



Rochester Hills

Minutes - Draft

Planning Commission

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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 29, 2017

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Special Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 8 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece and C. Neall Schroeder

Excused 1 - Ryan Schultz

Quorum present.

Also present: Sara Roediger, Director of Planning & Econ. Dev.
Kristen Kapelanski, Manager of Planning
Paul Davis, Deputy Director DPS/Engineering
Allan Schneck, Director DPS/Engineering
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2017-0388](#) August 15, 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 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

COMMUNICATIONS

- A) *Planning & Zoning News dated July 2017.*
- B) *Letter from Premier Academy dated received August 28, 2017*
- C) *Correspondence from residents re: Premier Academy*
- D) *Photos of Innovation Hills Park*

NEW BUSINESS

2017-0363

Public Hearing and request for Conditional Use Recommendation - City File No. 17-018 - Premier Academy, a proposed 15,078 square-foot childcare center on 1.6 acres at the southeast corner of Adams and Tienken Rds., zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021 and -022, Paul Dunn, JS Capitol Group, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski dated August 25, 2016 and site plan and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jeff Schmitz and Paul Dunn, JS Capitol Group, 155 Romeo Rd., Rochester, MI 48307; Angela Elliott, Director Premier Academy, Oakland Township; and Jeff Klatt, Krieger Klatt Architects, 1412 E. 11 Mile Rd., Royal Oak, MI 48067.

Ms. Roediger began with an explanation of general planning policies. She clarified that the request was not for a proposed Rezoning. The property was planned and zoned for residential uses. In residentially-zoned districts, there were compatible, related uses permitted by right, and the Commission had an obligation to approve if all requirements were met. Those uses included agricultural, municipal buildings, schools, libraries and museums, stables and parks. In addition, there were Conditional Uses, which involved a discretionary recommendation by the Planning Commission to the City Council. If warranted, conditions might be added related to the size, hours of operation, etc. The subject request was three-fold. First was the recommendation for the Conditional Use to City Council, and second was a request for a Tree Removal Permit to remove and replace up to 12 trees on site or pay into the City's Tree Fund. She maintained that the City prided itself on preservation of natural features. The third request was for Site Plan Approval. They would hear from Ms. Kapelanski, who would talk about elements of the Site Plan requirements and Mr. Davis, Deputy Director of DPS/Engineering, who would comment on traffic concerns that had been raised. Originally, the Tree Removal Permit notice referenced the project as a private school, however, looking at the plan further, it was determined to be similar to a daycare center, and it was re-noticed as such with a new meeting date. The Conditional Use request was noticed in the Oakland Press 15 days prior and to all surrounding properties within 300 feet, which was the State requirement for public notice. She noted that there had been a lot of questions about retail and rezoning, and she wanted to explain further.

Ms. Kapelanski stated that as mentioned, the request was for a Conditional Use Recommendation, Site Plan Approval and a request for a Tree Removal Permit for the removal and replacement of 12 trees to be replaced on site. She outlined that the site was located on 1.6 acres at the southeast corner of Adams and Tienken and zoned R-1 One Family Residential. The proposal was for a daycare center for 162 students. There would be access off of Tienken only. The access shown off of Adams was specifically for emergency and fire, and it would be gated. The applicant had provided the required stacking space for the center. They were asking for a modification from the parking requirements. 38 spaces were required for a center of its size, and they were proposing 37. They had included a parking study that showed that 37 spaces would be adequate based on their current operation in Oakland Township, and staff supported the modification. She advised that generally, the plan met the applicable regulations noted in the Ordinance. There were some specific conditions listed for daycare facilities, which the plan generally met. The applicants were providing a screen fence along the south property line. Along the eastern property line, deciduous trees were proposed, and they had agreed to look at potentially adding a fence and/or shrubs, depending on what the neighbor preferred. There were several considerations for a Conditional Use outlined in the staff report, and staff recommended approval.

Mr. Davis pointed out that Tienken and Adams roads were both owned by the Road Commission for Oakland County, and the City did not have jurisdiction. The Road Commission would issue a permit if the project continued to go forward. He had looked at some traffic counts for the roads to get an idea of the magnitude of the data. On Tienken just east of Adams, it was estimated to have between 9,100 and 10,000 vehicles daily. They looked at what the Road Commission had provided and also at SEMCOG's data, as the City would not be out doing counts. Adams had significantly more traffic - about 20-22,000 vehicles per day. They also looked at accidents at the intersection. There was an organization called the Traffic Improvement Association (TIA) that provided numbers using police reports. In 2012, there were ten accidents; in 2013, 25 accidents; 2014, 18 accidents; 2015, 13 accidents; and in 2016, there were six. He noted that in 2013, conditions on Tienken were pretty lousy. The City overlaid three sections prior to it being rehabilitated in 2015 by the Road Commission. That might be an indication that improving the roadway for Tienken, which also went into the intersection at Adams, had an effect on making conditions a little better. So far in 2017, there had been seven accidents. He related that it was a little early in the process to typically ask the Road Commission about its review requirements.

Because of all the response about the site, the City had asked them to provide some preliminary comments. They said that they would not require a traffic study. They suggested considering, as part of the permit condition, the extension of the center turn lane for westbound Tienken. If that did not occur, they would probably restrict left turns from Tienken into the site. The applicants had indicated that there would be 162 students and 22 teachers. Conservatively, if every student was dropped off by a parent in a single car, it could be estimated that there would be 184 trips in the morning and in the afternoon. That was approximately a 4% increase to the existing traffic on Tienken.

Ms. Elliott, Director of the Oakland Township facility, stated that the current location had been open since February 2009. They were a private preschool, and they offered classes for students as young as infants through kindergarden. All of the teachers were degreed and certified. They were requesting an expansion of their program, which was currently full in Oakland Township. Their classes were designed to stimulate and engage students through many different activities: fine motor, gross motor, language development, music, movement, baby sign language and staying active in gym and yoga. They provided a well-rounded program to provide a nurturing environment for each of the students. Once they finished the infant/toddler program, they had two types of curriculum. There was a traditional preschool program and a Montessori program. Big goals for those programs were learning to count, recognizing numbers, learning letters and letter sounds, identifying blends, and beginning reading and writing. The same goals were within the Montessori program; the only difference was the teaching style. With Montessori, they offered a pre-primary program for students three to six, which was more of an independent-style learning rather than teacher-directed. The teacher followed the nature of the child and was able to do individual lessons rather than full group. She concluded that all of the students left the program being extremely prepared and ready for elementary school.

Chairperson Brnabic asked if the maximum age was six, which was confirmed. She wanted to verify that, because the Commissioners had received a cover letter dated January 17, 2017 stating that care and education would be provided for students six weeks through 12 years. Ms. Elliott apologized, and said that they did offer a before and after care program during the school year for the local elementary schools. They had about eight students that joined them for after school care. They also had summer camps for older students, but they primarily focused up to six years old.

Mr. Schmitz showed a power point. He stated that at any given time, there would be about 22 teachers. The typical day started around 6:30 a.m., but there was minimal activity at that time and very few drop offs. The peak drop off was around 8:30 to 9:00 a.m. Times were staggered throughout the day. Some of the students were in a half-day program, so those pickups would be from 11:30 to 1:00 p.m. Generally speaking, pickups for full days were between 3:30 and 6:00 p.m. He showed a diagram of the current location in Oakland Township, and pointed out that 80% of the families that attended the school lived within a three-mile radius. He noticed that there had been some concerns about the high school and the traffic. He did not think that would be a problem. It was their understanding that the high school classes started at 7:30 a.m., but most of the preschool students would be dropped off around 8:30-9:00 a.m. The high school bell rang at 2:30 p.m., and the preschool had limited activity between 1-3:00 p.m. He felt that there should be little concern about a conflict. There was an indication that they were 1.5 parking spaces short per the Ordinance. They felt that what they were proposing was adequate for their needs due to the small class sizes. Ms. Elliott tracked 15-minute intervals at the Oakland Township location, which was a much larger school. There were no more than 36 cars in the parking lot at any given time. They felt that providing 37 spaces for the subject site was more than adequate. He stated that they would not want to provide a shortage for the parents. They worked very closely with staff over months exploring numerous options. They looked at a single-story building, but the parking did not work. There would be simple circulation for ease of drop off. Everything was designed to accommodate fire vehicles as necessary with an emergency access to Adams. There had been some adjustments to the site plan due to staff comments. There would be a privacy fence along the eastern property line and a bit of a retaining wall and a privacy screen along the south. They added a bike rack. He advised that there would be a total of ten classrooms - five on the first floor and five on the second. There would be a gym adjacent to the outdoor play area. The second floor was for the children 2 ½ and older. He indicated that they understood they were surrounded by single-family residential, and they wanted to respect that. They felt that the building was very traditional with timeless materials, such as brick, cast stone and elements found on a single-family home. The window sizes would be smaller. They also used banding to break up some of the height. He said that he would be happy to answer any questions.

Chairperson Brnabic asked how their letter to the local residents was distributed. Ms. Elliott said that it was mailed. Chairperson Brnabic

asked how long ago, and Ms. Elliott replied that it was the previous Wednesday or Thursday.

Ms. Roediger did not want the Commissioners confused by what was in the packets and what Mr. Schmitz had passed out. Some items had already been included in the packet, and she clarified that the only thing different was a sheet that showed the addition of a fence and bike rack.

Chairperson Brnabic had mentioned during Communications that they had received a lot of correspondence. Ms. Morita had shared emails she received from residents regarding their concerns with the proposal. There were also communications sent directly to the Planning Department. She summarized that the main concerns were the current, heavy traffic conditions on Adams and Tienken and the impact of additional traffic and trips if Premier Academy were developed at the corner; existing traffic from Adams High School and Van Hoosen Middle School; neighborhood streets already experiencing cut-through traffic; safety concerns as a whole about the traffic; concern that it was a Rezoning. She reiterated that the request was for a Conditional Use Recommendation, which permitted childcare centers in residentially-zoned areas. There was a concern about potential drainage problems for Brookdale Woods and environmental concerns. She indicated that the item required a Public Hearing. She asked that each speaker limited comments to three minutes, and advised that all questions would be answered together at the end of the Public Hearing after everyone had the opportunity to speak. She assured that Commissioners, staff and the applicants would take note of all the comments and questions.

Chairperson Brnabic opened the Public Hearing at 7:30 p.m.

Laura Farchone, 769 Medinah Dr., Rochester Hills, MI 48309 *Ms. Farchone stated that she was a resident on a cut-through street in the Brookdale Woods neighborhood. She was also a former teacher and a parent who would drop her children off between 6:45 and 7:00 a.m. She had been blessed to be able to stay home with her children and knew what it was like to live on a street between the hours of 7:15 and 9:00 a.m. where there was a “ton” of traffic with teens and other citizens using her street to cut through. It was an annoyance, but it was also a safety concern, because her children walked to the bus stop. In the spring, summer and fall it was not a problem, however, in the winter time with icy roads and snow banks, there was nowhere to walk safely, and they had to share the road with speeding drivers who were not conscious of young children. She was concerned that with the Premier Academy, there would*

be increased traffic from even more parents dropping off children, creating more traffic on her street and more of a safety concern for the children. Also, the older children on her street were not bussed, and they walked to the high school and middle school. She asked the Commissioners how they would keep the high schoolers and middle schoolers safe walking to and from school in the morning and afternoon, especially during snowy days and how they would keep her elementary children and other citizens on her street safe with the increased traffic. Perhaps 4% did not seem like a lot at Adams and Tienken, but she maintained that it could be seen, felt and heard on her street, especially when walking to and from the bus stop when people did not considerably share the road. She asked the Commissioners to think about the drivers and the passengers. She did not want them to be the next accident statistic. She asked if there could perhaps be a blinking light at the intersection that was timed like the one farther east on Tienken by the golf course. She felt that would help increase safety for the drivers and also the babies going to and from the school.

Leo Mendez, 774 Medinah Dr., Rochester Hills, MI 48309 *Mr. Mendez passed out some documents. He wanted to address some of the review comments from staff and the recommendations related to the Conditional Use. He asked about the right-of-way (ROW) requirements. He contacted the Road Commission, and they provided a diagram that illustrated that the ROW dimension currently was 92 feet on Adams and 91 feet on Tienken. He did not understand how it was compliant with a 120-foot ROW. He commented that there was a play of words related to front yard and side yard. When looking at the site plan, the address was on Adams, but the way the building was oriented, it faced Tienken. A front yard setback to Adams was 40 feet, but he felt that the spirit of that was truly for R-1, and the net result would be a building that was 25-feet plus tall that sat 40 feet from Adams. That visual impact to the community would be fortress-like, especially travelling northbound on Adams Rd. coming to the intersection. Another context was coming up Adams at Walton, whether it was the Bush's center or The Village of Rochester Hills and seeing buildings that were roughly the same height that sat back from the ROW 100-120 feet. He stated that the proposed building would be rammed at the intersection and be visually detrimental to the integrity of the neighborhood fabric. He had provided a diagram that identified his personal review comments. He was a design professional and architect, and although they might not be related to a Conditional Use, they were issues of concern. First, the ingress and egress onto Tienken and the conflict that would create with left turns and right turns once entering the sight. With the one-way traffic within the parking lot, there would be*

congestion and backup with clients in reverse. Everyone would have to wait for people to back out before they could continue through. Given the north orientation of the building, there would be an ongoing operational nightmare trying to protect against black ice conditions for parents and children. The north orientation would make the building be in a shadow throughout the winter time. The last item was the precedent that would be set for the project. If it went forward, the two adjacent parcels that had 400 feet of frontage and were 1,087 feet deep would have the opportunity for similar project implementation in the future.

Michelle Merritt, 793 Medinah Dr., Rochester Hills, MI 48309 Ms.

Merritt noted that she was a long-term resident who had already raised children and had lived through the cut-through, dragnet on Medinah when Squirrel was blocked until it was opened. She asked them to take that into consideration regarding the traffic. She said that she agreed with all the traffic comments. She added that the high school also had sports. It was all day, every day. There were three educational facilities. She did not think that the after care for the 12 year-olds was counted in the numbers. Whether it was the proposed business or any other business, she would prefer to see homes. She wanted to see more voters and more children in her neighborhood to go to the schools that were already there. She felt that the tax dollars from homes would go a lot further than business taxes. The cutoff and drag-netting through Medinah was a sticking point to her. She did not want to see her property value go down because of the aesthetics. She stood shoulder to shoulder with her neighbors on how strongly they felt about it. She did not receive any notice and learned at the last minute. She found it very invasive, and she did not think that they were included. She was very disappointed in her local City for not including them. It was their homes and their children and their safety. A lot of them owned their homes, and they had been down the road with the children, and she knew what the young moms were talking about. She felt devalued as a homeowner. She indicated that there was nothing against the team and education. She felt that it was a beautiful plan, but she felt that it should be a beautiful plan in a quieter area.

Michael Zebrowski, 793 Medinah Dr., Rochester Hills, MI 48309 Mr.

Zebrowski wanted them to understand that he was for early childhood development, and he liked what Premier had presented. He echoed the concerns of those that spoke before him. His street was a cut-through from Tienken to Raintree. During the early part of the day from the beginning of the school day to the end of the school drop off period, Medinah experienced a great influx of high speed traffic. For those who

had driven it, they were familiar with the modified S curve at the southern end. That provided two significant blind spots, one going north and one going south. With the speed of some of the younger drivers, it had caused serious accident concerns. Several years ago, a young driver in an SUV lost control at the south end of the S curve and flipped the vehicle. It was at night, and the house at which the accident occurred had two young boys. Had that been during the day, it could have resulted in another statistic. He lived in a young, vibrant neighborhood, and there were a lot of young children. His primary concern was safety. Even though there would only be a 4% traffic increase, it would occur primarily during two discreet parts of the day. Those parts of the day also coincided with higher traffic patterns and using Medinah as a cut-off. He asked what could be done to guarantee and improve the safety of the children that lived on Medinah as well as the residents, the bikers, the walkers and joggers. He maintained that it was a beautiful street, and they wanted to keep it a safe street.

Steve Yuhasz, 2736 Broadmoor Dr., Rochester Hills, MI 48309 *Mr. Yuhasz stated that he was greatly troubled over the proposed development to be implemented at the corner of Adams and Tienken. While he had no objections to any person selling property or building a school, he did not think it should be implemented at the corner with the current amount of vehicular and pedestrian traffic that crossed the intersection daily. He maintained that the roads were simply not wide enough to handle it, which was especially true during rush hour when northbound traffic on Adams backed up south of the traffic lights at Raintree and Powderhorn almost to Walton Blvd. It created a hazard for those trying to get in and out of their subdivisions under current conditions. With the high school diagonally across the street, the stakes would be even higher for students. He asked the Commissioners to take that into consideration before approving the project. Their safety, quality of life and health were more valuable than any tax dollars gained. He asked them to please vote no on the proposed development and thanked them for their time and consideration.*

Tom Koempel, 3393 Charlwood Dr., Rochester Hills, MI 48309 *Mr. Koempel stated that he and his wife opposed the project because of the already overloaded traffic on Adams and Tienken. His daughter had attended the middle school and the high school, and he had sat in the traffic, crawling down Adams to take her to school. He had crawled up Adams in evenings coming home. He said that it would get worse in a week when school started. The project would only add to the congestion. He understood the comment about staggered arrivals in the morning, but*

he would contend that until they knew the composition of the clients, they would not know how many kids would be dropped off during the school rush hour. He claimed that it would be extended with Oakland University starting at 8:00 a.m. He had sat through traffic trying to get past the University, and he felt that had to be considered as well.

John Leichtman, 2788 Tallahassee Dr., Rochester Hills, MI 48306

Mr. Leichtman noted that he lived in the Judson Park Subdivision on the northeast corner of Tienken Adams. His house was located on the corner of Tallahassee and Potomac, and Potomac was a direct cut-through from Tienken to Adams. They had a number of commuters cutting through to avoid the intersection already. Tallahassee Dr. was also a cut-through, particularly for students during the school year in order to avoid the traffic on Tienken. They drove from Brewster to Tallahassee to the high school. He invited anyone on the Planning Commission or City Council to visit his house to see how many cars came down his street at a high rate of speed. A 4% increase in traffic going straight through the intersection might not be that big of a deal, but they were also talking about people turning left into the site and turning back onto Tienken. Mr. Davis had said that the Road Commission would not approve the plan unless the center turn lane was extended. That indicated to him that they did not think it might be a good idea. He walked his kids to Brewster Elementary on nice days. It took just one car to create an accident. He did not need more people going through his subdivision racing to get to school or work or to drop off their kids at the proposed daycare. He felt that the building was going on a plot of land that was too small, as indicated by the fact that the applicants did not have the correct number of parking spaces. He stated that clearly, the project was something that the City wanted, otherwise, the residents would have heard about it before so late in the game. The City had done the minimum amount required to get the information to the citizens in time for them to be able to comment. He understood that they met the requirements, but that was not in the spirit of what the community stood for and what the City Council should stand for. They knew it was a controversial project, and it should have been vetted before it went for a vote. He knew that it was a tough subject for a lot of people, and he understood that the Commissioners were in a tough position. He asked them to consider everything before they voted. All the people showed up for the meeting with only people 300 feet away from the proposal getting letters. He stated that was ridiculous. It impacted everyone along the Adams corridor - Walton to Silverbell, at a minimum, and from Brewster past the high school along Tienken. He insisted that there was zero effort to contact those people. He asked them to please consider that going forward and before they voted.

Brian Kirksey, 425 Sunlight, Rochester Hills, MI 48309 Mr. Kirksey agreed with the sentiment of the other people that there seemed to have been a lack of public disclosure and communication on the issue. He pointed out that the corner had been the scene of many of the City's bad decisions. There were water reservoirs, oil drilling and now a traffic issue. He did not know what else the City planned to put on the corner, but he said that he could guarantee that it would be a bad idea. He lived in Shadow Woods, and he was also located next to a local cut-through called Powderhorn Ridge, which appeared to be the interstate of traffic congestion. He pointed out that the elementary school started later. Even though the bell might ring at Adams and Van Hoosen at one time, the bell rang later at Long Meadow, Brewster and Munson. There was a continual amount of traffic in the area beyond the high school and middle school. They also had cross country teams that ran down Tienken and Adams. There were football, basketball and soccer games. He said that the list went on and on for the amount of activities that happened at the high school. He ran in the area every morning, and the cars stretched from Adams and Tienken all the way to Brewster, if not all the way to Brookwood. He said that it might only be 4%, but it was 4% at one specific time, not stretched across an entire day. He asked how people would turn left out of the facility, if he could not even turn left out of Shadow Woods at 4 p.m. The people using the school would be 1,000 feet closer to Adams High School and traffic that backed up to Brewster already. He asked how frustrated the parents would be trying to turn left out of the facility. He asked what bad decisions those people would make because they were frustrated. He asked the Commissioners to leave the corner alone and leave it as residential. He said that there were already enough problems. If they wanted to do everyone a favor, they should figure out a way to expand Adams and Tienken. There was not enough room for the cars already there. All the people on the cut-through streets had expressed that it was not going to make matters any better. As a real estate person who had usually sat at the table during his career, he said that he did not understand how there was a good business plan for the people that would be using the facility. He maintained that the traffic nightmare would only make them angry.

Alicia Grifka, 537 Rolling Green Circle N., Rochester Hills, MI 48309 Ms. Grifka stated that she shared the same concerns of the predecessors about the use and the traffic. She did not feel that the site was conducive to commercial development, due to its small size. They were trying to cram six pounds into a five pound sack. The storm water was a big issue to her. They were proposing to put in an underground detention system,

which did not bother her other than the fact that they had called for a pump chamber. Pump chambers needed electricity during a storm. In that area, they tended to lose power more often, and they had to deal a lot with generators. She said that generators were great, but they needed to be supervised. If they lost power when the school was not occupied, there was no way to guarantee that the generator would go on, and there could be a flooding issue. She did a calculation as to what there was currently, and there was about 6,300 square feet of black top and roof, and they would be changing the amount of water. They would generate 3.4 times the amount of water, because they would be swapping landscaping with roofing and paving, and it did not fit on the site. Regarding the use, she felt that it would only be serving a small percentage of people in the area. According to the Mid-America advertisement for the sale of the property, it said that there were 3,200 homes in a one-mile radius, and they would maybe serve 150 families. That was barely 5%. She asked how they could say that it was something the area needed. If the radius was expanded to three miles or five miles, the percentage would drop to less than 1% of the people served in the area. It would negatively impact the other 99% of the people there, whether it was the cut-throughs or the increase in traffic. There were two homes there currently that had maybe ten trips a day, and that would be raised to several hundred trips. She stated that was a huge impact; much more than the 4% Mr. Davis had mentioned.

Beth Tilove, 769 Snowmass, Rochester Hills, MI 48309 *Ms. Tilove commented that everyone had such good things to say. Regarding the cut-through issue, which impacted all of them in the area, she asked them to remember that people only cut-through because the intersection already took too long. If the problems were made worse at the intersection, the cut-through traffic would be increased. She stated that Premier Academy was a fantastic school. She had spoken to people who had children there, and it was an excellent business. She was a little concerned for the customers. They had heard a lot of people saying that they had witnessed the traffic backing up. The answers seemed to say not to worry about it, and that it was not a problem. She said that it was not the increase in the number of cars; it was the increase in the number of people trying to make left turns specifically. She did not think that they should throw numbers around or slough things off. She believed that the proposed driveway would be directly over the drive of the gentleman to the east. She suggested asking him whether he could turn left out of his driveway during rush hour. She said that perhaps she was completely wrong, and maybe he would say that there was no problem. On the other hand, if he said that he could not turn left at 5:00 p.m., they would know*

where the problem lied, and there would be a more direct problem to solve. She thought that the school had an obligation to its clients. People trying to turn left into the school would be in the southbound turn lane. People would not even be able to get to the light. People trying to turn left out of the school, during rush hour, would not be able to get across the turn lane to get onto Tienken, and that might upset the clients. She felt that the City had an obligation to the neighborhoods and the commuters. She hoped that they could find out if it was truly going to be a problem and hopefully, solve it.

Michelle Gibbons, 619 Timberline, Rochester Hills, MI 48309 Ms.

Gibbons stated that she lived on Timberline, which was another cut-through. She noted that other citizens had mentioned how hard it was to turn left, and she stated that it was impossible to turn left out of their sub onto Tienken in the mornings. Besides the traffic, she had also heard citizens talk about safety. She was most concerned about the pedestrians and especially the students who rode bikes to school in the pitch black morning. They headed east on Tienken, and there was a proposed bend in the sidewalk at the driveway. It looked like there planned to be a 21-inch pine tree there, and she was very concerned about the visibility between the kids riding bikes and people coming in and out of the facility. She hoped that if the plan went forward that at least something would be thought about the safety and better lighting, or perhaps the tree needed to come down.

Pablo Fraccarolli, 1263 Cobridge Dr., Rochester Hills, MI 48306 Mr.

Fraccarolli thanked the Commission members for their service to the community and for making Rochester Hills a great place to live and raise their families. He also thanked the citizens who came to the meeting. It was obvious to him that the community cared about the matters being discussed. It was a busy time of the year with families trying to squeeze in a vacation and getting ready for the new school year. Many could not attend, and some were angry about the process and poor communication. They felt excluded from the issues that were important to them, especially since the proposal was near its final stages. That implied that the applicant and the City had been working on it for months if not years. The citizens were not engaged, because the City was not engaging them. He said that he realized that the laws were complied with for notification requirements, but the proposal affected more than people within 300 feet. The applicant presented that 80% of their students would come from within a three-mile radius. He believed that it was the City's responsibility to properly engage the community at large, especially for decisions that could potentially affect the character of their neighborhoods. He

subscribed to the public meeting notice email list the City offered, but he did not find out through that system. A neighbor notified him that he had stumbled upon the information a week or two ago. After reviewing the proposal in detail, he did not feel that the proposed business and building fit the residential character of the immediate area. When he moved to this corner of Rochester Hills, he did his homework. The surrounding area was all R-1. He remarked that he was surprised to learn that there was a loophole in the zoning rules. He asked them to please honor the spirit of the City's Master Plan that called for the future use of the area to be residential. He believed that an engaged community was a healthy community, and he felt that they could certainly do better.

Jim McClelland, 3326 Palm Aire Dr., Rochester Hills, MI 48309 *Mr. McClelland said that his family had been residents of Rochester Hills since 1985. He lived in the Brookdale Woods Subdivision. During that time, they had seen an exponential increase in the traffic with obvious peaks both morning and night on Tienken and Adams. His concern about approving Premier Academy at the intersection was that it would be an irrevocable change to the residential character of the intersection. It was a congested intersection during the morning and afternoon peak times. Another 90 to 100 cars entering Tienken just east of the Adams and Tienken intersection to drop off and pick up children would exasperate the situation. He could not turn left at peak times using Medinah onto Tienken. He could not turn left onto Adams. He could sometimes turn right off of Medinah. Right onto Adams was controlled. He left at 9:45 a.m. that morning, and he sat for a long time south of the light until finally there was no traffic on Tienken that wanted to go southbound on Adams. The right turn only situation out of the proposed Academy would also spawn further cut-throughs and disruptions to traffic flows in the surrounding subdivisions. If someone wanted to go west on Tienken and could not turn left, they would have to get back there somehow. If they wanted to go north on Adams they would turn right, go up Brewster, take some other street over and interfere with the Adams traffic. Those that wanted to go southbound on Adams would have to go right and south on Brewster to Powderhorn. The right turn solution was a non-starter to him.*

Margaret Huggard, 3286 Aquinas Dr., Rochester Hills, MI 48309 *Ms. Huggard noted that she had lived in Rochester Hills for 34 years. She raised her kids and worked and dropped them off at daycare. On Adams, if someone were to ask her where to go, she would say that no one could get there from her area. In the fall when there was football practice or when there were plays or school activities, the vans were lined up for*

miles with parents not letting their kids walk to school. She did not have bus service in Brookdale Woods. Aquinas was another cut-through street. When they were rebuilding the roads, people cut through Aquinas to get to Medinah. She asked them to think about all the subs that had been built since the schools were first put up. She said that people had to see it to understand. She thanked the City for the bike paths, but when it was icy, they were not safe. The children walked in the road when it snowed, and people went 40-60 mph. The kids were on the street, and there would be more cars and congestion at the corner. She thought that daycares and preschools were fabulous, but not at that corner. It needed to go to a place that was not as occupied or highly developed.

Barry Boardman, 2915 W. Tienken Rd., Rochester Hills, MI 48306 Mr. Boardman said that he and his wife had lived in Rochester Hills for 34 years. He had an opportunity to see what had happened at Adams and Tienken over those years looking out his kitchen window. He heard the fire engines, the police cars and the crashes. He picked up pieces from the collisions. Before he had an 80-foot oak tree cut down by the City, one of the cars missed his house and hit the tree. Coming home from his job at VW in Auburn Hills, if he came home from 3-5 p.m., he would be stuck in traffic for about 45 minutes to an hour in the summer. In the winter when it snowed, traffic backed up to Tienken and Adams. His concern was the kids attending the preschool and their parents. He did not think the parents would realize what they were in for. The traffic was unbelievable, and it was scary. He knew, because he had to make a left turn onto Tienken to get into the world, and it was difficult now. When the snow and fog came, it would be really difficult. He asked them to please rethink the school. He thought that the building looked like a factory, similar to the one at Tienken and Rochester. It was a residential area, and he stated that they did not need a facility that looked like that. He did not mind the school, but he did mind the traffic and the problems the people would have trying to go to work or coming home. He agreed with the people who said that they were not informed early enough. Someone could have knocked on his door six months ago and told him what was happening. He should not have found out three days before that there would be a new facility on the corner. He thought it was a great neighborhood and a great area to live. It was peaceful, but it would not be peaceful once all the traffic started. He did not want his home value to go down, and he did not want to have anyone in front of his house being carted away in an ambulance. There were high school kids with very powerful cars, and it sometimes looked like a race track. They tried to beat the light. He asked them to please reconsider.

Cameron Evans, 1452 Royal Crescent St., Rochester Hills, MI 48306

Mr. Evans said that he lived north of Tienken between Brewster and Livernois. He stated that he supported the proposal, and then he asked if they were surprised, because he was actually not present to support the proposal. He claimed that there would not be one person who lived anywhere near the intersection who would support the proposal. He did not think that they were in a difficult position, and he felt that it was a simple decision. He indicated that there were many other places besides Adams and Tienken that the "fine" institution could build another school three miles away from their existing location in Oakland Township. He asked if the Rochester Community Schools were asked for feedback. If so, he would like to know what that feedback was, and if not, he would like to know why that important stakeholder was not asked for its input. There were zero crossing guards for the kids at the intersection. There was no crossing guard that sat north of Van Hoosen where the light was. With the darkness in the winter and fall, it was a major issue. As to the accident report that was cited, he wanted to know if it was for accidents just in the intersection or if it expanded a half mile each way. He could count far more than ten accidents per year where people ran into the back of each other. The parking lot sounded like a Disney Land ride. People could just come in and go around a little turn style and make a left onto Tienken. It took him five minutes in the afternoon, and he lived a mile and a half away from the intersection, to make a left onto Tienken out of his subdivision. If he needed, he would go left out of the facility. If he had to wait five minutes, he would not care. He asked what that would do to the turn style of people dropping off and picking up kids and backing out onto Tienken Rd. Construction had not been talked about, and he wondered what effect lane restrictions would have on the traffic. He stated that traffic was outrageous. He was glad they sent someone to monitor every fifteen minutes at the current parking lot and to look at their intersection. He was shocked that they did not make that same effort to live at the Adams and Tienken intersection and see what it was like day in and day out for people trying to get around their wonderful community and trying to take care of their family, as well as for emergency vehicles that needed. He had been in Rochester Hills for 24 years, and it was the first time he had ever felt compelled to come to a meeting. He asked them to vote no.

Paul Kesman, 1739 Snowden Circle, Rochester Hills, MI 48306

Mr. Kesman said that he lived in Adams West Subdivision, just north of the intersection. He remarked that Mr. Evans stole his thunder about construction. He was not sure when construction would start if it went through and how long it would take. If it started tomorrow or next August, it would cause havoc at the intersection. Sometimes it took four or five light

changes to turn left onto Tienken coming out of his sub. Regarding the accidents, he had seen a number of them in front of his sub where cars hit each other, about ¼ mile north of the intersection. He understood the early drop off and pickup. His son was in the marching band, and their practice started at 6:30 a.m. In the winter, there were a lot of people heading south on Adams by 6:00 a.m. heading into work. His son had trouble getting out of the sub at 6:30 a.m. to get to practice, so that was something else he felt the Commission should consider.

Chairperson Brnabic thanked everyone for sharing their comments and concerns. She asked the applicants if they had any response.

Mr. Dunn said that with respect to extending the turn lane down Tienken, it had been suggested by the Road Commission. It was fairly common in developments to add lanes. They believed that 90-95% of their families currently enrolled at Premier Academy had two people working. They would still be traveling, whether they stopped at Tienken and Adams or somewhere else. They did not feel there would be people getting up in the morning just to drop their kids off. It would be a main thoroughfare into work for people. They did not believe that they would be adding traffic - they would be adding a stopping point for people dropping off their children.

Chairperson Brnabic closed the Public Hearing at 8:23 p.m.

Mr. Kaltsounis said that he had not originally caught whether or not the plan had been sent to the Road Commission to review and if they had approved extending the turn lane. If not, he asked when the approval would happen.

Mr. Davis advised that it was a little early for the Road Commission to respond, but at the City's request, they did complete an initial review. He did not have something in writing, but the City just received an email, which he read: "We did not require a study, we just commented that inbound left turns would be prohibited if the left turn lane was not extended." He was not sure if there would be other conditions or permit requirements. They would do a thorough permit review, and the City would eventually receive written comments. Typically, their feedback would come after the (PC) meeting. His department had not gotten into construction plan review yet.

Mr. Kaltsounis said that one of his heartaches as a Planning Commissioner, when it came to roads that were not owned by the City,

was that the changes to help the area would be limited, because they would have to wait for another entity. He was curious about the applicant's will to extend the turn lane or to prohibit left turns onto Tienken.

Mr. Dunn said that they would be supportive of working with the Road Commission to do both. They were shocked when they asked them what their ten-year plan was for Adams and Tienken. They did not have one. He had worked with the City staff for several months trying to figure out what would happen at the intersection. They finally got some feedback from Oakland County saying that they had no future plans for changing the intersection or corner. He said that he was all for extending the turn lane. Mr. Kaltsounis clarified that Mr. Dunn would be fine with that knowing how much more it would cost over requiring right in right out onto Tienken. Mr. Dunn said that he did not think that it would cost too much to extend the center turn lane and add a decel lane.

Mr. Kaltsounis noted that Mr. Davis said his department had not reviewed the construction plans. Mr. Davis explained that DPS had reviewed the site plan and provided comments, which had been addressed. As was typical of any project that came before DPS, they not only made comments during the site plan phase, but eventually there would be a second round of construction plans that would be reviewed. There was a comment earlier about storm water detention. At the site plan level, the City would want an idea of what was proposed, but the applicant did not have to provide all the detailed calculations until the construction plan phase. Mr. Kaltsounis asked if the City had ever authorized a pumping station. Mr. Davis said that it was not often. There were detention basins that used pumping facilities for emptying, but it was not a preference. The preference was an open basin with a restricted outlet. That was easier for an applicant to maintain and easier for the City to ensure that the volume required was restored. That would be more difficult with an underground basin. There had been plenty of sites approved with underground detention. They would discourage a pumped underground basin, and they would work with the applicant to find another way to avoid a mechanical item that could fail. Mr. Kaltsounis agreed that gravity was a bit more reliable than electricity and mechanical means.

Mr. Kaltsounis noted that the property was zoned R-1 and master planned Residential 2.5. As stated, a daycare center required a Conditional Use, and that included findings. One of the findings was that "The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal." He commented that the applicants heard

loud and clear about the streets in the area, and he questioned whether that finding was being met. He said that he would like to hear from the other Commissioners. He mentioned that his mom had a daycare center. He heard about kids being dropped off between 8-9:00 a.m. He reminded that Chrysler was right down the street, and they started at 7 or 8:00 a.m. At his mom's daycare center, everyone was dropped off between 6:30 and 8:00 a.m. There were about 30 kids, and it was the same age group. He did not agree about dropping off between 8-9:00 a.m., because he did not know anyone who started work after that. He stated that it would definitely conflict with school times, and people would be fighting the same traffic. He also had a concern about how the traffic at the intersection could affect the business, because people could not get in and out.

Mr. Dettloff agreed that there was a definite echoing of concerns from an historical standpoint that some of the surrounding streets had been used as cut-throughs. He asked Mr. Davis if, in the past, he had ever seen any requests from residents in those areas for some type of traffic calming. He asked if there had been any involvement by the Oakland County Sheriff's Office and if Mr. Davis had any stats he could share.

Mr. Davis advised that the City had a traffic calming program in existence. There had been a number of subdivisions that had taken advantage of it. There was one sub further north on Adams on the east side where speed humps were installed to address cut-through traffic concerns. He could see people on Medinah or other streets that had been mentioned being candidates. Anyone was able to come to the City and contact him or Mr. Schneck and make a request. There was a procedure, and it started with a traffic study where tubes were placed across the road and data was gathered about the speed and volumes of vehicles. If the speeds were at least six mph higher than the posted limit, a street would be a candidate for speed humps. There was a map available on the City's website that showed the locations. It was a 50-50 program. The City would cover 50% for qualifying subdivisions, and that would eventually be wrapped into an asphalt repair program. The City would recommend a series of speed humps, and they would make sure that the residents adjacent to them were supportive. There were oftentimes when the City had been asked to contact the Sheriff's Department and direct them to see if a deputy should be located to try to enforce speed limits. It was effective, but demanding, on the department's staffing. A lot of times, they found that the speeding within the subdivisions was being done at the same time they were trying to respond to accidents on the major roads, so they could not always be there. If

someone targeted a time and narrowed it down, the Sheriffs tried to do the best they could to respond.

Mr. Hooper asked to see an overall map including the adjacent streets the residents had mentioned. He specifically wanted to see where Medinah and Judson Park were. He said that he could see existing traffic using Potomac. Medinah was farther to the west, and he was trying to envision, if the facility moved forward, how using it would impact the proposed development. He recalled that 30 years ago, the residents did not want Adams widened at all. A two-lane road was what they wanted, and there was zero interest in improving capacity on Adams. The Road Commission owned Adams, and he did not see anything happening in the near future. He agreed that since the City had already spent quite a bit of money improving Tienken, that there would be no improvements to capacity there in the next 10-15 years either. Regarding development, if someone owned land, they had an inherent right to develop that property according to the Ordinances of the City. The laws said that it was R-1 zoning, which allowed the childcare center as a Conditional Use. A church or a daycare facility could be developed there, among other things. With the amount of potential traffic for the development, it would appear that during the peak hour in the morning, that there would be about 200 vehicle visits from 7-9:00 a.m., using the existing, larger facility as a reference point. Mr. Davis had indicated 2,500 to 3,000 cars at the peak time, so less than 200 cars would be added to that. They did not know whether people using the facility would make a left or a right turn out. He agreed that the majority of the people using the facility would be neighbors of the people in the room. The developer said that if the Road Commission required an improvement to Tienken, they would not be opposed. There was a comment about the height of the building, which was 25 feet. He considered that two-story homes had an average peak height of at least 25 feet, and some were 35 feet. The Commissioners had faced that before with other developments' homes being 35 feet, although smaller in size.

Ms. Morita asked the applicants if the facility in Oakland Township was tax exempt, and Mr. Dunn advised that it was not. Ms. Morita asked if it had one floor or two. Mr. Dunn said that it was one floor. Ms. Morita said that her understanding of childcare facilities was that when there were children under a certain age, they had to have a direct access to the exterior. The site plans showed no exits for the second floor, and children on the second floor would be ages 2 ½ to six. Mr. Schmitz said that they would lose a lot of space with a two-story school because of the stairwells and elevator. They would have to adhere to the building code that

required a totally non-combustible facility. The design showed CMU exterior walls with a precast floor on the second floor and metal cold form steel trusses on the roof. Ms. Morita said that she understood that, but she reiterated that there were no exits for the second floor to the exterior. Mr. Schmitz said that there were two stairwells and an elevator. Ms. Morita said that was inside the building, but there were no exits from the second floor directly to the outside. Mr. Dunn said that per their understanding, it was not a requirement. That would be required for ages 2 ½ and under, and on the first floor, there was a direct access from each classroom to the exterior. The children above were three to six. Ms. Elliott noted that their young pre-school would be ages 2 ½ to three, and that was on the first floor. Mr. Dunn added that it was the same design that was approved for the Goddard School by John R and Auburn.

Ms. Morita asked Mr. Dunn if he would be willing to agree to a no left turn onto Tienken if the plan was approved. Mr. Dunn asked if she meant as opposed to extending the turn lane. Ms. Morita said that she meant in general - no left turn out of the property onto Tienken. Mr. Dunn said that he would probably agree, but he thought that there were some better ways. They could go to the County and work with the City's engineers to come up with a better solution. Instead of having a fire access only to Adams, he suggested that there could be a decel lane for right in right out for Adams, which would speed up that traffic, and have a right turn only onto Tienken. Ms. Morita asked if they would reroute the traffic. Mr. Dunn responded that instead of what they had in front of them and based on listening to the community, and he considered that they made some good points, he thought that they could add a decel lane off of Adams into a right turn in where the fire access was currently shown and make Tienken a right turn out only as well. He knew that some studies would have to be done. He was a little disappointed that the Road Commission gave zero feedback. Ms. Morita said that she understood the issue with the Road Commission. She had been meeting with them for the last four years on safety issues on Adams Rd. Residents along Adams in various areas had trouble making left turns. They had problems trying to get lights installed or decel lanes put in. She realized that it was a process. The problem the applicants had was that they were one mile north of Walton and Adams where Oakland University was and where there was a lot of traffic. The process also required the ability to work with the University. There were three actors involved - the City, the University and the Road Commission. Trying to make improvements along Adams had been difficult, as Mr. Shumejko, the City's Traffic Engineer, could attest. They had been successful in extending some of the right turn lanes in certain locations and agreement to widen certain areas, such as at

Tienken. Those small victories were far and few between. The applicants were at a very busy intersection. As a mother, her concern was the parents with young children. If they were turning left in or left out, it would be a recipe for disaster. Sooner or later, something would happen. As a Planning Commissioner, she was concerned about approving something she knew would end up with someone getting hurt. That was her primary concern. If the applicants were willing to go back and make some changes and look at the circulation in the site and propose changes that were safer, it would be a lot more palatable. With a sleep deprived mother coming in at 6:30 in the morning to drop off her infant and trying to make a left turn at that intersection, it could end badly. After hearing from the residents, she understood that it was lot for the applicants to deal with. She thanked the residents for coming out, and said that the Commissioners always appreciated hearing from them. She encouraged them to talk to Mr. Davis about the issues in their subdivisions with speeding. As it pertained to the proposed property, and she understood that there were crazy teenagers driving on Medinah in the morning, she did not see how that sleep deprived mother, going to the proposed daycare over another one, would make that huge of a difference, but it could, and she understood the fears. If the applicants were willing to explore different traffic routes and discuss some of the traffic issues a little more fully with Oakland County to see if a resolution could be reached or if some improvements could be made, she would be happy to be part of the process. Her concern with the plan, and she commented that preschools were great and necessary, was that the way it was laid out currently, someone would get hurt. She asked what week the traffic study was done for the Oakland Township site. Ms. Elliott said that it was done during a peak time when school was in session. Mr. Dunn said that it was during a colder month, because the summertime died down. Ms. Elliott said that a lot of the teachers brought their children to the school in the summer. Ms. Morita confirmed that they had never had problems with parking and stacking at that site. She asked how long of an average wait time there was when cars pulled out of that site to turn left. Mr. Dunn said that it was zero. Ms. Morita said that because of the traffic backups they would have at the proposed location at the times the parents came, there would be cars stacked on the site waiting to get out. Mr. Dunn said that would not happen if it was right in right out only. Ms. Morita said that based on the plan the Commissioners had, she could see cars stacked in the parking lot waiting to get in and out, and a cluster of cars would be unable to get in and out and unable to get in and out of spaces. She asked the applicants if they would be willing to come back with a different plan for the traffic and meet with Oakland County. Mr. Dunn said that they would be happy to meet with the County. He felt that the issue would be

seeing if the Fire Marshall would accept a right in off of Adams and creating a decel lane there. They could prohibit left turns onto Tienken during certain hours. Ms. Morita said that she would be willing to consider that. She asked staff if the applicants would have to come in with another plan.

Ms. Roediger said that if the Planning Commission decided to postpone, the applicants could come back with a modified plan and continue the same application.

Mr. Schroeder strongly suggested that the applicants got a private traffic organization to do a traffic study. They did not have all the facts and figures, and everyone's concerns were about traffic. He had been in the business for 50 years, and there were no funds, because people would not vote for the money. The Legislature would not allocate the money. There were not enough dollars to do a small percentage of what had to be done. The County had no plans for Adams and Tienken, and he looked at the traffic counts and the accidents, and what the applicants had to compete with would not even get them on the board for funding. The State kicked the can down the road, and it would not happen. The problem was everywhere. Speeding in subdivisions was standard everywhere. In Troy, they had an extensive traffic program, and they had studies of the traffic areas. The police would set the times and give tickets, and there would be a second wave of people coming and complaining because they were picking on them, and they felt the police had better things to do. 94-98% of the tickets were given to the residents of the subs. The average speed was 35+ in subdivisions. The State statute said that it had to be 25 mph, and he remarked that it was unrealistic. People did not drive 25. People drove 35-40 mph in the subdivisions. He reminded that citizens objected to widening Tienken. It was a no-win situation. He stated that the infrastructure in the country was terrible - the water, sewer and roads - and the road funds were running out. The State could not print money like the Federal Government. The people voted against increasing taxes. The City went through a very beneficial time when the gravel roads were done, and they got a good portion of the County road funds. They were not getting those any more. Rochester Hills was on top of its water, sewer and storm. Cities like Flint and Detroit were a disaster. He used to work in Detroit, and if people saw the pipes, they would not drink the water. Things needed to be done, but the taxpayers were not willing to pay for them. He said that people had a right to develop their property and the right for access to the roads. Whoever had jurisdiction could not deny people access. They could put restrictions on the access, but they could not deny it.

Mr. Reece stated that he liked the development, but he felt that it was too large for the property. He lived off of Tienken, and the issue with traffic at the intersection was a nightmare. If it was a one-story development and smaller school with a better site plan that allowed different access in and out of the site, he would be much more amenable about going forward. For him, a two-story building with 162 students on that site was too much.

Mr. Kaltsounis noted that he had been on the Planning Commission for many years, and he had seen how developments worked out. There was one on the corner of Auburn and Crooks that had a right in right out. He said that the right in right out became a left turn in on many occasions. With right in right out for the proposed development, someone would have to go for miles to get back to the west. It worked in certain places, but if proposed, it would be close to the intersection and there would be a long way or short way. He said that he could not say yes to the development unless, at minimum, the left turn lane was extended. He could see the traffic still being tough. He discussed several possibilities for the motions. He said that they could recommend denial to City Council of the Conditional Use and postpone the other two motions, pending Council approval. If the developer chose, the matters could be postponed until they were ready to re-submit. Personally, having owned a daycare center, he would recommend that the applicants really determined whether people could easily get to and into the building. He felt it would be very detrimental. He asked the applicants which direction the Commission should take.

Mr. Dunn stated that they had to develop something on the property. They would come back with a new plan for extending the center left turn lane down Tienken. Mr. Kaltsounis reminded that there were a few other things as well. He moved the following, seconded by Mr. Reece:

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 17-018 (Premier Academy) the Planning Commission hereby ***postpones*** the request for ***Conditional Use Recommendation*** to allow a childcare center in the R-1 district until the applicant completes studies of the traffic and meets with the Oakland County Road Commission and City staff regarding ingress and egress for the property and the City's Engineering staff reviews the pumping station to possibly eliminate it and relocate the storm water system.

Mr. Anzek said that they were kind of second guessing what the Road Commission was going to decide. Rather than suggest an extension of the center lane or other things, the applicants needed to have the

meeting and find out. The Mobil station at Walton and Adams was willing to close the northern driveway on Adams while maintaining left turns out of the southern one. No one liked that idea, because it always seemed to be backed up there. The matter was tabled until they met with the Road Commission and the City's engineers and came up with a condition that there would be a trial and error for a year allowing full turning movements for the southern drive to show that it did not have problems. He suggested postponing the matter until the applicants had an opportunity to sit down with the Road Commission, the City's engineers and the Fire Department, if necessary, to find out the best access for the business. They might say that there would be too much traffic, and that the development would have to be downsized, as Mr. Reece suggested. They might say that the traffic could be easily handled. Those questions were difficult for the Planning Commission to answer, and he would like those answers before he voted.

Mr. Reece asked if the Road Commission would even review it without the Planning Commission approval of the plan. Mr. Davis said that they would if the City asked to meet and go over the project in detail.

Mr. Anzek said that he would not require a traffic study, but let the Road Commission determine if one was needed. He thought that a traffic assessment could add six months. Mr. Davis said that traffic studies were sometimes used to estimate potential trips. The applicants had indicated how many students and teachers would attend using conservative numbers. His assumption was one parent would drop one kid off, but if there were several kids, the numbers could be reduced. He was not sure what more value a traffic study would provide. There were assumptions such as having half the traffic going west and half east on Tienken, but he did not know if a traffic study would get more detailed than that.

Chairperson Brnabic asked the applicants if they agreed to the postponement, which they confirmed, and she called for a vote:

Voice Vote:

Ayes: All
 Nays: None
 Absent: Schultz

MOTION CARRIED

2017-0338

Request for a Tree Removal Permit - City File No. 17-018 - for the removal and replacement of as many as 12 trees associated with Premier Academy, a 15,078 square-foot childcare center on approximately 1.6 acres located at the southeast corner of Tienken and Adams, zoned R-1 One Family Residential,

Parcel Nos. 15-08-100-021 and -022, Paul Dunn, JS Capitol Group, Applicant

Postponed

2017-0339

Request for Site Plan Approval - City File No. 17-018 - Premier Academy, a proposed 15,078 square-foot childcare center on approximately 1.6 acres located at the southeast corner of Tienken and Adams, zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021 and -022, Paul Dunn, JS Capitol Group, Applicant

Postponed

Chairperson Brnabic stated for the record that the motion had passed unanimously. Mr. Hooper advised that everyone who filled out a card would be notified when the matter returned, and if someone did not speak but wished to be notified, that an address should be provided to Ms. Gentry. Chairperson Brnabic thanked the applicants and wished them good luck. She felt that it would be an excellent school for young children.

UNFINISHED BUSINESS

2015-0308

Request for Site Plan Approval - Innovation Hills - City File No. 17-015 - City-owned park totaling 112 acres, located on the north side of Hamlin, east of Adams, zoned R-2, One Family Residential, Parcel Nos. 15-20-300-005 and 15-29-101-020, Ken Elwert, Director, Parks and Forestry Department, City of Rochester Hills, Applicant.

(Reference: Documents prepared by Parks and Forestry and Ralph Nunez, Nunez Design had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Ken Elwert, Director of Parks and Forestry, City of Rochester Hills and Ralph Nunez, Nunez Design, 249 Park Street, Troy, MI 48083.

Mr. Elwert related that the Tree Removal Permit was approved in June, and that the Site Plan had been postponed pending further information. He had submitted a memo detailing various elements, including an administrative staff review addressing conditions placed on the Site Plan. He noted that tree surveys had been submitted - a 2016 tree survey for the parking lot and playground area and a tree survey for the community water feature area. They finished an aerial of the 29 trees taken down

previously for trail construction. They were removing the request for the sanitary sewer easement. That would allow more time to review the possible options. It was included in the plans as a potential element, and it would be brought back when they had funding. The other major topic of discussion was the berm. The citizens had asked that it be moved, and it was moved substantially from the original plans, and the slope was much gentler.

Regarding the berm, Mr. Nunez showed a cross section of the existing grades and the home directly to the west. There was a slight high point at 813, and it continued down to the trail. At the first meeting with the residents, they showed the berm at 10 feet high, with a four-on-one slope. It was 115 feet from toe to toe with a flat top. It was designed to stockpile soil from the ponds. They knew that they would have to plant quite a few replacement trees. It was about 35 feet from the property line so that any water behind it on the west side would be able to come down and around either side to drain. There was an infiltration area and then the pond. After the meeting, the residents still did not want the berm adjacent to their properties. Berms were usually a three-to-one slope, which was maintainable, and about three feet high. The entire west side was regraded, and the pond was moved toward the east. It would be about 100 feet away. He noted that one home had a terraced patio and a pool and fence very close to the property line. As with the original, it would allow drainage, and the mound would be vegetated with deciduous, evergreen and ornamental trees, natural grasses and wildflowers. They did a photo survey showing a person from 100 feet to 211 feet from the home with the pool. 211 feet would be at the height of the landform. Vegetation would come down to construct the pond, and there would be a bioswale for water runoff. He said that he would be happy to answer any questions.

Chairperson Brnabic had received several speaker cards, and she called the first speaker at 9:41 p.m.

Terry Lannen, 2863 Portage Trail, Rochester Hills, MI 48309 Ms. Lannen was going to pass out some photos, but Ms. Morita informed her that she had received the photos and already presented them to the Commissioners. Ms. Lannen asked the Commissioners not to approve the plan yet. She claimed that they were dealing with a lot of problems, and that there was no good faith with the residents and the Park. She stated that none of the things they asked to be addressed at the last meeting had been, such as the parking area and the wood pathway "thrown" through the wetlands. She thought that some of those areas should be marked as unusable and unsafe. She talked with Ms. Morita,

and she knew that there was money in a park fund. All the damage was done before the City had a plan. She did not think they needed a plan to fix the areas that had been "screwed up." She stated that the Park was in awful shape, and it had been like that for two years. She said that they needed to fix the basic things, and they could not take care of the trees that were there. One out of three that were planted were dead and not watered. She recalled the condition that anything that was done needed to be vegetated and taken care of within 30 days. She asked the Commission to not move forward with any plans until they had brought the Park up to a standard where they could use it. She was back there all the time, and she saw people with dogs who asked what had happened to the Park. There were areas with gravel and mounds of dirt, and there were weeds all summer long, and nothing was done. She felt that the City needed to fix the Park before it had the ability to proceed with another plan, and she claimed that it could be taken out of the Parks general fund.

Lynn Loeb, 2845 Portage Trail Dr., Rochester Hills, MI 48309 Ms. Loeb said that she was unable to attend the June meeting, but there were two things that came out of the Minutes that they had asked for but not yet received. First, the soil testing. Mr. Elwert emailed her, and said that the final report was still being done, and that he would get it to the residents as soon as possible. Based on the history of the contamination of the surrounding properties, she thought that any soil removal needed to not be done until the final testing, at the levels they planned to excavate - up to ten feet - was done. She claimed that the only reason the soil was going to stay on the property was to save money. That was why there would be a berm. They asked what it would cost to remove it, but they did not know. She did not think that creating a berm specifically to keep the soil on the property was prudent until they knew the cost savings. They had still not addressed after hours use, which happened all the time. She could hear people talking and forerunners going back and forth, and their only recourse was to call the Oakland County Sheriff's office. If there was a higher level call, they might get around to it one-half hour after the people left. There was no gating or way to keep people out shown on the Site Plan. She was surprised to learn that there was a plan to eventually have a community building. The Park was supposed to be for passive, natural use, but they wanted to put up a building and rent it out. She did not understand the need. The Calf Barn was there for events, and she wondered if there was more of a need. She said that she was very disappointed there was a plan for a community building, which was the main reason for the sewer line, which she was glad was out, but which she was sure would come back. She felt that a lot of things were still unknown that needed to be addressed before proceeding.

Raleigh Wilburn, 2851 Portage Trail, Rochester Hills, MI 48309 Mr. Wilburn indicated that the house Mr. Nunez showed was his. He reiterated the question of how the Commissioners would like all that sludge in their backyard. He claimed that it smelled. He asked Mr. Nunez how much peat moss was in the pond. Mr. Wilburn said that there was a lot of peat moss, and it was extremely flammable. People could google peat moss fires and see that there had been 30 or 40. There was one in North Carolina that had burned for five years, because it could not be put out. He said that peat moss came from the bottom of retention ponds and other ponds. The City would be creating a future problem. He had an excavation person look at it, and he agreed that the pond was loaded. He stated that it was very dangerous. It started by the sun not by a match. The sun could ignite peat moss. His main concern, though, was the smell. He asked the Commissioners to take a whiff the next time they were next to a retention pond. He asked again how they would like it in their backyards. He did not think they would.

Bob Rayner, 2839 Portage Trail, Rochester Hills, MI 48309 Mr. Rayner said that he was little late in the game. He would like to know the exact purpose of the berm. He wondered what, after maintenance, would take place between the berm and the property line. He apologized for asking what might be a basic question, but he was not notified of the meeting, and he was not prepared to come up with a lengthy issues or concerns.

Jim Lannen, 2863 Portage Trail, Rochester Hills, MI 48309 Mr. Lannen said that he had lived in Rochester Hills for quite some time. He had sent pictures to the Mayor and attorney and the Parks Department about the unsafe environment of the Park. The City spent a lot of money on the Park, but they did not clean it. There was an abandoned car, piles of tires and wood with nails in it. His dog and his kids had been hurt. If there was money to spend, he suggested that they cleaned it first and made it safe for the people that came to the Park. He sent pictures of the retention pond, which was basically filled by a drainage ditch that came from the parking lot. All the oils and contaminants from the parking lot, when it rained, rolled down the ditch into the pond. His nephew slid into it. It used to be 4 ½ to five feet deep and totally unsafe. Now it was filled with rocks and it was four feet deep again and very unsafe. There were runoff ditches to the right and left. He thought that those were the priorities the City should be looking at and voting to get done, not the berm. He said that he actually liked the berm. He was very excited about having a beautiful park in Rochester Hills. He stated that he loved Rochester Hills,

and he thought that it would be a super park. How they went about it needed to be a little different. They needed to clean it up and have a plan to follow. He was very worried that they would dig up a big hole with contaminated dirt that he was sure had dioxins and toxins, and there would be a big pile of mud and sludge and peat moss with some trees on it. All of the trees would die, and he did not have any confidence that the Park would be managed right. They took a picture when something looked nice, but then it looked awful. He asked what they were doing about the retention pond and the unsafe characteristics of the ditch. He believed that, according to the DEQ, retention ponds were supposed to be fenced in and made safe for kids. If a kid rode a bike there, there was a big drop off with holes. He suggested that they should focus on that and focus on making it a great park for the City in the right way and not jump into building a pond and a berm in the backyards. He thanked the Commissioners for their time.

Mr. Elwert responded that he would like to focus on making the Park great. He just felt that there had been some disagreement as to the process. There was a question about the condition of the trees. He advised that they had been planted several years ago by a contractor who donated them, and some were not planted correctly. The City had been eliminating those that were not able to be saved. He indicated that it was really a construction site. He disagreed with the characterization that it was unsafe in any way. His staff had been working with Risk Management on some elements, and they had been working on some of the issues with the erosion of the pond area. They were not in violation of any DEQ permits or City codes. There was a question about soil testing and costs for hauling the soil away. He had discussed it with HRC (engineering consultants), and their short answer was that it depended on the techniques, whether it was dewatering or others. To haul it away, it would cost between \$25-125,000. They tested the areas recently, and they expected to receive the full reports within the next week. The cursory emails he had received indicated that there was no additional actions needed, and that it was not contaminated to any level of risk for any type of use. As soon as he received the full report, he would share it with the neighbors.

Mr. Nunez said that he did not have an exact amount of peat moss calculated. They would have to look at the soils report. They were looking at removing the top soil that had been used on other parts of the Park.

Mr. Elwert explained that the purpose of the berm was two-fold. One was

to find an area for the soil to allow efficient use of resources in developing the property. The other was aesthetic as a fence line between the community water feature area, where users of the Park would be walking around and the residents. Regarding adding a building, they were following the plans that were developed by the Strategic Framework Committee several years ago that consisted of six phases. Phase Four was to pursue some type of community structure, so they were not adding things as they went. He said that he believed he had addressed the public comments, but he said that he would be happy to discuss something he might have missed.

Mr. Hooper mentioned gating the Park. Mr. Nunez said that there was a comment about the safety of the storm water detention area. He said that if it was graded at a six-to-one slope, a fence was not required. The grades around the entire water body were a six-to-one slope. There was also a safety bench in the water, so if someone went into the water, there was the ability to walk out because there was a gradual slope.

Mr. Elwert advised that there was a plan to gate the Park. It had not been done yet, because the parking lot was not finished, but they could look at it. They were in the process of preparing bid specs, and they planned to go to bid on January 1st. They could look at putting up a temporary gate. He noted that there were other entrances to the Park that were not gate-able, specifically from the neighborhood to the west. There was one small drive there.

Chairperson Brnabic asked if the parking lot had a big drop off. Mr. Elwert said that had been addressed. DPS went out there and raised the slope.

Mr. Kaltsounis considered that they were doing a lot of publicity for the Park. He had been there taking photos. In the back, it was unbelievable. The parking lot, however, gave a bad first impression for something the City was trying to promote. He asked the timing to get some of the improvements on the plans done. Mr. Elwert said that everything would be bid out in early January with a potential start date of next spring. There was another contractor that might be interested in helping out with some excavation or work in the community water feature area, but they were not interested in doing pro-bono work for the parking lot. He stated that they did clean up areas as they found things. They had removed boards and things. Mr. Kaltsounis said that in the meantime, he would recommend that they tried to improve their image. He knew that a lot of people used the parking lot to have lunch or rest.

Mr. Kaltsounis wished to go over the conditions placed at the last meeting for the Site Plan. He asked if comments from staff and outside review agencies had been addressed. Mr. Nunez said that they had to modify the parking lot to meet the Fire Department's requirement for a 20-foot drive aisle and the turnaround for a large ladder truck. That was being done, and they still needed Fire Department review to get a memo of recommendation. Mr. Kaltsounis read that "a soil erosion plan for the berm shall be provided to control wet soils that could be created by building the berm." He noted that he was doing the same thing with one of his construction projects for work, and he was constructing a 9,000 s.f. building. It would save him \$21,000 by not shipping the soil offsite. He could see the City's numbers being much higher. He was keeping the soil on property to realize a cost savings. He asked what the plan was for handling the wet soil and the smell.

Mr. Nunez said that he had talked with contractors. If there was an area that the soil could be laid out and air dried, it could be then moved. They were going to look for a spot to level the soil and let it air dry before being reused. Mr. Kaltsounis asked if they would be willing to submit a plan regarding that for staff approval. Mr. Elwert said that they were going to meet with the potential donator and HRC the next day onsite. That was one of the things they could discuss, but the short answer was "yes."

Mr. Kaltsounis brought up that planting and vegetation of the berm should be done within 60 days of final grading of the berm. He asked if that would be on the plans, and Mr. Nunez agreed. Next, staff was to evaluate a different route for the sanitary sewer. Mr. Elwert said that they were removing that request. If they went forward and developed a building, it would be brought back to the Planning Commission.

Mr. Kaltsounis said that the velocity drain next to the parking lot was to be reconfigured with curves to give it a more natural look. Mr. Nunez said that the reason it was not being done, was because there was a vertical drop for the water feature and the ability for someone to be able to walk across and touch it. If they made it more curvilinear, the drop would be lost, and there would only be rock down to the bottom. There was a potential donor to do the water feature as it was, so they were requesting not to change it.

Mr. Anzek said that he would forgo some type of gate and instead post a sign with the hours of operation and ask the Sheriff's Department to cruise in to check. If a kid had an ATV, a gate would not stop him. A gate would be a waste of money. If there was a sign, at least the officer would have

something to be able to order the kids out. Mr. Elwert said that he had communicated with the Sheriff's Department at the residents' request and Ms. Morita to get additional patrols, and they would continue. Mr. Anzek said that Mr. Nunez had proposed a wall across the front with two defined entry points. The wall was also intended to stop the ATV people and others from entering unlawfully. Until they got to that point, it would be tough to barricade the Park.

Ms. Morita agreed that the Park needed a sign showing the hours the Park was open, and anyone there after hours would be considered a trespasser and could be prosecuted. If it required an Ordinance amendment from Council, it could be brought forward. That would give the Sheriff's Department some teeth to enforce and put the public on notice. She stated that the whole property had, for years, been party central for kids. Making it easier to get down there with parking did not help. She said that if there was anything they needed from her to get it done, to please ask. She mentioned the maintenance issues raised by Mrs. Lannen. She had the opportunity to go to the Park the day before with Mrs. Lannen and look at some of her concerns. The pictures she provided showed stones and a gravel pathway, and that was a sensory garden that was created in the spring but became overgrown with weeds over the summer. She had discussed the matter with Mr. Elwert, and she asked if he could explain what happened.

Mr. Elwert said that the ultimate planting time was September for trees and shrubs. They would be planting more varieties in the spring of 2018. They did let the area grow over until it was ready for planting. It had been cleaned up, and the weeds had been removed to prepare for planting in approximately two weeks.

Ms. Morita said that the issue was the first impression coming into the Park. It was not great. She knew that communication was a good thing, and perhaps in the future, when there were projects that they let grow over, for example, a little signage explaining what was happening and why would go a long way to help. She said that she was glad to see it was cleaned up, and she was glad to hear that it would be planted. There were also pictures of the parking lot. DPS went to the Park in the morning, and they took care of the issues. They regraded the parking lot and cleaned up the asphalt. If anyone saw something like that in the future, she recommended sending her and Mr. Elwert a picture, and they would see about taking action sooner rather than later. She stated that it was not acceptable, and she was glad Mr. Schneck took care of it right away. She asked why there were piles of stones and construction materials in the

parking lot for so long. Mr. Elwert said that they eventually planned to use some of those piles for a variety of things. Ms. Morita asked if there was a way to clean it up as opposed to having piles of construction materials overgrown with weeds in the parking lot. It was the first thing people saw. Mr. Elwert said that they were open to ideas. He added that it was unfortunate that the staging areas were at the front of the Park. He agreed that signage was a good idea.

Ms. Morita showed a picture of some boards, and said that she was not sure where they were, but she hoped that Mrs. Lannen could meet with Mr. Elwert after the meeting. Mr. Elwert said that he was clear about where they were, and they would pick them up.

Ms. Morita said that according to the plans, the sun dial would be lit. Mr. Nunez explained that the brick pavers around the trail were illuminated. Mr. Elwert said that it would not be physical, electric lighting. They were considering luminescent brick pavers. The reason for them was that as the area developed, there might be some early evening use. Ms. Morita felt that it was something they should take a hard look at. If they were trying to discourage people from going there after dark, there was no reason to have luminescent bricks that glowed. She was not sure how much more they cost, but she would like to have the comparison between bricks that glowed and those that did not. They could do a cost benefit analysis for how much use the Park would get after dark when no one was supposed to be there. She recommended it as a condition.

Ms. Morita noted that one of the conditions from the last meeting was that the vegetation on the berm was to be done within 60 days of final grading. The report they received stated that planting of vegetation on the landform would be done upon final grading of the berm and depending on the optimal growing time, in late fall or early spring. She did not think that was necessarily 60 days. She asked the timeframe proposed for vegetating the berm.

Mr. Elwert said that the challenge was that it was difficult to put an exact timeframe on the contractor to build the berm. There would be a range. If, for some reason, the berm got built later in spring or early summer, within 60 days would not be an optimal time to plant. Planting then could potentially cause the vegetation to die. It could be 75 days. The intent was to plant at the next season or immediately after if the season was right. They would do everything they could to plan around that.

Ms. Morita said that the point of having it vegetated within 60 days was to

reduce dust to the homes. If they could not commit to the 60 days, she asked what would be done to ensure that there was no dust blowing around. Mr. Elwert replied that the intention was not to wait 180 days, but the growing season could perhaps be 90 days. He stated that they could just do 60 days, and the vegetation would take as it would.

Ms. Morita asked Mr. Nunez if there was something else that could be done with the berm in order to address the dust and erosion issues if it went more than 60 days. Mr. Nunez said that they could do hydro-seeding and mulch to stabilize the soil. The grass would grow quickly and hold the soil in place until later planting. Ms. Morita asked if that could be done upon final grade of the berm, which was confirmed. She asked if that could be made a condition, to which Mr. Elwert agreed.

Ms. Morita questioned whether there were any trash cans in the Park. Mr. Elwert said that currently, they were only two in the parking lot. It had worked out very well, and trash was not dropped off in other areas. It was in the plan to develop the following year as they built the trail loop. There were six to eight planned as well as dog waste stations. They put one of those in the parking lot already. Ms. Morita asked Mr. Elwert if he would recommend placing another trash can at the north end of the trail where it hit the pond full of phragmites. Mr. Elwert said that until they had more staff support, there was a challenge putting trash cans in areas where they could end up in the River, but they could chain them down. He agreed that they could put one close to the River where the trail wrapped around.

Mr. Anzek said that he knew hydroseeding was a quick fix and a good way to stabilize, but he wondered if the intent was to have the berm be grass. Mr. Nunez said that it was not. Mr. Anzek felt that they should leave the option open so that if the season was right, they could plant what they wanted, whether it was natural native grasses or something similar. He understood the need to get something down if they had to go longer than 60 days. If they were going to do the berm in the spring, they would have to have something ready. Mr. Elwert clarified that they should either plant within 60 days of final grading or hydroseed within two weeks.

Mr. Kaltsounis noted that the Planning Commission approved the Tree Removal Permit at the June meeting with the requirement that a tree survey be completed, which it had been. He moved the Site Plan motion, seconded by Mr. Dettloff.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 17-015 (Innovation Hills), the Planning Commission **approves** the

Site Plan, based on plans dated received by the Planning Department on May 22, 2017 and requested documentation received on August 9, 2017, with the following five (5) findings and subject to the following five (5) 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 proposed project will be accessed from Hamlin Rd., 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.*
- 3. Off-street parking areas have been designed to avoid common traffic problems and promote safety for the visitors.*
- 4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
- 5. 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. The Plans shall be updated to add details of the berm, and the Park shall be improved with the recommendations discussed at the August 29, 2017 meeting, including signage, maintenance, installing trash can(s).*
- 3. A plan shall be presented to staff for approval of a place to dry out soils before being installed in the berm.*
- 4. To prevent dust and erosion of the berm, hydro-seeding must take place within two weeks of final grading unless plantings can be done*

within 60 days due to the season.

5. *Evaluation of the cost savings for non-lighted pavers over lighted (glowing) pavers shall be submitted prior to final approval by staff.*

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously. Mr. Kaltsounis commented that the Park really needed to make a good first impression. He brought clients there for pictures, and he wanted the first thing they saw to look as nice as the back of the Park.

2014-0497

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: Memo prepared by Kristen Kapelanski dated August 25, 2016 and site plan and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Joe Nirta, Silver Spoon Restaurant Italiano and Salvatore D'anna, D'Anna Architects, 1055 South Blvd., E., Suite 200, Rochester Hills, MI 48307.

Mr. D'Anna noted that he was unable to attend the first meeting. He stated that they had addressed the issues from that meeting, the first of which was the retaining wall. There were originally 15 parking spaces along the wall, and that was reduced to nine. They also eliminated three spaces in the front and three spaces in the rear, and they would hatch that area as "no parking," but it would be used for turnaround for the trash haulers. He added that the underground detention would be under the parking lot, and there would be a manhole access to the underground system. They also submitted additional details for the retaining wall which would be 6.5 feet tall. Where parking would abut the wall, there would be 2.5 feet of soil retained. There would be an additional four feet of wall, which would block the headlights from shining into the neighbors' property. They submitted details of the wall product, which would be a Rosetta Stone seen in many residential and higher-end commercial applications. It would present

more of a residential-type of feel for the neighbors. They revised the drainage plan and showed more details about drainage between the wall and the property line. They were proposing to use the natural contours and a high point to swale the water to the front and back. They would add storm drainage catch basins to collect the water into the system, detain it and slowly release it. They had a memo from the City's Engineering Dept. with comments about the wall and the drainage and agreeing with the improvements. They also took the advice of the Planning Commission and modified the parking lot. They would eliminate a couple of trees in the front and add parking spaces. They removed the six spots along the wall, and they added 12 spots in the front of the building. The total parking count increased by six spaces. The applicant also sent out a letter with drawings to all the adjacent property owners within 300 feet. He said that he would be happy to answer any questions.

Chairperson Brnabic asked whether the applicant had a meeting with or mailed the information to the neighbors. Mr. D'Anna clarified that the applicant sent a letter and drawings to the neighbors. Chairperson Brnabic asked Ms. Kapelanski if she had anything further to add.

Ms. Kapelanski said that she did not have remarks to add to Mr. D'Anna's, but she noted that the Natural Features Setback Modification had been reduced by 100 linear feet because of the changes to the south parking area.

Mr. Hooper stated that he liked all the improvements the applicants had made. He asked the hours of operation. Mr. Nirta said that he did mention it in the letter to the applicants, and it would be Monday through Thursday 5-10:00 p.m. and Friday and Saturday 5-11:00 p.m. They would be closed Sunday.

MOTION by Hooper, seconded by Reece, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a restaurant in the FB-1 district, based on plans dated received by the Planning Department on July 6, 2017, plus the additional prints dated August 1, 2017 with the following seven (7) findings and subject to the following one (1) condition:

Findings

1. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.

2. *The expanded use will promote the intent and purpose of the zoning ordinance.*
3. *The proposed building has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.*
4. *The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.*
5. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
6. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
7. *The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Condition

1. *Hours of operation shall be, as stated by the applicant, 5:00 to 10:00 p.m. Mondays through Thursdays and 5:00 to 11:00 p.m. Fridays and Saturdays.*

Mr. Dettloff commended the applicants for the quick turnaround. At the last meeting, there was much discussion, and they had become a model for anyone that came before the Commissioners and a revision was requested. It was fortunate there was a Special Meeting, but it was greatly appreciated that they complied that quickly. Mr. D'Anna thanked Mr. Dettloff, and said that they just had to stay late a few nights to get everything completed as quickly as they could.

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

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

MOTION by Hooper, seconded by Reece, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impacts to as much as 155 linear feet of natural features setbacks associated with the construction of the proposed parking lot and concrete walk west of the building, based on plans dated received by the Planning Department on July 6, 2017, plus additional plans dated August 1, 2017 with the following two (2) findings and subject to the following one (1) condition.

Findings

1. *Natural Features Setback Modifications are needed to construct the parking lot and walkway.*
2. *Because the Natural Features Setback areas are of extremely low quality, the City’s Wetland consultant, ASTI, recommends approval of the modification.*

Condition

1. *Any temporary impacts must be restored to original grade with original soils and seeded with a City approved seed mix, where possible, prior to final approval by staff.*

A motion was made by Hooper, seconded by Reece, that this matter be Granted. The motion carried by the following vote:

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

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

MOTION by Hooper, seconded by Dettloff, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on July 6, 2017, plus additional plans dated August 1, 2017 with the following eight (8) findings and subject to the following four (4) 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 requested front yard setback is modified based upon the Planning Commission's determination that the requested option is consistent with the intent of the form-based district as established in Section 138-8.100.*
3. *The minimum building frontage build-to area and minimum façade transparency requirements are modified based upon the Planning Commission's determination that they meet the intent of the FB district; that they will not make future adjacent development impractical; that they will permit innovative design; and that the two patio areas provide transparency and activity into the site.*
4. *The proposed project will be accessed by two existing driveways, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic.*
5. *Additional parking is necessary based on demand for a restaurant use and in other zoning districts, more parking would be required than proposed for a restaurant of this size, and the Planning Commission has agreed to modify the requirements based on this criterion.*
6. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
7. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as*

existing development in the adjacent vicinity.

8. *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. *City Council approval of the Conditional Use.*
2. *Provide a landscape bond in the amount of \$56,470.00, as adjusted as necessary, plus inspection fees, and a cost estimate for additional ornamental trees and shrubs required, prior to temporary grade certification being issued by Engineering.*
3. *Provide an irrigation plan, prior to final approval by staff.*
4. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicants. Mr. Hooper thanked the applicants for their investment in Rochester Hills. Mr. Dettloff asked when they could expect the ribbon cutting. Mr. Nirta said that it would be as soon as possible. Ms. Roediger advised that the Conditional Use request would likely go to the next City Council meeting on September 11.

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for September 19, 2017.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Brnabic adjourned the Special Meeting at 10:40 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary