the wall section. On the inside there would be gypsum board, and he asked if there would be a metal stud with a moisture and air barrier and Z-clips to the studs to support the siding and if the shadow gap created would not be filled in with anything. That was confirmed, for other than where the supports would be for the offsets. Mr. Unverzagt said that there would not be a tie back building wrap exposed. There would be a UV resistant barrier, a product that came from Canada. The building was also designed to be very energy efficient, so there would be wood stud framing on the perimeter with spray foam insulation and clips and then the façade panels.

Mr. Schroeder said that it appeared that the boards were not finished on the edges. Mr. Affeldt held samples, and said that they were just cut in the factory. Mr. Schroeder clarified that the actual boards would be finished.

Mr. Reece asked why there would be wood stud versus metal. He just wanted to make sure there would be a product that would perform in the long term and as well as the effort put in. Mr. Affeldt said that all the interior partitions would be metal stud because of running electrical. Even though it was a 5,000 s.f. commercial building, it could be thought of as a large home. There had been some debate about metal studs or wood framing, and many of the builders they had talked with had been in support of wood framing. Mr. Unverzagt said that part of the consistency of the panel was to be able to ensure a factory finish so they could be ordered, rather than cutting to size. Mr. Reece asked if they would all be the same sized panels. Mr. Unverzagt said that they generally would be; there would be a moment where there would be some banding, and they would become half-sized, so there would be some variation. Mr. Reece noted that there would be a wall coming off the northwest end of the building that looked almost like a retaining wall, but the grade did not drop off, so he questioned what it was. Mr. Affeldt replied that it would be a screening wall for the transformer and some condensers. Mr. Reece asked if there would be any rooftop mechanical. Mr. Affeldt advised that there would be two furnaces, one for each of the large wings and an exterior condenser, but there would only be exhaust fans on the roof.

Mr. Anzek said that he was also concerned about roof mounting and HVAC. He asked if the fans would stick up, because if they did, they would need screening. Mr. Affeldt said that they were working to have those set far enough away to not show. Mr. Anzek said that someone commented about people enjoying the view from the roundabout, but he

remarked that he would rather that they paid attention in the roundabout. He asked if the retention basin would be wet or dry, noting that dry system retention basins tended to get rather ugly. They were hard to maintain and hard to mow, because they were soggy and wet. They could become a very unattractive view for the patients looking out the window. He thought that there might be enough space to have a wet basin or pond with enough capacity to take the rain and storm water, which could be a real compliment to the site.

Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Mr. Schroeder.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-020 (Oakridge Dental Center), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on July 7, 2017, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace up to 30 regulated trees with 30 tree credits on site.

Conditions

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

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

Aye 7 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Reece and Schroeder

Excused 2 - Morita and Schultz

2017-0335

Request for Site Plan Approval - City File No. 17-020 - Oakridge Dental Center, a proposed 5,000 square-foot dental office on 2.1 acres located at the northeast

corner of Hamlin and Livernois, zoned O-1, Office Business, Parcel No. 15-22-351-002, Christian Unverzagt, M1/DTW, Applicant

Mr. Kaltsounis reiterated that he loved the way the plan was laid out, and he stated that it would be an unbelievable site. He wished every developer would do the same thing and not cram everything they could onto a property. Several other projects were proposed some years ago for the corner, but he liked this one. He indicated that he would give them a chance with the siding. He moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-020 (Oakridge Dental Center), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on July 7, 2017, with the following seven (7) findings and subject to the following two (2) conditions.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The site was conditionally rezoned in 2010 to O-1 Office in anticipation of the proposed type of use.*
3. *The proposed project will be accessed from Livernois north of the roundabout, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Paths have been incorporated to promote safety and convenience of pedestrian traffic.*
4. *Off-street parking areas have been designed to avoid common traffic problems and promote safety for the school visitors.*
5. *The Planning Commission has approved a modification for the Buffer C along the eastern property line, determining that the existing vegetation will provide an equal or greater screen that what is required by Ordinance.*
6. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
7. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the*

site or those of the surrounding area.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape performance bond for replacement trees, landscaping and irrigation in the amount of \$66,750.00, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.

Mr. Reece asked to hear from the Commissioners that did not comment about the design to see if everyone was in favor. He commented that for a project before the Planning Commission, since he had been on, it was probably the most forward looking design they had seen. They might be cracking open Pandora's Box a little bit, but if everyone else was good with it, he would agree.

Mr. Schroeder felt that it was unique, and he liked the underuse of the property - it was something they never seemed to see.

Mr. Hooper claimed that he did not know enough about architecture, but it looked pretty futuristic to him. Mr. Reece asked if he was o.k. with it, and Mr. Hooper said that he was willing to give it a shot.

Mr. Anzek said that regarding the appearance, he agreed that it was different than what the City had promoted in the past, but he felt that it was time that the City moved beyond everything being red brick and stone. There was an industrial building recently constructed down the street that was 100,000 s.f. that was truly unique for the City, and he thought that it was gorgeous. He felt that the proposed building was the type that was different enough so that people would be surprised and take interest. He asked the applicants if they anticipated installing wall or neon signs or if they would use a quiet and sedate sign as it appeared on the rendering.

Dr. Obeid said that he had a vision, but he was not sure it would work with the City's requirements. Mr. Anzek noted that the Planning Commission did not have purview over the Sign Ordinance. The Sign Ordinance would allow certain things, such as a wall sign, but he did not think that a wall sign would help the design. They could do something tasteful on the lawn in front which would not detract from the design. He liked seeing something different, and he hoped that the project would inspire the

people across the street to do something with their building. Dr. Obeid appreciated everything Mr. Anzek said. He said that he was proud of the architects, and it had been a pleasure working with them. Mr. Anzek said that his opinion was asked, and he liked the building.

Mr. Dettloff said that there would never be an argument from him about thinking outside the box and creative design. He hoped that they would see more things like it come into the City, and he congratulated them on a very nice-looking project.

Mr. Kaltsounis said that he was willing to give it a chance. He suggested that they looked for awards. He felt that the building had the potential of being on the cusp, and he thought that the building would blend in very well. Mr. Dettloff remarked that in 50 years, it would be given an historical designation.

Mr. Unvergast said that they were a young firm, and they did not set out designing buildings to win awards, but they had won three AIA Michigan awards in the last three years. He felt that it spoke to their commitment and dedication to small projects and small businesses that had been their clients. They were excited about the history of Michigan and its manufacturing, and they liked to make buildings that also indirectly celebrated that. Mr. Anzek asked if he thought the building was design-worthy. Mr. Unvergast hoped it was, and they would know in a couple of years.

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

Aye 7 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Reece and Schroeder

Excused 2 - Morita and Schultz

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. Mr. Anzek thanked Dr. Obeid for his investment in the community. Mr. Reece asked when they would start, and Mr. Unvergast said that they would try to break ground in September and open a year from that.

ANY OTHER BUSINESS

Mr. Anzek asked how Mr. Ron Jonna (Maplehill Condos) was progressing. Ms. Roediger said it was slow. The trees were down, but it looked pretty impressive. Driving down Maplehill, it looked like a forest at

the end. She felt that they had done a very good job of minimizing the tree removal. They were still working on the final engineering details for the retaining wall, and they hoped to get utilities in soon. Mr. Dettloff asked if the issue with the owner of the Cliffview apartments had been worked out. Ms. Roediger said that there would be a gated, emergency access to the apartment complex.

Mr. Kaltsounis said that he had been watching the progress of Griffin Claw Brewery. He really liked the front of it. The back of the warehouse looked rather large, but the location was ok. He hoped Ms. Kapelanski did not have a first negative impression of the Planning Commission. He commented that good things did happen when they all talked. Mr. Anzek (former Planning Director) helped change things at the City, and he felt that the Planning Commission was much better. He said that he looked forward to working with her. Chairperson Brnabic welcomed Ms. Kapelanski.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Special Meeting was scheduled for August 29, 2017.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Brnabic adjourned the Regular Meeting at 8:45 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary