



# Rochester Hills

## Minutes - Draft

### Planning Commission

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Rochester Hills, MI  
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Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*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*

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Tuesday, November 21, 2017

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

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

## ROLL CALL

**Present** 9 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Ryan Schultz

Quorum present.

Also present: Sara Roediger, Director of Planning and Econ. Dev.  
Kristen Kapelanski, Manager of Planning  
Maureen Gentry, Recording Secretary

## APPROVAL OF MINUTES

[2017-0520](#) October 17, 2017 Regular Meeting

*Ms. Morita said that she had been talking with Ms. Gentry about some of the language involved in the Detroit Meeting Rooms request. She had thought that maybe some of the other Commissioners who had been at the meeting could weigh in. She recalled asking the proponent as to whether or not they had tax exempt status for the property and whether or not they were planning on obtaining tax exempt status. It was not in the Minutes, and it was not on the tape. She was quite sure that she had asked it, and it was an important point. She also wanted to make a point that DMR, which was not a church, was the owner of the property. It was clear that she had asked the question, and she thought that the proponent had responded yes, but it might not have gotten picked up on the tape. When Ms. Gentry summarized the conversation, the proponent's agreement was not there. Before she asked to have those changes made, she wanted to make sure that was the recollection of the other Commissioners.*

*Mr. Hooper said that he recalled a tax exempt question. Chairperson*

*Brnabic said that she also recalled it. She also recalled the answer, and it might not have gotten picked up. Ms. Morita said that before they passed on the Minutes, she wondered if Ms. Gentry should take another look and have the Minutes come back.*

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

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

## COMMUNICATIONS

- A) *Planning & Zoning News dated September 2017*
- B) *Letter from K. Kapelanski dated 10/27/17 re: Bloomfield Twp. Master Plan*
- C) *ZBA Draft Minutes dated 11/8/17*

## NEW BUSINESS

### 2017-0521

Public Hearing and request for Planned Unit Development (PUD) and Conceptual Site Plan Recommendation - City File No. 17-013 - Crestwyk Estates, a proposed 16-unit attached and detached condominium development on 4.4 acres located on the east side of John R between School and Hamlin Roads, zoned R-4 One Family Residential, Parcel Nos. 15-24-301-077, -078, -079 and -080, Jim Polyzois, M2J1, LLC, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated November 15, 2017 and site plan and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jim Polyzois, M2J1, LLC, 14955 Technology Dr., Shelby Township, MI 48315 and Ralph Nunez, Nunez Design, 249 Park St., Troy, MI.*

*Ms. Kapelanski noted that the 4.4-acre site was located on John R south of School Rd. The applicant was proposing a Planned Unit Development (PUD) and was asking for a recommendation for the concept plan. The proposal was for 16 units, eight of which were detached and four of which were duplex-style buildings. It would be a general condominium with over 3.2 acres of common area. She advised that there would be some wetland impacts associated with the development. Wetland B, which was a lower quality wetland located closer to John R, would be completely filled, and Wetland A would be partially impacted. The City's*

*environmental consultant, ASTI, had reviewed the plan and indicated that the impacts to Wetland A had been minimized as much as possible. The applicant had included boulder walls in an effort to preserve Wetland A, in particular, which was of higher quality. She showed the elevations for the proposed single unit. She noted that if approved, there were some outstanding comments that could be addressed as part of the Final PUD submittal.*

*Mr. Nunez had prepared a power point. He showed the location of the site fronting on John R with an internal street to Gravel Ridge on the east. He pointed out Arcadian Dr., which was across from their entrance (Crestwyk Lane). There were some unnamed tributaries of the Atwell Drain, which discharged to the wetland system to the south. It was mowed by John R, as there had been a homestead, but the rest of the property was fairly wooded. He noted that the site was platted prior to the Tree Conservation Ordinance. There was a large Red Oak at 41 ½" on the south property line that they would preserve, and they would preserve as many other trees as they could. Some had blown down, but there were a number of good quality trees. He showed some cross sections. There was a utility line that was very low that went across about one-third of the property, and they were taking steps to relocate that line. Mr. Nunez stated that just less than .2% of the wetland would be disturbed for the road crossing and the storm water detention facility.*

*Mr. Nunez said that one of the reasons for the PUD was to connect John R to Gravel Ridge and allow for public access. It would be a private, 27-foot drive with sidewalks on both sides and would allow emergency vehicles to get back to the homes on Gravel Ridge. They would add hydrants and create a safer system for the Fire Dept.*

*Mr. Nunez continued that there was a drainage swale along the northern portion of the site that would go to the storm water detention adjacent to the wetland. The retaining wall would be about 1 ½ feet high on both sides of the wetland. One of the concerns a neighbor had was construction traffic. Mr. Nunez informed him that a majority of that traffic would use John R. There would be some work on the east side for the road, the sidewalk that ran the length of the property and a water main connection.*

*Mr. Nunez related that there were 161 deciduous and ornamental trees proposed. There would be buffers on John R and Gravel Ridge and along the north and south property lines. He showed the landscape concept plan. He noted that Mr. Polyzois also developed Brampton Parc,*

which was several properties to the north on the same side of John R. The proposed units would be a smaller version. The single units would be one-story at 1,997 square feet, and the two-unit buildings would be 1,795 square feet for each unit. There would be a community garden for the residents. He said that he would be happy to answer any questions.

Chairperson Brnabic opened the Public Hearing at 7:20 p.m. She asked that speakers confined their time to three minutes.

**Rod Hareline, 1500 Gravel Ridge Dr., Rochester Hills, MI 48307** Mr. Hareline declined to speak.

**Walter Popyk, 1210 School Rd., Rochester Hills, MI 48307** Mr. Popyk remarked that it was a very noble gesture on the part of Mr. Nunez to say that Crestwyk Lane had the intended purpose to go through to Gravel Ridge as an emergency access to rescue people. He noticed that there were only four homes on Gravel Ridge. The people who resided in the area chose it because of its rural nature. Most people had acreage, and they liked it that way and would like to keep it that way. He assumed that any emergency vehicle would enter off of John R and not take its chances coming down Gravel Ridge where it could be slippery and muddy. The Brampton Parc development had a cul-de-sac, and the road did not go through to Gravel Ridge. He acknowledged that might be because of the homes' location on Gravel Ridge, and because there was no access to Gravel Ridge. He lived directly across from Harvard Place Apartments. The residents there exited from Academy Way to School Rd. and then to John R. They had seen a tremendous increase in traffic on School Rd. He wanted to commend DPS for its maintenance of School and Gravel Ridge Rds.; however, in rainy, muddy conditions, all of that went to waste the day after. He saw no need for Crestwyk Lane to go completely through to Gravel Ridge and disrupt the tranquility they had in the neighborhood. He thanked the members for allowing him time.

Chairperson Brnabic closed the Public Hearing at 7:22 p.m.

Mr. Anzek asked Mr. Polyzois why there was a mixture of singles and duplexes. Mr. Polyzois responded that they were trying to be creative. They had all duplexes to the north, and he wanted to create a different identity. Mr. Anzek asked how sales were proceeding at Brampton Parc, and Mr. Polyzois advised that they had sold nine of the 12 units. Mr. Anzek asked if the proposed units would have basements, which Mr. Polyzois confirmed.

Mr. Anzek stated that to use a PUD there were qualifying conditions or standards to be met. He asked why the proposed development qualified for a PUD. Mr. Polyzois felt that by providing a connection from John R to Gravel Ridge, it would add another outlet for residents on Gravel Ridge. They would be upgrading the DTE infrastructure. There were utility lines hanging over the property, and they would clean that up and upgrade the poles. Mr. Nunez added that they would also increase the eight-foot pathway, and it would connect Brampton Parc to Crestwyk Estates. They would be adding 275 linear feet of safety path. There would also be sidewalks adjacent to the internal drive which would allow individuals to walk from Gravel Ridge to John R.

Mr. Anzek said that he was rather surprised that the City's Traffic Engineer would support the slight offset from Crestwyk Lane to Arcadian Dr. He indicated that there would clearly be a left turn conflict for both vehicles exiting. He was surprised they did not require the roads to be closer to eliminate the conflict.

Mr. Nunez believed that they lined up. Crestwyk Lane would line up with Arcadian Dr.'s inward line. There was a boulevard median at the entranceway of Arcadia Park. Mr. Anzek said that he was concerned about the left turns. Someone turning left out of Crestwyk Estates and someone turning left out of Arcadia Park would be against one another. Mr. Nunez said that they would have Engineering look at it.

Mr. Kaltsounis said that Mr. Anzek had asked most of his questions, and he noticed the road conflict. He said that there were a couple of things he considered when looking at a development like the proposed. He was not happy to see things being packed in tight, but it was progress and the direction the City was taking with regards to housing to the north and south and what the area had been Master Planned. He believed that the proposal was in line, and he moved the following, seconded by Mr. Dettloff.

**MOTION** by Kaltsounis, seconded by Dettloff, in the matter of 17-013 (Crestwyk Estates PUD), the Planning Commission **recommends** that **City Council approves** the PUD Concept plans dated received October 10, 2017, with the following 5 findings and subject to the following 10 conditions.

**Findings**

1. The proposed PUD Concept Plan meets the criteria for use of the

*PUD option.*

2. *The proposed PUD Concept Plan meets the submittal requirements for a PUD concept plan.*
3. *The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
4. *The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
5. *The proposed development is consistent with the Master Land Use Plan to provide an alternate housing option.*

*Conditions*

1. *Approval shall only confer the right of the applicant to submit detailed site plans consistent with \_\_\_\_\_ the layout and at a density not exceeding that shown on the PUD Concept plan.*
2. *The site plans, including but not limited to landscaping, engineering, tree removal and wetland use/buffer modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.*
3. *The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.*
4. *Recommendation by the Planning Commission and approval by City Council of a Wetland Use Permit and submittal of an MDEQ Wetland Permit at Final PUD review, with the plans to address comments from ASTI's letter dated October 18, 2017.*
5. *Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.*
6. *Recommendation by the Planning Commission and approval by*

*City Council of a PUD Agreement, as approved by the City Attorney, at Final PUD review.*

7. *Payment of \$200 per unit (\$3,200) into the City's Tree Fund, prior to issuance of a Land Improvement Permit.*
8. *Provide landscape and irrigation cost estimate with Final Plan submittal.*
9. *Address comments from applicable City Staff memos, prior to Final PUD submittal.*
10. *Engineering is requested to review the traffic patterns for possible conflict with the offset related to  
Crestwyk Lane to Arcadian Dr. and how they line up, prior to Final PUD review.*

*Mr. Anzek stated that in response to one of the resident's concerns about the access, he felt that it was desirable to have connectivity for emergency responders. He thought that the primary users of the road would be the few residents on Gravel Ridge that might find it an easier path to John R. If they liked the rural feel, he suggested that a simple gate or Knox box could be installed so that it did not become a through street except for emergency purposes. That would serve the residents of Gravel Ridge and Crestwyk Estates, and he recommended that it was something to consider as the process moved forward.*

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

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

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

**2017-0525**

Public Hearing and Recommendation of an Ordinance to amend various sections of Chapter 138, Zoning of the Code of Ordinances of the City of Rochester Hills, and to prescribe a penalty for the violations thereof, and a review and discussion of Chapter 134, Signs, Planning Staff

*(Reference: Memo prepared by Kristen Kapelanski, dated November 15, 2017 and draft Ordinance amendments had been placed on file and by reference became part of the record thereof.)*

*Present for the matter were Jill Bahm and Rod Arroyo of Giffels Webster,*

1025 E. Maple Rd., Suite 100, Birmingham, MI 48009.

*Ms. Roediger introduced Ms. Bahm and Mr. Arroyo, the consultants from Giffels Webster that the City had contracted to assist with the Master Plan, Ordinance amendments and various other items. There were a number of amendments proposed, which had been on a to-do list for a while. Many of them had been directed by the Zoning Board of Appeals (ZBA). Ms. Bahm and Mr. Arroyo had done research to see what neighboring communities were doing. They were the primary authors of the Sign Ordinance amendments, in conjunction with the City Attorney and the Building Dept., which enforced the Sign Ordinance for the City.*

*Ms. Kapelanski gave an overview of the proposed amendments. She stated that on-site signage had been proposed for Rezoning and Conditional Use requests. There would be a 4 x 6-foot sign posted on a property in accordance with the Public Hearing requirements. It would be very similar to how many communities in the area handled notifications, and it was an additional way to get the word out to residents. The second amendment was at the direction of the Planning Commission and City Council and dealt with places of worship but now also included libraries and museums, all which would be changed from permitted to conditional uses in single-family districts. They would be permitted on streets with right-of-way (ROW) widths of 120 feet or greater. Previously, they had been allowed on ROWs of 86 feet. Publicly-owned buildings and utility buildings were being removed from the Table of Permitted Uses. Municipal buildings and utilities were already listed, so it was redundant. The next amendment would allow an employee at a State licensed residential facility, such as a home daycare. The State required two caregivers for home daycares with seven to 12 children. The amendment would allow a daycare to have one employee from outside the home. Next were provisions for temporary outdoor display and sales of goods, commonly referred to as tent sales. Those sales would have to be related to the principal permitted use of the building, that is, if what was being sold in the tent was also sold in the building, it would be permitted. The owner of the property would also have to be the one conducting the sales. There were some time requirements included, and a sale could run for 14 days. At the behest of the ZBA, they proposed the elimination of the established building line. In order to meet the intent of that Ordinance without all of the complications, they included an average front setback. The average front setback provisions would maintain a consistent front setback in neighborhoods. There had been some confusion and conflicts between the drawing and the text that led to some issues. They included standard setbacks for corner lots in accordance with the current Schedule*

*of Regulations for residential districts. The sign regulations in the FB district were being eliminated and included instead in the Sign Ordinance so all districts were in one place. Again, at the behest of the ZBA, they included something to allow for a sliding scale for the permitted size of detached accessory structures. Currently, they were permitted to be 720 square feet of the ground floor area. The amendment would allow larger accessory structures on larger parcels. For example, with five acres or more, someone would be allowed to have up to 2,000 square feet. A new section was added regulating residential and non-residential fences. That was started as a way to ensure that large privacy fences were not put in a front yard of a residential home. There were some regulations limiting front yard fences to three feet in height. They also incorporated some of the fencing regulations that were previously included in the City Code in the Zoning Ordinance to keep everything in one place. They also eliminated some of the definitions related to types of fencing that were not addressed anywhere in the Zoning Ordinance or City Code. They eliminated references to proposed ROW, and it would just be referred to as ROW, which was at the recommendation of the City Attorney.*

*Regarding the Sign Ordinance, which was part of the City Code, Ms. Kapelanski noted that it was an opportunity for the Planning Commission to comment, but there would not be a motion made. The Sign Ordinance had been reorganized, and it had been made content neutral as a result of a recent Supreme Court case. The tone had been modified slightly to be a little more positive. As mentioned, the FB district had been incorporated in the standards. There were a couple of changes that had been made - some definitions had been changed; monument signs now had to be tied to a building; the allowances for wall signs were simplified; there were cross references for corner clearance; it reduced the amount of and clarified the standards for window signage; and electronic message signs were being allowed. She said that she would be happy to answer any questions.*

*Mr. Arroyo noted that he was a Partner with Giffels Webster. He and Ms. Bahm, a Principal Planner, were very pleased to be working with staff. He felt that Ms. Kapelanski had done an excellent job with an overview, and they were also there to answer any questions.*

*Chairperson Brnabic opened the Public Hearing at 7:40 p.m. Seeing no one come forward, she closed the Public Hearing.*

*Mr. Hooper said that he supported the restrictions requiring a greater*

*ROW width for places of worship. He asked what they had seen in other communities.*

*Mr. Arroyo advised that they found variety in terms of how it was treated. Some communities treated places of worship as principal permitted uses and others treated them as special land uses. Some were limited in size in certain districts and larger sizes were allowed in other districts. There was quite a bit of variation. He stated that the important thing was that they were treated the same as other public gathering places such as libraries and museums because of the Religious Land Use and Institutionalized Persons Act (a Federal law).*

*Mr. Hooper said that in the case that came before the Commissioners that drove the situation, the applicants were adding a parking lot in the rear and side yard setbacks of a residential home to allow a gathering place. If they restricted places of worship to streets of 120-foot ROW, he wondered what additional legal restrictions they could place on converting a residential home and adding a parking lot.*

*Mr. Arroyo said that typically, when someone proposed to put an off-street parking lot into a residential district, there were more stringent screening requirements. The key was making sure the standards were there so if uses were introduced into residential districts, the buffering was there to minimize the impact on surrounding residential areas. Mr. Hooper agreed, but even with the buffering required of the previous applicant, he wondered if there were any other means, other than determining that something was harmonious and compatible. He wondered if that was even an avenue to fall behind. Mr. Arroyo said that religious uses were more of a protected land use in a number of ways as viewed by the courts because of First Amendment rights. It had to be addressed in a certain manner, and a community had to be consistent with other public gathering places. Mr. Hooper concluded that the advice was buffering to minimize the impact, but there was nothing to uphold a denial. Mr. Arroyo said that the City was also proposing that places of worship would be limited to roadways with 120 feet of ROW versus 86. That was a community character issue they could introduce that could have an impact on where they were sited. Mr. Hooper said that even on a 120-foot ROW, there were still residential homes that would not necessarily be on acreage parcels. He supported it, and he supported the further restrictions, he was just trying to look ahead at the negative impacts people would perceive by adding parking around an existing residential home in a subdivision.*

*Mr. Hooper said that he thought that having employees in a State licensed residential facility was a no brainer. It had been going on already. He questioned the amendment for outdoor sales and whether it would prohibit pretty much all of the tent sales in the community. For instance, he wondered whether the old K-Mart site where they sold vegetables would be ruled out.*

*Ms. Kapelanski responded that vegetables, pumpkins and Christmas trees would all be treated separately as part of the sale of produce and seasonal plant materials. They would still be permitted. The proposed amendment was for more retail type products, for example, a tee-shirt stand. Meijer might sell them in their store, and they could also have a tent outside of the store selling that product, and it would be permitted.*

*Mr. Hooper clarified that all the vegetable stands would not fall under the amendment and could occur year round. Ms. Kapelanski agreed that they would still be governed under the current provisions.*

*Mr. Hooper said that regarding detached accessory structures, he wondered if a resident would be limited now to a maximum 2,000 s.f. accessory structure if he or she had a five-acre parcel. Mr. Arroyo said it was for combined area, so that was correct. Mr. Hooper said that conceivably, if he had five acres and wanted to put up a pole barn to work on cars, it could exceed 2,000 s.f. He had friends that currently had that in other communities. Mr. Arroyo agreed that other communities did allow larger structures. It came down to what was right for Rochester Hills. There was a sliding scale which recognized that as parcels got larger, someone could have a larger structure. The accessory structure could not exceed the size of the principal structure. Mr. Hooper asked if it followed what other communities had done in limiting the size of accessory structures. Mr. Arroyo said that it was the same for communities similar to Rochester Hills. In more rural communities, larger structures were allowed.*

*Ms. Roediger added that the current Ordinance limited accessory structures to 720 s.f. regardless if someone had five acres or ¼ acre. It was their attempt to provide more area for larger parcels that kept up with standards in other communities. The request came from the ZBA. Mr. Hooper said that he had no problem with the smaller size, which was predominant in Rochester Hills, but there were a number of larger parcels that people bought to have accessory structures. He considered that they could deal with those situations as they arose.*

*Mr. Hooper asked if the City required a permit for a three-foot fence. Ms. Roediger advised that the City did not require permits for any fences. Mr. Hooper said that the amendment said that a permit "shall be required for the construction of any fence over three feet." Ms. Roediger said that language was in the draft from Giffels Webster but in the actual amendment that Ms. Kapelanski had included, the reference to permits was taken out.*

*Chairperson Brnabic said that she was happy with the proposed change for accessory structures. Lots had been limited to 720 s.f. as mentioned, and there was a problem at the ZBA. People might have had three or four lots that had been combined, and they had a garage but were not permitted to put up a shed. The Building Dept. saw a lot of requests, as did the ZBA. It was not fair, but that was how the Ordinance read. The ZBA recommended updating the Ordinance.*

*Mr. Kaltsounis noted that there were fireworks sales at Auburn and Adams. It used to be a gas station/restaurant. The proposed Ordinance stated that the owner or operator of the principal use would have to conduct sales. He asked how owner/operator was defined. He asked if it could be someone that rented property as owner. Ms. Kapelanski said that the operator would imply a lessee as well. For example, if Dunham's wanted to have a tent in front of its store and sell sporting goods, that would be permitted. Operator would imply a lessee of a building as long as the uses were related - the principal use in the building and the items being sold in the tent outdoors. Mr. Kaltsounis asked if fairs fell under the amendment. He noted that they sometimes sold food and other things. Ms. Kapelanski felt that would be governed by the special event provisions through the Building Dept.*

*Mr. Kaltsounis thought that along with places of worship, adding libraries and museum was a good move. There was a property before them that was almost a third party religious organization, but he did not get a good feel for it. The applicants purchased a house on Brewster and wanted to put a parking lot in the backyard. They were going to bring in 16 cars and have meetings at 5:30 a.m. People would be coming to the house at 5:30 a.m. with doors opening and closing and lights shining. There was a subdivision around the home. There might be different services throughout the week. It felt more like a company than a religious organization, and that was why there were many concerns. He was happy they were changing the ROW requirement to 120 feet, but there would still be houses against the road where it could happen. He was concerned about backyards being turned into parking lots. It was a new endeavor,*

*and they had to be careful. He felt it was a good first step, but as they went forward, he would like to see how it went. He believed that the applicant had four other houses throughout the area they were converting to religious meeting places, but they were not typical churches to him.*

*Mr. Anzek agreed with limiting brightness for electronic messaging, but he also felt they needed something for the duration of a message to avoid a strobe light effect. Mr. Arroyo said it was ten seconds. Mr. Anzek thought that putting up signs for Rezonings and Conditional Uses was a great idea. He asked who would make the signs. Ms. Bahm said it was usually the applicant's responsibility. Mr. Anzek asked if they would need a permit from the City. He did not think that they should be getting into the permitting business. They would have to hire three more people to enforce. He did feel that there needed to be standards as to size and type of font. He asked if someone would be allowed two signs on corner lots.*

*Ms. Roediger referred to page three of the amendments, which showed the specs for signs. She thought they needed to talk about whether it should be the applicant's or the City's responsibility. They considered people with daycares who might not have the wherewithal to create their own signs. The City could produce a couple of standard signs and at the cost of the applicant, they could install them. Mr. Anzek recalled that the City used to do it by policy using sandwich boards about 15 years ago. All the signs were stolen, and they were expensive. He thought that it was a good idea to notify people of potential changes. Regarding fences, he thought that eight feet was too high. He thought six should be the highest. Some of the lots were small, and many of the neighborhoods had deeds and restrictions that prohibited fencing. He wondered if there should be some language advising people to check with their Association. Mr. Arroyo agreed that there could be provisions that made it difficult, and people had to be aware. Mr. Anzek said that a majority of deeds and restrictions prohibited fencing, and he would not want people to think that because the City permitted it that they were allowed to do it. Ms. Bahm suggested that it might be included as part of the frequently asked questions, and it could say that people were advised to check with their Homeowner's Association. Mr. Anzek knew that with permitting, there would be surveys involved and other things, and the City should not take responsibility for what should be a homeowner's responsibility. Mr. Arroyo observed that it said eight feet for residential and non-residential, and he knew that other communities allowed six feet in residential districts and eight in other districts.*

*Mr. Anzek brought up elimination of the reference of proposed ROW. He*

asked from where setbacks would be measured. Mr. Arroyo said that it would be from the existing ROW. Mr. Anzek wondered if they should re-establish setbacks to be from the center line of the road. Mr. Arroyo agreed that was another option, and some communities were doing that. Mr. Anzek thought that they could end up with buildings a little too far forward, so it was something to look into. He knew it was an issue with Rochester Rd. Years ago, MDOT had wanted to widen, and there were buildings staggered all over the place. He understood the reason for adding it, and he supported it, but he thought it would be better to measure from the centerline of the road. Mr. Arroyo agreed that would be a way of getting a more consistent setback.

Mr. Schroeder stated that they should deal with proposed ROW. They should not deal with what existed. They would create a lot of problems and costs. Mr. Arroyo said that he agreed with that in theory, however, there were some case law issues related to it. There had been challenges, and that was why some communities were instead considering measuring from the centerline. He had been told by many city attorneys that if they tried to enforce a setback from a proposed ROW, it would not hold up well in a challenge. Mr. Schroeder said he had been very successful doing it over many years.

Mr. Schroeder also thought they should have something in the Ordinance about checking with an HOA, because subdivisions had their own rules, and the City did not enforce those rules. The City's permit would not override a Homeowner's Association's rules. Mr. Arroyo said that what was typically very helpful was that a lot of times, a community would have a handout about fences, for example, and it was a great opportunity to make people aware that they should check with their subdivision association. Ms. Bahm added that there might be other scenarios where a Homeowner's Association's deed restrictions might apply beyond fences. If they put something in for fences, she wondered if they should also put it in other places in the Ordinance. Mr. Schroeder felt that it should be for everything. Ms. Bahm thought that it could be handled administratively rather than be incorporated into the Zoning Ordinance.

Mr. Schroeder noted that since 1967 with the Plat Act, every lot had a public/private easement in the rear for Edison, gas, phone or cable. He felt that setbacks should be measured from the easement and not from the property line. There were private access roads on lots where there were easements. He mentioned corner clearances and front lot line easements for utilities as well. Detroit Edison did not record their easements. They cleared most of them in the City, but there still could be

*outstanding easements that were not recorded. Mr. Arroyo said that it was also a good practice to make sure that easements were shown on any plans reviewed.*

*Ms. Morita noticed that an electronic sign could change every ten seconds, and she indicated that was six times a minute. She thought that was too frequent and asked the consultants if they disagreed. Mr. Arroyo said that it was a community character issue. He had seen many communities go with a 30-second standard, and he liked that better. Ms. Morita said that she would be more comfortable with a 30-second standard. She felt that with ten seconds, they might as well just have a flashing sign. If someone's house was near it, the people would know it was there.*

*Regarding allowing a daycare worker to have someone come in from outside the home, she said that she could not support that. The City did not allow employees for any other type of home occupation business. She did not know how they could tell another home occupation that he or she could not have an employee when it was allowed for daycares. Just because the State allowed a daycare center to go into a residence did not mean that the City also had to permit them to have employees in that residence. It would be no different than the State saying that someone could have an oil well in a backyard. That did not mean the City would have to accommodate oil wells in residential areas. She understood that people had home daycares, but there was a reason they did not allow employees to come to a residence in the middle of a subdivision creating a situation where there could be 12 kids being dropped off in the morning, because there was now an employee. It was about being kind and respectful to a neighbor. There would be a situation where residents would park there, there would have to be a parking space for an employee and space for drop off and pick up. She commented that living next door to that would not be fun. If the daycare was not in a subdivision and was more on a main thoroughfare, she felt that would be more acceptable, but she could not support having an employee come to the middle of a subdivision when they did not allow it for any other occupation. She did not know how that could be defended if someone wanted a secretary for a home occupation. She remarked that it would never fly, so she did not know why they would allow it for a daycare use.*

*Ms. Morita brought up temporary sales language, and she thought that there could be an issue with a vacant parcel. The parcel Mr. Kaltsounis mentioned at Auburn and Adams did not have a building on it. There was no primary use to be able to have an accessory use. The Ordinance did*

*not address what would happen with a vacant parcel. If a fireworks guy wanted to rent a vacant parcel, the Ordinance could be interpreted that the main use of that vacant parcel was now firework sales. She suggested that the language should be looked at and something should be added to the effect that temporary outdoor sales events must be accessory to an existing, improved parcel's principal use. That would make sure that there was an operating business on a parcel.*

*Ms. Morita said that she would also like to see permits required for temporary outdoor sales. She was not sure how staff would be able to keep track of who was operating for 14 days if people did not have to get a permit. If no permits were issued, staff would not even know to go out and check to see if something was operating when it should not be. In the event that there was a different operator from the principal, and there was an issue with the property and the City had to look at cost recovery, they would know who to contact.*

*Ms. Morita had seen in other communities that when there were temporary outdoor sales, there were limits on the size of the tents. She did not see that in the Ordinance. They also put limits on the colors of the tents and required the color to be similar to the building. There could be signage issues with the tents, because they might have a lot of signage on them. All of those things needed to be addressed with temporary outdoor sales so the City was not seeing massive tents with lots of signage and inflatables. The display should not look like a circus. She would like them to look at adding provisions for that.*

*Ms. Roediger said that in terms of permits, the City would require a permit the same as with a special event, so the Building Dept. would still handle it like they did for carnivals and seasonal sales. She agreed that they could add language about accessory to a principal use and some standard language for size and color. Mr. Arroyo said that a vacant parcel would not have a principal use so an accessory use would not be allowed there. Ms. Morita felt that it needed to be clarified. She could make the argument that the principal use was what a property was being rented for. Mr. Arroyo said that they could add a line to clarify that a vacant lot shall not be considered a principal use.*

*Ms. Roediger said that in terms of the State licensed residential facilities, the reason they added the requirement to allow for one employee was to align with the State regulations for in-home State licensed facilities. That made it a little different than an office use for home occupations. She thought that the City was required to allow State licensed residential*

*facilities in residential districts as Conditional Uses. If they did that, knowing that the State required two caregivers, there would be Ordinances that were conflicting, and they would be violating State law.*

*Ms. Morita did not think they would be. It required two caregivers, it did not require a City to allow employees. There could be two residents in a home as the caregivers. The State law did not require the City to allow employees in that type of use, and it did not require the City to put itself in a position where it could get challenged by other home occupations if they allowed employees in only one instance.*

*Mr. Kaltsounis said the Ordinance read, "except as required as part of State licensed residential facilities." Language would be added to read one employee for six children/residents; two for up to 12.*

*Mr. Anzek said that he respectfully disagreed with Mr. Schroeder about setbacks being measured from easements. He thought that could be a takings. If there was a utility easement and a house burned down, it would have to be built back ten feet more because of the easement. It had always been his experience that setbacks were measured from property lines. Mr. Schroeder asked if he thought it was all right to put a shed on top of an easement. Mr. Anzek said that there might be the risk of it being demolished if the owner of the easement needed to get to it. The City did permit temporary structures on easements. It allowed the planting of trees with the understanding that if the trees got ripped out in an emergency, the City would not replace them.*

*Mr. Anzek said Ms. Morita suggested that perhaps the extra daycare employee was restricted to daycares on right-of-ways of 120 feet because they had lost their residential character. Ms. Morita said that it would be more acceptable, but she felt that it should be reviewed by the City Attorney. Her concern was how they would allow an employee for one in-home use and deny it for everyone else. If people wanted an employee, and it was allowed for one use, they could question why they could not have one. She did not think employees should be coming to residences for any reason whatsoever. Mr. Anzek asked about a home nurse. Ms. Morita maintained that it did not fall under a home occupation.*

*Chairperson Brnabic asked how many home occupations within the City were State regulated. Ms. Morita did not know, but she said that it did not matter. If someone was a CPA, he or she was State regulated. An attorney working from home still answered to the State Bar. If someone*

was required to have an employee, they would have to do business somewhere else, not out of a house, because it was disruptive to the neighbors. Chairperson Brnabic said that it was a legal question. She did not know how many of the Commissioners were concerned. She understood Ms. Morita's point, but she said that she was not concerned with one person coming in to a home for a State regulated childcare business. Ms. Morita said that it was that one person and the six additional kids. Chairperson Brnabic considered that the neighbors could be using that daycare, and it could be very convenient.

Chairperson Brnabic agreed with the concerns about the religious organizations meeting. Each Commissioner at the last meeting was aware that a place of worship in a residential district was allowed by Ordinance, but they were concerned. The situation was very unique in that it was a home in a subdivision. She did not think anyone would want that occurring next to them or to see a parking lot next door. It was very concerning to think of 40 people showing up at 5:30 a.m. on a Sunday morning with noise, car doors and lights. She said that she would appreciate it if that was looked into further.

Mr. Hooper said that regarding measuring setbacks, he agreed with Mr. Anzek that it needed to be from the property line. If they measured from the easement at his home and something happened, he would not be able to put his house back up. He had a private utility easement in the backyard that swallowed up more than half of his setback. It would rule out the use of his backyard, so he agreed that it had to be measured from the property line.

Mr. Hooper said that there were good points about childcare facilities. He had been on the Commission 20 years, and they probably had seven approved, and clearly, every one of them had an employee. He would hope they did, because they all had between eight and 12 children. A resident could not take care of that many alone. Whether it was overlooked in the past or not, people clearly had assistance in taking care of children. He agreed that Mr. Staran needed to review it to make sure they were not opening any other avenues, and maybe the language could be strengthened. The way it was stated under the required conditions read, "Does not employ paid assistants or employees other than those living at the premises, except as required as part of a State licensed residential facility." If that needed to be strengthened to make sure it was strictly for licensed daycares, he felt that it should be. He pointed out that on Rochester Rd. there were a couple of home care facilities that he could guarantee had employees 24 hours a day. He recalled that it never

*came before the Planning Commission.*

*Mr. Hooper observed from the comments that the Ordinances would be revised and brought back to the Commissioners. He noted that there were a lot of suggestions and potential language changes.*

*Mr. Kaltsounis referred to the discussion about Detroit Meeting Rooms. It did not sound like a religious organization. He would like to know more about the law with regards to what a church should have other than a 501.c.3.*

***MOTION*** *by Kaltsounis, seconded by Reece, the Rochester Hills Planning Commission hereby **postpones** the request for Recommendation of proposed Ordinance amendments to Chapter 138, Zoning and Chapter 134, Signs to allow staff to make revisions as discussed before bringing it back before the Commission.*

*Mr. Anzek said that he wanted the Commissioners to give Mr. Arroyo and Ms. Bahm clear direction. He was not sure they were unanimous on everything. He asked if they wanted to see six or eight-foot fences on residential lots. He felt that six was plenty, and Mr. Hooper agreed with six for residential and eight for non-residential.*

*Ms. Bahm went over the amendments. She believed that everyone was fine with the Rezoning signs, and that applicants were responsible to make them. For places of worship, there might be some additional research down the road. They would do more research for home occupations and talk to the City Attorney. She did not hear any objections to the average front setback or area, bulk and development requirements. Signs in the FB district would be moved to the Sign Ordinance.*

*Ms. Roediger noted that the Zoning Ordinance was separate from the Sign Ordinance. She asked if the Commissioners were comfortable taking the Sign Ordinance forward to Council or if they wanted to see it again, and it was determined that it would also be brought back.*

*Ms. Bahm said that regarding accessory structures, some of the issues were clarified and agreed upon. They would make the modification for fence height. The question about the ROW line was resolved. Temporary outdoor displays would have a provision added to clarify that they could not be erected on a vacant lot, and they would add language about size, color and signage.*

*Ms. Morita added that they had discussed the timing for changing the display on electronic signs from ten seconds to 30.*

*Mr. Dettloff said that regarding temporary outdoor sales, there was a little plaza near his home that sold fireworks in the summer. There was not a primary business in the plaza that sold fireworks. He understood that it would no longer be allowed, which was confirmed. Ms. Morita commented that if they started selling fireworks inside the bowling alley, they could sell them outside.*

*Mr. Schroeder said that he did not want to belabor the point, but he stated that the City would be giving people permits to build a structure on top of a water main or sewer easement. Ms. Morita said that it was the owner's responsibility to know where the easements were. It was not the City's responsibility to make sure they were building in the appropriate place as long as they were not within the required setbacks. It was the property owner's responsibility to make sure that they were not doing something unwise.*

*Mr. Arroyo said that the only other issue he remembered related to the setbacks and whether or not they should explore measuring from the centerline of the road versus from the existing ROW. Mr. Anzek asked what Mr. Staran said and if they got into detail.*

*Ms. Roediger said that there was discussion about the current Ordinance and the potential for legal challenges. A first step was to clean it up to make sure they were not in violation. Since then, she and Mr. Arroyo had talked about doing a centerline approach. If the Planning Commission wanted, they would look into it. They did not talk about that with Mr. Staran. Mr. Anzek said that he would like that looked at, because he thought there might be problems using existing rather than proposed.*

*Mr. Hooper asked if decks, such as gazebos, were not considered accessory structures. Ms. Roediger said that they would count for total square footage of accessory structure. Mr. Hooper said that he could guarantee that there were gazebos on easements in the City, which he agreed was the homeowner's responsibility.*

Voice Vote:

*Ayes: Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder, Schultz*

Nays: None

Absent: None

**MOTION CARRIED**

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

## **OLD BUSINESS**

### 2017-0064

Request for Revised Site Plan Approval (Building Materials) - City File No. 16-018 - Cedar Valley Apartments, a proposed two-story apartment complex totaling 99 units on 5.57 acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel Nos. 15-23-15-020 and -022, Bret Russell, Michigan Income Fund, LLC, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated November 15, 2017 and revised elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Mark Schovers, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307.*

*Mr. Schovers stated that they were proposing to eliminate the corrugated metal and swap out the composite stained wood siding with a painted cement board siding. They felt that eliminating the metal and going to higher end materials would present a softer, more residential feel compared with the more industrial feel of the corrugated metal.*

*Ms. Kapelanski noted that the project was previously approved on September 19, 2017. They were proposing a couple of changes including eliminating the balconies. In addition, the metal panels and the stained composite siding percentage had been reduced and replaced with painted lap siding. One of the reasons staff felt it should be brought back to the Planning Commission was that the overall look and feel of the building, although the massing remained the same, had changed from a more rustic looking building to something that looked a little more industrial with white painted lap siding. Staff wanted to make sure that the Planning Commission was okay with the material changes as the applicant looked to move forward*

*Mr. Reece asked what drove the changes and if it was cost. Mr. Schovers said that it would actually cost more money to eliminate the metal panel. He showed a photo of the original color, and said that they thought it was too yellow-ish. They wanted to use a darker mahogany or walnut color. The applicants thought that the corrugated metal panel did not lend itself*

*to a residential feel or a place where someone would want to live.*

*Mr. Reece noted that they had eliminated the balconies, which had to be a significant cost savings. Mr. Schovers agreed. Mr. Reece said that he would not speak for the other Commissioners, but he believed that one of the things they liked about the elevations was the corrugated metal panels and that it was a little unique. As a Licensed Architect, he thought that it changed the whole appearance of the building and cheapened it a lot. It was a completely different character. They were going from composite metal siding to painted wood lap siding, which would be a maintenance issue, and it would not last nearly as long as the composite siding. He had to believe that it was more cost driven than anything else. He did not know why they would have changed it when the Commissioners all said that they liked it a lot. Personally, he did not care for it. He liked what they approved the first time.*

*Mr. Anzek agreed with Mr. Reece. He thought that the corrugated metal was interesting. He asked if there had been an energy efficiency concern. He also had liked the balconies, and he felt that it made the building appealing and residential-looking. He realized that sometimes, balconies could get cluttered depending on what people put on them, but he liked how they looked. He liked the look that was approved as well.*

*Mr. Dettloff said that he concurred with Mr. Reece and Mr. Anzek. From a weatherization standpoint, it would seem that composite would require more maintenance over time. Mr. Reece said that metal siding would last longer than composite. Composite was better than wood, because wood, over time, rotted and had a longer maintenance cycle. It seemed as if they were stepping down in the cost. He indicated that it was a pretty conservative Commission, and for them to go out on a limb and approve the original siding, it was because they thought it was a nice, upscale development. He felt that it would lose all the character with the proposed changes.*

*Mr. Schultz said that when the original "sales pitch" came in, the context of the building was kind of a western feel and something that was a little more modern and not just traditional brick. That was a huge selling point for the Commission. He stated that he was pretty disappointed in the direction it had gone. It looked like the elevator tower had gone to a masonry unit that was not covered in stone. He said that he was not happy with the revised elevation change at all.*

*Mr. Kaltsounis said that he had a very bad term that the other*

*Commissioners did not like - siding monsters. He did not want to see them in the City. There had been an apartment complex planned for the area that was full of regular siding that did not get built. The applicants brought something very appealing, and he liked it. He bragged about the development to others and said that it had a different style, and it would change things in the City. With the proposed changes, all he saw was a siding monster. He was told not to use that term, but he was very disappointed in the changes, and he would not recommend approval.*

*Mr. Hooper said that he echoed everyone's comments, especially about the balconies. He moved the following, seconded by Mr. Dettloff.*

**MOTION** by Hooper, seconded by Dettloff, in the matter of City File No. 16-018 (Cedar Valley Apartments), the Planning Commission **denies the Revised Site Plan Elevations** based on revised elevations dated October 27, 2017.

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

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

*Chairperson Brnabic stated for the record that the motion had passed unanimously. She said that apparently, the entire Commission liked the plan they previously approved.*

## DISCUSSION

### 2017-0522

Applicant would like to present a proposal for a 56-unit townhome development on 7.6 acres located north of the northwest corner of Walton and Brewster, Parcel No. 15-08-376-015 zoned SP Special Purpose and 15-08-331-041 zoned R-1 and R-3 One Family Residential, Pulte Homes, Applicant

*Chairperson Brnabic said that she had received several speaker cards. She asked anyone else who wished to speak to please fill out a card and turn it into Ms. Gentry.*

*(Reference: Memo prepared by Kristen Kapelanski, dated November 15, 2017, site plan and associated documents had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Chris Plumb, Pulte Homes, 100 Bloomfield Hills Parkway, Bloomfield Hills, MI 48304 and John Ackerman, Atwell, Two Towne Square, Suite 700, Southfield, MI 48076.*

*Ms. Kapelanski advised that the proposed site was near the northwest corner of Walton and Brewster, and it fronted on Brewster. There were three different zoning districts - Special Purpose, R-1 and R-3 (One Family Residential) - and it was Master Planned for Multiple-Family and Residential 2.5. The applicant was proposing 56 attached townhome condos that could not be accommodated under the current districts. She noted that staff had not reviewed the plan for conformance with the Zoning Ordinance; the applicant was present only to receive input and comments from the Planning Commission.*

*Mr. Plumb thanked the Commission for the opportunity to have an informal feedback session. He believed the presentation was included in the packet, but he wanted to walk through some of the highlights. He advised that Pulte had two current developments in the City. Barrington Park townhomes was of special interest and was 75% sold out. There had been a massive demand for the same type of product in the City at the selling price. There had been five sales per month, and it had exceeded their expectations. He stated that it showed the demand for the townhome-type of housing for millennials and young families who wanted to live in Rochester Hills. They were about a third of the way finished with Woodland Park. Those homes were closer to \$600,000. He said that over half the subject site was Master Planned for multi-family with the balance of the site planned for Residential 2.5. It was planned for a mix of development, and that was why they were proposing a PUD.*

*Mr. Plumb noted that the project had evolved over the last month or two. With the first version, they looked at a couple of different product scenarios with a very garage-prominent style. In working with staff, they decided that was not a path they wanted to go down, given that it did not fit in with the character of the City. Version two was similar to their Barrington product. There was a mix of material with a lot of brick and hardy architectural accents. He stated that the alley load was a key component, and the garages were in the back. The front entry was the façade of the building, and it was a more appealing view going into the community as well as driving by the community. The plans continued to evolve as they expanded open space and buffer. The northern entry point was as far away as possible from the intersection to the south. There was a pocket park with site amenities, such as a terrace and walking trails. The rest of the community was dense on the southern half intentionally, as that aligned with the Future Land Use Plan. There was approximately 2/3 mile of sidewalks through the site connecting anyone in the community to the other side of the community as well as to Brewster*

*Rd. People could walk to The Village of Rochester Hills, which was about one-half a mile away. The interesting architecture would face Brewster and the Shadow Woods community. He pointed out an existing open space buffer owned by the HOA of Shadow Woods, and advised that the nearest homes in Shadow Woods would be approximately 300 feet away.*

*Mr. Plumb said that one concern with any infill development was traffic. They had engaged Fleis and VandenBrink to perform a traffic study. The data showed that there was peak traffic at Walton and Brewster that was subpar. It showed that the proposed community and its unit count would not be significant, given the number of cars on the roads. It would be impacted by about two to four seconds given the number of trips. He claimed that townhome dwellers were younger and not people going to soccer or school many times a day, so there would be different traffic patterns. The traffic consultants also noted that roadway improvements would not be proposed given the number of people going to and from the community. They ran a lot of software simulations as part of the study, and they were working with the Road Commission to potentially adjust light timing to alleviate some of the traffic concerns. The lights might be off somewhat at Walton and Brewster, and he felt that it could make a big difference, especially in the afternoon. He said that he would provide any feedback. He noted that the floor plans would be the same type as Barrington, and that people seemed to like them a lot.*

*Chairperson Brnabic opened the Public Comments at 8:57 p.m. She stated that each speaker would be limited to three minutes, and that all questions would be answered after every speaker had the opportunity to comment.*

**Terry Lanker, 583 Snowmass, Rochester Hills, MI 48309** *Mr. Lanker stated that he was the President of the Shadow Woods Homeowner's Association. He appreciated being able to address the Commission. He thought that it was a nice product, but there were single-family homes all up and down Brewster Rd. The townhomes would be right next to their open space, which he assumed would be a park for anyone who lived there. The townhome owners would not have any room to play baseball unless they went into the Shadow Woods area. He did not think that the proposed homes belonged on Brewster Rd. He suggested that they might want to develop single-family homes like there were on Brewster. He reiterated that he did not see the applicants' product going into the proposed location.*

**Steve Yuhasz, 2736 Broadmoor Dr., Rochester Hills, MI 48309** *Mr.*

*Yuhasz stated that he was a member of the Shadow Woods board, and his concerns were basically the same. One was that there was one way in and out of the site. Brewster was very narrow, and it had an elevation pitch change. People could not see the traffic lights at Walton from where the entrance would be or the traffic from that direction going north, and that was a concern. One of the board members had brought up that people would be using Powderhorn and cutting through the sub to try to get around the traffic. He wondered if there was a proposal for a left turn lane. When people turned left into their subdivision, there was a bypass so that traffic could continue to go northward. Runoff from the detention pond was a concern. He did speak with Mr. Plumb on a conference call the previous evening. Mr. Yuhasz was concerned how the proposal would change the characteristics of the area, and he was not sure if Oakland County Water Resources would be involved, but he wondered if there would be runoff into their pond. They already had about \$90,000 of repairs to do. He suggested cutting some kind of entrance from Walton to the site. He commented that putting only one entrance on Brewster would be a death trap.*

**Paul Goelz, 328 Powderhorn Ct., Rochester Hills, MI 48309** *Mr. Goelz said that his property was three lots north of the open space area for Shadow Woods, and it backed up to Brewster. His primary concern was that there would only be one way in and out of the development. He could see northbound, left turn traffic into the site locking up the Walton and Brewster intersection. He knew there were traffic studies about the lights, but he had not seen anything that addressed the traffic in and out of the development and its impact on Brewster. If Brewster was backed up past the entrance southbound, he wondered what the northbound left turners would do. He claimed that they would block the whole road, and that was his primary concern.*

**Gerald Paoletti, 2600 Powderhorn Ridge Rd., Rochester Hills, MI 48309** *Mr. Paoletti said that he lived four houses off Brewster. One concern he had was that there was already a lot of through traffic on Brewster to get around the traffic at Adams and Tienken. There were two bus stops on Powderhorn Ridge where kids congregated to get on the bus and to walk home from the bus stop. He was concerned with how much more traffic would be routed through Powderhorn Ridge Rd. as a result of the development. Just north of the entranceway was a crosswalk across Brewster, and he was concerned about the impact of the traffic in and out of the development on the crosswalk and for the safety of the kids using the crosswalk. He said that he concurred with the President of the HOA about the proposed location. The development did not seem as if it*

would fit in with a neighborhood of single-family homes, not only his subdivision but across the street on Brewster Rd.

**Robert Conley, 639 Sunlight Dr., Rochester Hills, MI 48309** Mr. Conley thanked the Commission for the opportunity. He noted that he was a 36-year resident of Shadow Woods, and he had a number of concerns. He commented that whoever did the traffic study did not go down Brewster at 5-9 a.m. where it backed up over the hill where the applicants wanted to put in a driveway. His Association notified the residents that there was a problem with their retention basin. It cost a lot of money to keep it up. The subject property was much higher than where their basin was. They were proud that there was green space in Rochester Hills. The project would cover eight acres with pavement and roofs. The drainage would go downhill and head into Shadow Woods, and he thought that there could be a big problem. He thought that the zoning on the south was alright, but the zoning to the north was R-1, and they would like to keep it that way. That area would “charge” into their HOA area, and they would be very disappointed if that happened.

**Lori Ann Elzerman, 2733 Steamboat Springs Dr., Rochester Hills, MI 48309** Ms. Elzerman stated that she was one of the residents that backed directly to the proposed site. She heard the gentleman say the townhomes would be 300 feet away. One of the reasons she bought where she did was because of the green space, and she backed up to a commons area. When the leaves fell, she would now be looking at two-story monstrosities. They were talking about 56 residences on eight acres. Everything in the area was single-family homes. They did not buy into the subdivision to look at townhomes. They had to use the roads every day. They paid for the use of the commons area, and it was not to be used by new residents who would get to use what they had been paying for.

Ms. Roediger said that staff received an email after 5:00 p.m. that they did not have a chance to forward. It was from **Mr. Maximiliano Larroquette, 2678 Winter Park Rd.** He also opposed the project and had many of the same concerns indicated: keeping the single-family character of the area; concerns about traffic and stormwater management; integrity of the open space area; and the large, wooded area that hosted a number of wildlife and the displacement of the animals. She said that she would forward it to the Commissioners.

Chairperson Brnabic asked if the applicants had any comments. Mr. Plumb said that they would take a look at the traffic study in terms of all

*the concerns. He felt that there was an opportunity to improve the stormwater situation because of the current slope.*

*Mr. Ackerman responded that when a new project came in, they had to do an analysis of water leaving the site pre-construction and once it was designed, they needed to keep the same flow or reduce the flow going off-site. He felt that some of the storm runoff that would leave the subject property and head north into the Shadow Woods regional retention basin would be diverted and routed into their own proposed stormwater system. There were discussions about construction sediment, so a plan for sediment control would need to be put in place. There would be additional scrutiny placed because of the location of the retention pond being so close to the subject property. The County and the State regulated it, so they would go through extreme measures to ensure that it worked properly. Regarding the traffic study, the consultants did do counts both in the a.m. and p.m. peak hours, so they understood exactly what the traffic situation was on Brewster and at the intersection.*

*Mr. Kaltsounis clarified that the proposed project would have 56 townhomes. He thanked staff for bringing it before the Commission. It gave them as well as the citizens a chance to look at it before too much money was expended. He advised that there would be no decisions, and there were no back door deals. At the last meeting, they had a discussion about a similar development and its walkability. He observed that the development would be too far away from things to be walkable. If he were a millennial or an older couple who lived there, he would think it was too far for the type of product they were marketing. He wondered if Pulte really thought it was in a walkable area.*

*Mr. Plumb thought that the proximity to everything by walking, biking and car put it in the right spot, and they had no concerns about that. Mr. Kaltsounis asked how many floors there would be. Mr. Plumb said that it would be three stories, but there was a grade difference from the garages in the rear to the front door of 4-5 feet. It would be like walking into a half-story up where the living area would be, and then the bedrooms would be on top. Mr. Kaltsounis said that it looked to be four stories. Mr. Plumb said that there was a loft option at Barrington Park where someone could have a habitable attic which would pop the roof up, and that was an option they could determine for the proposed homes. Mr. Kaltsounis said that he was not a fan of Barrington Park. He visited all the developments the Commission approved and decided if it was something he would like to see again. He was surprised at the height of Barrington Park. They saw the front elevations, but he did not remember seeing a four-story home in*

*the rear, and it surprised him. He did not think he would like to see it in every area of the City. He questioned if the proposed area was somewhere he would want to see it. If Pulte wanted to build a subdivision, he thought people might complain, but it could be done because it was permitted. The applicants were asking for more than what the area was originally planned. He observed the Roanoke Apartments, which were one story, but when he looked at the proposed homes against the homes to the north, there would be 3 ½-4 story houses looking over two-story houses and an open field. They could build a subdivision, and he noted that they had developed Woodland Park. He would have concerns with the density and the height, but he looked forward to hearing everyone else.*

*Mr. Reece stated that Barrington Park was the right product in the right location. It was a transitional community, and he was supportive of that development. He thought that it had been done very well. The proposed project was done very well, and the product was good, but the problem was that it was much too dense for the single-family residential community. He said that he lived off of Tienken and he turned left onto Brewster, so he was guilty if he was a "cut-through" person. He said knew that trying to turn onto Brewster at 5:30 or 6:00 p.m. was really dangerous. The traffic study could say what it would, but he suggested that the consultants should sit in their cars and try to make the turn on a rainy and dark night. People rushed the light to get through, and they crept into the intersection. The points about the hills and the site lines were all very valid. He knew that the residents in the area did not want to see anything developed, but he indicated that was not a realistic expectation. He thought that the proposed site should be for a single-family home community and not a Barrington Park type of community. The way it was currently proposed, with the density and the issues with traffic, he did not think it would be the right fit. He did not see it as a walkable community. The City did not have a multi-modal transportation system. He saw one person going to the Village, and it was a gentleman who lived in Samaritas, and he was in a mobile wheelchair. That was about the only person he ever saw walking from the community to the shopping district. He thought that a well done, single-family subdivision would be fine in the proposed location, but he could not support the proposed project.*

*Ms. Morita thanked the applicants for bringing the project. She always liked to see companies interested in developing in the City. Despite the feedback they were getting, she wanted them to keep in mind that it was appreciated that they were interested in locating in Rochester Hills. The City members took pride in being innovative and welcoming to business.*

*She also wished to thank the residents who came out. She had met with several Homeowner's Associations over the last four years. She always appreciated it when they came out and let the members know what they thought. She thanked them for taking the time to sit through all the discussions. She felt that it was important that the residents were heard, and it was the most direct way to do it. She drove down Brewster over the weekend. With the surrounding character, she agreed that the proposed project would be too dense for the location. She agreed that it was probably more appropriate to keep it as single-family. If they possibly did duplexes, it should be with no more than two stories, so it was not as shocking to the neighbors. She did not think that anyone bought there thinking that there would be a four-story building, even if it would be 300 feet from the property line, next to them. Four stories would still feel like it towered, but two stories would not do that so much.*

*Mr. Anzek asked the applicants if they had considered single-family homes. Mr. Plumb said that they had considered different product types, and they had a different portfolio of products they could look at. Mr. Anzek thought that the Woodland Park project was extremely successful, and he could see that working in the proposed location. He realized that they would not get the same number of units, but the profit margin would be higher. He thought that it might work very well, and he asked them to consider it. He suggested that they could use a PUD. The inside corner was somewhat pinched, and it made the setbacks difficult. That type of thing could be worked out with a PUD to help the development be more fluid.*

*Mr. Hooper said that he echoed Mr. Anzek. He was going to suggest that using R-3 zoning with a PUD would be more appropriate. He indicated that four stories would never be allowed, and Barrington Park was not four stories. It was two stories with an attic and walkout garages or basements.*

*Mr. Schroeder noted that he worked in Troy, and Pulte's product at Maple and Coolidge was a tremendous success. It was a great product, but the proposed location was just not the place for it. It was too high and too dense. He did not think it would be a good fit for the area.*

*Chairperson Brnabic summarized that the Commissioners would prefer to see single-family homes, possibly using a PUD. Townhouses would not be appropriate for the location. She asked the applicants if they had any further questions for the Commission. Mr. Plumb said that they did not, and that they appreciated the feedback.*

2017-0524

Applicant would like to present a proposal for a mixed-use development on approximately 9.4 acres just north of the building at the northwest corner of Rochester and South Boulevard, zoned O-1 Office Business and B-3 General Business with an FB-3 Flex Business Overlay, part of Parcel No. 15-34-477-015, Jim Butler, PEA, Inc., Applicant

*(Reference: Memo prepared by Sara Roediger, dated November 15, 2017, and site plan and associated documents had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jim Butler, PEA, 2430 Rochester Ct., Suite 100, Troy, MI ; Cheryl Bohren, NORR Architects, 150 W. Jefferson Ave., Suite 1300, Detroit, MI 48226 and Eugene D'Agostini, D'Agostini Companies, 38700 Van Dyke Ave., Suite 200, Sterling Heights, MI 48312.*

*Ms. Kapelanski noted that the site was located between Bolyard Lumber and the existing office building at Rochester and South Boulevard. The site was zoned B-3 Shopping Center Business and O-1 Office Business with an FB-3 Flexible Business Overlay. The applicant was proposing a four-story hotel in the rear of the site. They were also proposing a two-story, 29,000 s.f. mixed-use retail, office and restaurant building. There was an optional drive-through proposed. The existing medical office building was also shown on the plan. She stated that staff had not reviewed the plan for conformance, and the applicant was present only to receive initial feedback on the proposal.*

*Mr. Butler said it was about a nine-acre site (including the office building), located at the northwest corner of Rochester and South Boulevard. It was in the FB-3 district. There was an existing medical building right at the corner. There was one access drive that came off of Rochester Rd. They were proposing to enhance that and create a boulevard to access a mixed-use development. Along the frontage of Rochester Rd., a retail, office and restaurant building was proposed. Between the two buildings was a walkway so someone could walk in off of Rochester Rd. to the buildings or past the building through a central park area and ultimately to the hotel. The plan provided 338 parking spaces.*

*Ms. Bohren advised that they were proposing to have 11,000 s.f. of retail with 12,000 s.f. of offices above that and the end cap would be an approximately 6,000 s.f., one-story restaurant with outdoor seating and a walkway underneath the two-story space to connect to the hotel.*

*Mr. Butler said that the images in the packet showed some outdoor*

seating in front of the restaurant. The four-story hotel, a Marriott Fairfield Inn and Suites was proposed with 108 rooms. There would be a significant amount of shared parking between the uses. There was a drive-through option shown as to how it would work.

Mr. D'Agostini said that in addition to preparing and going through the metamorphosis of change in design, they took an opportunity to meet with the adjacent homeowners to address any concerns they might have. The homeowners were very cordial and thankful the applicants made an effort to reach out to them. One of the concerns was that rather than having a landscape barrier or in addition to one, they would like to see a wall. That would have to be vetted with the Planning Commission, because he knew it was not something preferred in the City. He concluded that the residents were very receptive and welcomed the development.

Chairperson Brnabic said that she did not have any speaker cards, but she asked anyone who wished to speak to fill out a card and hand it in to Ms. Gentry.

Ms. Morita said that seeing Mr. D'Agostini, she realized that he was a former client. She did not think it would impact any future decision. She no longer had a business relationship with Mr. D'Agostini, but she felt that it was important to disclose it.

Mr. Dettloff thanked the applicants for bringing the concept to the City. He asked them if they had considered traffic impacts. Mr. Butler related that they had initiated a traffic impact study. They wanted to have a conversation with the Planning Commission before they explored it fully and to be able to give the consultants the correct square footages and uses. Mr. Dettloff said that given what was proposed, it would put a lot of additional traffic onto the roads. He thanked them for taking the time to meet with the residents. He indicated that the Commissioners really appreciated that, and it was important so it would become a win-win situation. He asked if they had done any other developments in the City.

Mr. D'Agostini said that his partner did the Bolyard Lumber. They did the office building on the corner, which was part of the development. He had done numerous things in the metro Detroit area, but the two mentioned were the only ones in Rochester Hills.

Mr. Kaltsounis thanked the applicants for coming. He noted that the Commissioners had seen a few hotels recently. There had been a lot of debate amongst the Commissioners as to the best place for them. A lot

*of developers wanted to put them into the back of a project. The biggest concern was the residents behind the hotels. There had been one proposed at the gas station at Rochester and M-59. It was very close to the homes, and it was also four stories. When they imagined a cross section, it was imposing. Mr. Schultz had mentioned a new hotel at Stephenson Hwy. and 14 Mile that was a similar distance from homes. He was going to drive by to get a feeling. He did not always like drive-throughs, but there were places for them, and the subject site might be one. When he looked at a similar development with a four-story hotel, he considered turning it 90 degrees to put the hotel closer to the road as a potential option.*

*Mr. D'Agostini said they felt that the site lent itself well to the configuration they had proposed. The homes to the west, and there were five homes that abutted the property, had relatively deep yards. There would be a 125-foot setback with a 50-foot greenbelt. He felt that there would be a pretty healthy buffer. He realized that it would be four stories, and it would be somewhat imposing. In response to the suggestion of turning the buildings 90 degrees, they created some alternate plans and met with the Planning staff. They showed the challenges they had with that configuration. The primary challenge was that it forced all of the parking to the back and away from the commercial. It failed the functionality test. It also tended to create more of an imposition to the homeowners. There would be parking and traffic as opposed to seeing the back of a hotel, which would be a barrier to the traffic, noise and light pollution from the cars pulling in and out of the parking lot. They felt what was proposed was the best result both from a functionality and a use standpoint. Mr. Kaltsounis appreciated that, but to him, it would be more palatable to see the end of the hotel rather than the whole backside. Mr. D'Agostini said that they did several iterations which he would be glad to share. He added that their choice was to find users that did not need a drive-through, however, they did show a drive-through in the event that it was a must.*

*Mr. Reece felt that the development was laid out well. His biggest struggle was a four-story hotel backing up to a residential area. The difference between where they showed it versus where the applicant at the location up the road had it, was that with the latter, it was right on top of residential. He agreed that the setback was farther, and it would have a different feel, but he would like to hear from the residents. He was not disputing that Mr. D'Agostini talked with them, but he could not believe they were all happy that a four-story hotel would be in their backyards. Mr. D'Agostini agreed that they were not thrilled to see a four-story hotel, but they were very pleased that he reached out to them. They did not feel*

*that the plan was overly offensive. The focal point of the conversation was that there were teens that cut through their yards to get to the party store on the east side of Rochester Rd., and they felt that the continuation of the wall currently behind Bolyard would pre-empt that. That was driving the wall idea.*

*Mr. Reece indicated that it was something they would continue to look at. He also felt that traffic would be a big concern. He assumed that the people staying at the hotel would want to get to M-59. They would have to turn left out of the site in the mornings, assuming they were business guests, and it was a horrible intersection. He claimed that they had done a great job with the layout, and he said that they should continue to study it. Mr. Reece reiterated what Mr. Kaltsounis said about not liking drive-throughs.*

*Mr. Schultz wished to commend the consultants on what he felt was a very successful site layout. He had brought up the Marriott currently at 14 and Rochester Rd., which was a much different situation. The residential lots that abutted the hotel were very shallow, and the hotel was closer to the property line. In the proposed situation, there was an exorbitant amount of space between the hotel and the residents. Ultimately, the high dollar rents would be pushed up against the road, and the site had to work financially. He thought it was a great layout.*

*Mr. Hooper said that he liked the design and the layout. He would prefer not having a drive-through and rather have a destination restaurant or two. Regarding the traffic, he did not think that everyone would make a left onto Rochester Rd. People would go onto South Boulevard and turn left at the light. He suggested that there might need to be improvements to South Boulevard or something to enhance the traffic. He did not think it would be a good situation to make a left onto Rochester Rd. Other than that, he was supportive of the concept.*

*Mr. Anzek stated that he had been working with the applicants for 15 years trying to figure out what they could do with their parcel of land. He had seen a lot of different alternatives. At that time, they were working a lot with just retail and office, since FB-3 was not in place. He liked the concept a lot for things others said, such as coming in from the boulevard and incorporating the flow with the existing office building. He reminded that hotel uses created very little impact on the neighbors. People showed up, and they did not party or spill out into the street. They went to sleep and got up in the morning and left for work. There would not be activity until early evening. He thought that the separation between the*

*hotel and the retail worked with the intent of FB-3. He agreed that people would find a way to get in and out. If they wanted to go north, they would go onto South Boulevard, as Mr. Hooper said. He thought that the elevations were exceptional. He observed that the site would work very well, and he liked the concept of the office above retail. The Boulevard Shoppes on Walton Blvd. were very successful. He congratulated the applicants on a good-looking plan. He liked the uses and the fact that they had incorporated with the existing office building. He thought that it was one of the more successful buildings in the City.*

*Chairperson Brnabic asked the applicants if they had any further questions. Mr. Butler said that he did not, and Chairperson Brnabic thanked the applicants.*

*Mr. Anzek mentioned the wall, and said that he did not think the City had an aversion them as much as wanting them to be green. If there was a solid wall, he felt the Commission would work with the applicants. Mr. D'Agostini said that they would ultimately want to get some input from the homeowners. He would prefer greenery, but they would do whatever it took to accommodate.*

## **ANY OTHER BUSINESS**

*Ms. Roediger advised that staff had received plans for Premier Academy, and they were targeting the December 19th meeting. They met with the Road Commission to finalize some of the transportation improvements.*

*Mr. Dettloff asked if there was anything going on with the former K-Mart site. Ms. Roediger said that plans were submitted, and the first review was completed. She noted that the plans were on the City's Development Map, and they showed the re-development of the K-Mart building with a couple of tenants, including an Art Van Furniture, the relocation of the existing Burger King just north of its current site, and the addition of an Aldi grocery store next to Steinmart. There would also be a new outlot with a restaurant pad. They hoped to get on the December meeting as well, and they just submitted revised plans. Depending on how those plans looked would determine if they were ready for December.*

*Mr. Schroeder asked what had changed with Premier. Ms. Roediger advised that they had made some modifications to improve access. They picked up additional property to the south to allow for a full access off of Adams, which would be restricted to right in, right out. There would*

*be some other minor tweaks to access, and she believed that they had shrunk the building slightly.*

*Mr. Dettloff asked if Premier had done any more outreach with the neighbors. Ms. Roediger knew they had spoken with the immediate property owners. She was not sure if they held a formal meeting. She spoke with one of the applicants, and he talked about having an open house at their current facility in Oakland Township in the near future.*

*Mr. Kaltsounis asked about the BP gas station on Rochester Rd. south of M-59. He believed that the Commission had approved a strip mall along with a Conditional Rezoning. Ms. Roediger agreed, but said that the applicants had not come back in with a formal site plan submittal.*

*Mr. Reece said that a few meetings ago, he had asked to have someone follow up with the used car lot owner on Auburn. He drove by it the other day, and there were cars on top of each other. Ms. Roediger said that Mr. Mark McLocklin of Ordinance Enforcement was out there regularly. The condition of approval talked about the number of cars for outdoor display, but it did not limit the number of customers who could visit the site. Mr. McLocklin checked for dealer plates regularly, and the owner was in compliance. A lot of the cars were for employees and customers, but the amount of cars for sale met the requirements.*

*Chairperson Brnabic asked if the owner was required to have dealer plates on every vehicle being sold. Ms. Roediger did not think cars for sale had to be plated. They would usually get a plate when a car was test driven.*

*Mr. Schroeder thought that employee spaces counted in the total allowed. Ms. Roediger agreed that there were spaces for employees, but the amount of display cars was limited to 14 or so. Mr. Reece said that there were significantly more than that. Chairperson Brnabic believed it was 14 plus two in the bay area. Mr. Reece said that he was satisfied if it was being reviewed.*

*Ms. Morita asked if they had checked how many employees were on site. When she was there, there were two. She wondered how many employee cars they had. Ms. Roediger said that she would check. Ms. Morita said that she knew that Mr. McLocklin was counting the unplated cars, but that did not prevent the owner from putting plates on cars that were also for sale and stating that they were employee cars. She suggested that the next step would be to count how many employees were on site, because*

*there should not be any more employee cars than employees.*

*Chairperson Brnabic agreed. She had bumped into Mr. McLocklin several weeks ago, and he said that the business had three employees.*

## **NEXT MEETING DATE**

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

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Reece, Chairperson Brnabic adjourned the Regular Meeting at 9:59 p.m.

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Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary