



# 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, February 19, 2019

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:02 p.m. in the Auditorium.

## ROLL CALL

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

**Excused** 1 - Ryan Schultz

Quorum present.

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

## APPROVAL OF MINUTES

[2019-0063](#) January 15, 2019 Regular Meeting

**A motion was made by Kaltsounis, seconded by Reece, that this matter be Approved as Presented . The motion PASSED by an unanimous vote.**

**Excused** 1 - Schultz

[2019-0077](#) January 29, 2019 Joint Planning Commission and City Council Meeting

**A motion was made by Kaltsounis, seconded by Reece, that this matter be Approved as Presented . The motion PASSED by an unanimous vote.**

**Excused** 1 - Schultz

## COMMUNICATIONS

A) *Planning & Zoning News dated January and February 2019*

## PUBLIC COMMENT

*Chairperson Brnabic opened Public Comment at 7:05 p.m. Seeing no one come forward, she closed Public Comment.*

## NEW BUSINESS

### 2017-0023

Request for a Tree Removal Permit - City File No. 16-029 - for the removal of as many as 145 trees (104 regulated) for Saddlebrook Orchards Site Condominiums, a proposed ten-unit residential development on 5 acres, located on the north side of Auburn Rd., between Crooks and Livernois, zoned R-4 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-28-300-029, Mike Magnoli, Gianna Investments, LLC, Applicant

*Reference: Staff Report prepared by Kristen Kapelanski, dated February 15, 2019 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Dana Temerowski, PEA, 2450 Rochester Ct., Suite 200, Troy, MI 48083.*

*Ms. Kapelanski stated that the applicant was proposing to construct a ten-unit site condo development on the north side of Auburn between Crooks and Livernois on five acres zoned R-4. The applicant had previously received approval of a Preliminary and Final Site Condo Plan with nine units in 2007 and in 2017. The approvals expired before the applicant completed the construction review process, and they were back for consideration. She advised that the site layout was generally the same with the addition of one unit. There was common space around units three and four, which had been decreased in size, and unit three had also been decreased to allow for an additional unit. She noted that the plan was generally in compliance with Ordinance provisions. A Tree Removal Permit was required to remove 104 regulated trees, which would be replaced on site, and the applicant was seeking a recommendation of approval for the Preliminary and Final Site Condo Plan. She added that all staff had recommended approval.*

*Ms. Temerowski agreed that the project had been going on since 2007, and they finally believed that they had a plan that would be built. They were working through things, and they just needed the final approvals.*

*Chairperson Brnabic said that there was a difference between the January 2 and February 19 reports in regard to trees saved. The first said 54% would be saved, but she believed that was typo, because on sheet T-1 it*

*listed 45%. Ms. Kapelanski agreed. Chairperson Brnabic also noted that in the January 2 report it said that there was a Planning Commission meeting previously on January 17, 2018 which should have been 2017.*

*Ms. Morita asked if there would be three-car garages on all the homes, which was confirmed. She pointed out that in the Environmental Impact Statement (EIS), they were only anticipating two-and-a-half trips per day per house. Ms. Temerowski concurred, but she asked if Ms. Morita felt that they should be estimating three trips per day. Ms. Morita considered that with a three-car garage, there would be a family. Ms. Timoroski did not think that every family would have three drivers. Ms. Morita still felt that it was low for a three-car garage on every home.*

*Ms. Roediger knew that trip generation determination used a standard formula depending on the type of use. She believed that a single-family home generated nine or ten trips per day for a single-family home. That would be closer to 100 trips per day out of the subdivision. Ms. Morita said that the EIS said 25. Ms. Roediger agreed that it was not accurate. Ms. Morita asked if there was anything else in the EIS they needed to look at that might not be accurate. Ms. Roediger said that they would look at it again before it went to Council, and she stated that the EIS should be updated regarding the traffic.*

*Mr. Kaltsounis recalled that the first time they discussed the project, there had been a question about the fencing around the detention pond, which had been debated at the time. He could not see what was proposed now. He wondered if the pond was shallower, and it was not needed. Ms. Kapelanski did not believe any fencing was proposed around the basin. Ms. Temerowski stated that the slopes had become more gradual, and a fence was not required. They had been working with the Engineering Dept. Mr. Kaltsounis felt that it was much better, and Ms. Temerowski said that she had learned that people were not fans of fencing.*

*Mr. Kaltsounis summarized that the Commissioners had seen the project several times in several versions, but he felt that the units were laid out reasonably and similar to the previous submittal. He said that he appreciated the extra open space, and he moved the following:*

***MOTION*** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-029 (Saddlebrook Orchards Site Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on January 24, 2019, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to remove 104 regulated trees and replace with 104 tree credits on site.*

Conditions

1. *Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at \$216.75 per tree.*

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

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

**Excused** 1 - Schultz

*Chairperson Brnabic stated for the record that the motion had passed unanimously. She opened the Public Hearing at 7:15 p.m. Seeing no one come forward, she closed the Public Hearing.*

2019-0041

Public Hearing and request for Preliminary and Final Site Condominium Plan Recommendation - City File No. 16-029 - Saddlebrook Orchards, a proposed ten-unit site condo development on five acres, located on the north side of Auburn, between Crooks and Livernois, zoned R-4 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-28-300-029, Mike Magnoli, Gianna Investments, LLC, Applicant

***MOTION*** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-029 (Saddlebrook Orchards Site Condominiums, the Planning Commission **recommends approval of the Preliminary and Final Site Condominium Plan**, based on plans dated received by the Planning Department on January 24, 2019, with the following six (6) findings and subject to the following five (5) conditions.

Findings

1. *The site condo plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The proposed project will be accessed from Auburn Rd., thereby promoting safety and convenience of vehicular traffic both within the*

*site and on adjoining streets. Sidewalks have been incorporated to promote safety and convenience of pedestrian traffic.*

3. *Adequate utilities are available to the site.*
4. *The preliminary and final plan represents a reasonable street and lot layout and orientation.*
5. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
6. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

**Conditions**

1. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
2. *Provide a landscape performance bond for replacement trees and landscaping in the amount of \$102,644, plus inspection fees, as adjusted as necessary by staff, prior to issuance of a Land Improvement Permit by Engineering.*
3. *Submittal of By-Laws, Master Deed and Exhibit B's for the condominium association prior to issuance of a Land Improvement Permit by Engineering.*
4. *Payment into the City's Tree Fund for 10 street trees at \$216.75 for a total of \$2,167.50, prior to issuance of a Land Improvement Permit.*
5. *Revise Environmental Impact Statement to correctly show number of trips per day per household, prior to the City Council meeting.*

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

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

**Excused** 1 - Schultz

*Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicant. Ms. Morita requested that the owner be present at the City Council meeting.*

**2019-0070**

Public Hearing and request for Conditional Use Recommendation - City File No. 19-003 - to add a pharmacy with drive-through at the existing Meijer store located at the southeast corner of Auburn and Rochester Rds., zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Craig Armstrong, Elevatus Architecture, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated February 15, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Craig Armstrong, Elevatus Architecture, 111 E. Wayne St., Suite 555, Fort Wayne, IN 46802.*

*Ms. Kapelanski summarized that the applicant was proposing to add a pharmacy drive-through on the west side of the existing Meijer store at the southeast corner of Rochester and Auburn. Some façade modifications and other minor site changes, mainly to the entrances, were also proposed. She noted that the property was zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay. A portion of the garden center would be removed near the front of the building, and the drive-through area would be incorporated into that space. She advised that drive-throughs were a conditional use in the B-3 district, and the applicant was asking for Planning Commission recommendation of the conditional use and approval of the site plan and façade. Staff reviews all recommended approval, with the suggestion that the applicant considered adding landscape islands along the access drive in the front of the building.*

*Chairperson Brnabic asked Mr. Armstrong if he had anything to add, and he stated that he had nothing to add or any points of clarification to Planning's recommendations.*

*Chairperson Brnabic pointed out Sheet C-100, and said that it appeared that the pathway went from the parking lot across the main traffic aisle in the front and in between the stacking spaces at the pharmacy to enter the garden center. Also, as cars exited the drive-through, there was another pathway customers had to cross to continue into another section of the garden center. If that were correct, she was a little concerned about the safety issue. There would be customers not only crossing the main aisle to get to the store but also cutting through stacking spaces for the pharmacy to enter the garden center. She was concerned for pedestrians and vehicles. She did not think cars would stop at the pathway, but not even considering that, it was concerning. She asked why Meijer did not consider relocating the entrance to the west side of the building, as there was parking there.*

*Mr. Armstrong asked if she was referring to the entrance into the garden center being on the west side and not the main entry to the building. Chairperson Brnabic agreed, and said that she would prefer to see the*

*entrance on the west side, if the pharmacy was going in, so there were not customers walking through stacking spaces. She felt that there was plenty of parking available there.*

*Mr. Armstrong agreed about the parking, however, he indicated that when people shopped at the garden center, they did not necessarily limit their shopping to the garden center. They could go into the main store. He said that it was not the first time he had heard about the concern from a Planning Commission. He claimed that Meijer had several examples of the proposed method working. He understood the concern about the pedestrians crossing the vehicular traffic, however, he felt that the speeds in the area would not be as fast as on the drive in front of the building. He believed that they were providing the best protection they could for people waiting at the curb to cross with the fencing leading up to it as well as having stop signs and bars on both ends. The stacking requirement in Rochester Hills was three cars, which they were able to provide and show that they would not block the pedestrian walkway with cars. He commented that they could not control individual drivers as much as they would like. He understood that there might be a desire to exit from the west, but he said that a lot of people who visited Meijer were familiar with the front entries, and that was where Meijer would prefer to have the entry. He hoped that they had provided adequate safety measures for vehicles to stop at various points.*

*Chairperson Brnabic said that she was not even sure that three stacking spaces were enough. She acknowledged that it might be for a CVS or a Walgreen's, but she pointed out they did not have 200 people walking around their stores. She felt that there could very likely be more than three cars stacked.*

*Mr. Armstrong said that they showed the minimum of three, but they could actually get up to five, which exceeded the requirements in the Ordinance. He added that the reason why Meijer preferred to have the entrance in the front was because that was what customers were familiar with. Chairperson Brnabic felt that people would adjust. She knew that all people might not confine their shopping to the garden center, but some did. She stated that she would still prefer to see the entrance on the west side from a safety perspective.*

*Mr. Kaltsounis commented that he was totally confused. When he considered the proposal, having the drive-through on the west side of the store was not a problem; it was away from the residents, and they did not have to worry about a loud speaker. However, they would be getting rid of*

*a sidewalk, and they would be adding four slots to something that was not straight at the intersection. He did not agree about the speeds. After he went to Culver's, he went out to the Rochester Rd. exit to get to M-59, and he claimed that the drive to get there was an expressway. He reiterated that nothing lined up with the drive-through, and with the sharp turn to get into it, it would be difficult even for his Mazda, let alone his truck. Now they would be having pedestrians walk through it with no sidewalk. He asked how he would know that someone would not go right onto the sidewalk by the curb, because he could see that happening. He handled traffic at a festival each year, and he saw some very weird driving. If the opportunity was there, he could guarantee that someone would drive onto the sidewalk in front of the store. He was okay with the fascia items, but he could not see the drive-through as proposed.*

*Mr. Armstrong said that there was a pretty robust structural concrete column at the northwest corner of the canopy that would offer some protection to pedestrians and vehicles. Mr. Kaltsounis asked how someone would make the first turn coming from the east. Mr. Armstrong asked if he wondered how someone would get into the actual lane. He agreed that the north island would make it very difficult. He wondered if they could move the island south and reconfigure it to be more friendly and guide vehicular traffic. He asked if the Commission would see that as a remedy to the situation. Mr. Kaltsounis said that he would have to lean on staff, because he was not seeing that now. Someone could not make a turn in and out, and he questioned if there were fire truck requirements. Ms. Roediger said that it was not a requirement that a fire truck had to get through a drive-through lane. Mr. Kaltsounis remarked that if he could not make a left turn into the drive-through lane, he knew that his mom and grandma could not. He maintained that it was a fast area.*

*Mr. Armstrong said that his reference to the speed was actually for the outbound lane of the drive-through traffic - not necessarily the lane across the front of the store. He agreed that it was fast. Mr. Kaltsounis said that if everything was lined up correctly, it would be safer, because it was not a good intersection. He thought that moving the entrance to the west would be more reasonable. If he was coming south, he would have to cross the driveway twice. Coming from the west, someone would have to cross the drive-through, and he felt that there were a lot of loose ends to be resolved.*

*Mr. Armstrong asked if the entry into the drive-through was moved and the traffic flow was reversed, if Mr. Kaltsounis would feel that would*

*improve the situation. Mr. Kaltsounis said that it would be a better situation. He could see someone making a left turn into the drive-through, getting stuck and backing up into the main stretch and getting hit, but he was interested in hearing from other Commissioners.*

*Mr. Hooper cautioned the Commissioners that there was a similar situation at the Meijer on Adams Rd. Someone would come down the main drive and turn into the drive-through. The window was a little further to the south, so the stacking was more in the lane versus having a separate drive lane. He asked Mr. Armstrong if there would be bollards between the stacking lane and the drive lane, and Mr. Armstrong agreed. Mr. Hooper felt that would be a problem. He could see a large truck trying to navigate the turn and having a problem. He asked if Mr. Armstrong was considering moving the island directly west out of the way to the south so that there would be a more gradual entrance. Mr. Armstrong said that it could happen, but if they needed to reverse the flow of traffic, they would leave the island where it was. There would not be the turn-in issue from the west. Mr. Hooper said that he was talking about the separate standalone island west of the pharmacy turnaround. Mr. Armstrong said that if they made the adjustment to the island and configured it in a way to help the flow of traffic to get a recommendation of approval, they would be happy to do that. If the preference was to reverse the flow of traffic, and instead of going out the west it would come in from the west and out the front, the island would not necessarily have to move. There were a couple of options to entertain. Mr. Hooper asked if there was a separate communication device versus just talking right at the window, which Mr. Armstrong confirmed. Mr. Hooper asked if the pharmacy window could be moved further south. Mr. Armstrong was not sure it could not happen, but there were exit doors there, and if they moved it too far down, they would lose those, and it could put them in jeopardy of meeting egress requirements from the Building Dept. Also, the current pharmacy was located in the northwest corner. He did not think it would be too customer-friendly to move it. Mr. Hooper said that it depended on how big the pharmacy area was, and Mr. Armstrong advised that they were doubling the interior pharmacy footprint.*

*Mr. Hooper said that the entrance going east/west into the building was for shopping carts, not for the public to enter. Mr. Armstrong agreed, and said that the door opening to the west was for cart storage. He apologized if that was what Mr. Hooper was referring to, and Mr. Hooper said that it was made to look like a pedestrian walkway, which it was not. Mr. Armstrong said that people would have the option to cross there in case they parked in the overflow. They would cross to the island and then*

*cross the north/south traffic parallel to the west side of the building to get to some parking spaces. Mr. Hooper said that he did not see an issue as far as the pedestrian traffic. People would be able to navigate around the vehicles that were stacked just like at the Meijer on Adams. He said that the issue was getting vehicles in and out. He did not think by having bollards that a large truck would be able to make a turn without taking off a mirror. Mr. Armstrong said that when they laid out the drive-through lanes, it was done through MDOT standards for turning radii and large vehicles. According to the studies, large trucks would be able to make the turn. Mr. Hooper considered that the reality might be something different; when the Rochester Hills Library was built, they thought it would work, but it never did.*

*Mr. Morita could not understand from the plans where the window would be from the pharmacy to the drive-through. Mr. Armstrong said that the window was approximately 15 feet back from the northwest corner of the building. Mr. Morita said that would be about one-and-a-half car lengths. She agreed with other Commissioners that it was not far enough south. She went to the Meijer on Adams all the time, and she was familiar with that set up, which she felt was fine. Mr. Armstrong said that a left turn into the drive-through lane would not be permitted. Ms. Morita remarked that it would not stop people from turning left. She indicated that someone could turn right into there, and there still would not be enough room, and traffic would be blocked. There was property on the other side of the building that the owner of Meijer tried to have developed for a hotel. She asked if they had looked at moving the pharmacy to the other side. Mr. Armstrong stated that they had not. Ms. Morita agreed with Mr. Kaltsounis that it was a really busy parking lot with a lot of cut-through traffic, and the proposal would not make things any better. She thought that it could set up a potentially dangerous situation. She did not have a problem with the pedestrian traffic. If it was set up like the Meijer on Adams, and it was easy to walk through, it would be fine, but she did not think that there was enough stacking before the window. She reiterated that the corner was just too busy of an area.*

*Mr. Schroeder stated that for pure traffic movement, reversing the flow and having people enter at the other end would be a much better situation. They would have to move the window. He thought that it would increase the traffic storage a little bit to have more room. People would not have trouble making a sharp turn. He asked if many big trucks used the drive-through window. Mr. Armstrong said that every store's patrons were different. Sometimes, if people had large trucks, they knew they were not going through the drive-through. If the traffic flow was reversed,*

*the big truck would be taken out of the equation, because it would pull straight through an opening. He said that he understood the concerns raised.*

*Mr. Kaltsounis felt that the pharmacy drive-through at the Meijer on Adams was fine. The driveway was off to the side. If the flow was reversed for the proposed, there would still be the same awkward drive-through, but there would not be the "C." At the one on Adams, there was an "L." They would have to work through the stacking and resolve it, and there would be some decisions to make. He did not want to put the public at risk. Mr. Armstrong responded that Meijer did not want to, either.*

*Chairperson Brnabic opened the Public Hearing at 7:42 p.m.*

**Cheryl Kilborn, 3135 Primrose Dr., Rochester Hills, MI 48307** *Ms. Kilborn said that she shared the concern about added congestion. As someone who walked in the area frequently, she could state that it was more and more congested and dangerous to walk. She understood Meijer's point about having signage, but people would not pay attention to it. Distracted driving was increasing every day, and it was becoming more and more dangerous to walk in the parking lot. If the proposed setup would draw traffic behind the building, there would be more noise for the residents who lived behind Meijer. She asked for consideration about that. As Meijer continued to expand in the area, she wished to note that the neighbors had tried to be understanding of the need for them to grow, but there had been additional trash and a lack of concern by Meijer about taking care of the property. That had caused a lot of extra work for people who lived in the neighborhood. Meijer did not mow the lawn or pick up trash. She asked that as they continued to grow, they were good neighbors and took care of their side of the fence.*

**John Przybysz, 3120 Primrose Dr., Rochester Hills, MI 48307** *Mr. Przybysz agreed that they were trying to wedge in a lot of car and pedestrian traffic in a small space with a shoe horn, and said it was like a puzzle that did not fit. He knew that recreational marijuana was being talked about, he asked if it would be dispensed from the pharmacy in the future. He apologized if he was off base, but it was a concern.*

*Ms. Roediger advised that the City had opted out of allowing any type of dispensaries or sale of recreational marijuana. There would be no dispersal of recreational or medical from the pharmacy at this point.*

*Chairperson Brnabic mentioned Ms. Kilborn's comment about trash*

*Meijer did not take care of. Chairperson Brnabic hoped that Mr. Armstrong would take that point back with him. Mr. Armstrong noted that a couple of years ago, Meijer changed maintenance companies. The situation had improved, but they were not quite there. He said that he would be sure to take those concerns to his client and ask them to pay more attention to their grounds.*

*Chairperson Brnabic closed the Public Hearing at 7:47 p.m.*

*Mr. Kaltsounis indicated that there were two motions in the packet for which he would recommend postponement based upon the discussion. Ms. Roediger agreed that per the comments, staff could work with the applicant on a revised plan, and the applicant could come back.*

***MOTION*** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 19-003 (Meijer Pharmacy and Façade Renovations), the Planning Commission hereby ***postpones the recommendation to City Council for the Conditional Use and approval of the Site Plan to allow a drive-through at a proposed pharmacy on site at the Meijer at 3175 S. Rochester Rd., based on documents dated received by the Planning Department on January 7, 2019 until the applicant was ready to re-present.***

*Chairperson Brnabic asked Mr. Armstrong if he agreed to the postponement. Mr. Armstrong commented that he did not have a choice, so it was fine.*

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

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

**Excused** 1 - Schultz

*Chairperson Brnabic stated for the record that the motion had passed unanimously. She hoped to see Mr. Armstrong back soon with a revised plan.*

**2019-0071**

Request for Site Plan Approval - City File No. 19-003 - to add a drive-through pharmacy, update the facade, improve entries and the garden center at the existing Meijer located at the southeast corner of Auburn and Rochester Rds., zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Craig Armstrong, Elevatus Architecture, Applicant

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

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

**Excused** 1 - Schultz

**2019-0061**

Request for Approval of the PUD Agreement for Brewster Village Condominiums, City File No. 18-015, a proposed 30-unit development on 7.3 acres, located north of Walton, on the west side of Brewster, zoned SP Special Purpose and R-1 and R-3 One Family Residential, Parcel Nos. 15-08-376-015 and 15-08-331-041, Robertson Brothers Homes, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated February 15, 2019 and PUD Agreement, site plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Tim Loughrin, Robertson Brothers Homes, 6905 Telegraph Rd., Suite 200, Bloomfield Hills, MI 48301.*

*Ms. Kapelanski advised that the applicant was proposing to construct a 30-unit detached condominium development on the west side of Brewster north of Walton utilizing the Planned Unit Development (PUD) provisions. The property was currently split-zoned between single-family residential and special purpose. The Planning Commission recommended approval, and the City Council subsequently granted approval of the Preliminary PUD Plan on January 7, 2019. The plan had generally remained the same with some minor modifications. A major modification was that a left turn lane had been added to Brewster, which had been recommended by the Planning Commission. She noted that a Tree Removal Permit was required for the removal of 234 regulated trees, all of which would be replaced on site. A Natural Features Setback Modification was also required for 450 linear feet which was mostly occupied by mowed lawn area. She went over the four requests, and advised that staff reviews all recommended approval, as the development was generally in compliance with the approved Preliminary PUD Concept Plan and other Ordinance provisions.*

*Mr. Loughrin commented that they were excited to develop in Rochester Hills. After receiving approval, they provided Final Plans and addressed all comments. They had a signed agreement in place for shared detention with the Shadow Woods HOA. That would be recorded after the final approvals and prior to issuance of a Land Improvement Permit. There had been a condition of approval to work with the Shadow Woods' neighboring residents regarding an easement on their property for*

screening. He had proposed a 20-foot easement on the north and west sides to be able to plant a double row of evergreen trees. They concentrated on what people would see looking into the property. They were working on the agreement, which would also be recorded. They updated the Environmental Impact Statement and added the left turn lane, based on input from the Commission. He felt that it would be very beneficial for the development. The PUD Agreement had been finalized with the City Attorney, and they had provided the Master Deed and By-Laws, which were reviewed and approved.

Mr. Loughrin noted that the product was geared towards downsizing area residents who wished to stay in the area. They felt that there were many public benefits to the project to justify using a PUD, including the neighboring storm and working with the residents on a landscape buffer. He felt that it would be an appropriate transition from the higher intensity use at the Samaritus property to the south. Another benefit was the bike and pedestrian amenity along Brewster Rd. The Brewster Village HOA would maintain it, and it would be for anyone's use. He stated that it would be a cohesive development of split-zoned properties, and he felt that a PUD was a logical vehicle to make that happen. They were adding ADA accessible sidewalks. A big component was that it would be a housing option for residents that were currently underserved. He believed that the Planning Commission and City Council had voiced that it was a positive component. There would be quality architecture to complement and enhance the area. There would be 1,830 s.f. ranches, which he felt were highly in demand, but there was not much of that product in the marketplace. They would use hardy brick, stone and high quality elements.

Mr. Kaltsounis said that he did not see a plan for the trees proposed for the neighbors' property including the density, type of trees, etc. Ms. Kapelanski agreed that it would have to be finalized. Mr. Kaltsounis said that if the project went forward, he would like to make sure a tree screening plan was proposed in detail before it went to Council. It should show the types of trees, the dimensions and where they would go, so it was documented.

Ms. Morita said that she liked the idea of that, but it would put Council in the position of having to review the plan. Mr. Kaltsounis suggested that it could be approved and recommended by staff before going to Council. Ms. Morita added that the easement for that would have to be recorded prior to issuance of a Land Improvement Permit.

*Ms. Roediger noted that from the handout Mr. Loughrin had passed out, there would be 39 evergreen trees at 10 feet in height spaced 17 feet on center. Mr. Kaltsounis saw that, but he reiterated that the handout would have to be implemented into the plans and approved by staff prior to Council. Mr. Loughrin stressed that he did not have a formal signoff from the neighbor. What he had shown was very close, but it might have to be modified slightly. Mr. Kaltsounis maintained that it had been an important aspect for the Commissioners.*

*Mr. Reece clarified that the Commissioners were looking for an executed agreement between Robertson Brothers and the Shadow Woods HOA that showed what would be put in. Ms. Kapelanski agreed that was correct. Mr. Loughrin added that it would be done prior to getting a Land Improvement Permit. Ms. Morita stated that there would be no sense asking for the agreement to be executed before they even had site plan approval.*

*Chairperson Brnabic called a speaker to come forward at 8:03 p.m.*

**Maximiliano Larroquette, 2678 Winter Park Rd., Rochester Hills, MI 48309** *Mr. Larroquette said that he did believe in the democratic process and how they were following it in order to proceed with the development. He was present and spoke at the December 18, 2018 meeting. He heard about the landscaping and the easement, but he and another resident did not hear that the landscaping was going to be on Shadow Woods' property. They would be taking 20 feet away from Shadow Woods and giving it to the developer. He claimed that the developer would be getting increased density, reduced setbacks from 30 to 20 feet and taking 20 feet from Shadow Woods' property. He asked why both sides would not be benefitting if the lines were proposed barriers. He claimed that it would provide a lot of privacy for the developer. He asked why the screening had to be only on the side that was not being rezoned. He was in favor of developing according to the Master Plan. He asked why they were not following the Master Plan and keeping the setbacks and property lines where they were.*

*Chairperson Brnabic said that she would like "ranch style" added to detached condominium homes on page 4 under the description of the development. Also, on page 11 for Signage, b and c, the last line for b said "and shall remain to the end of the sales period of the development" and c stated "during the sales period." She asked if there was supposed to be a difference between those two statements. Mr. Loughrin believed that it was just remiss, and he said that it would be made consistent.*

Chairperson Brnabic noted that a five-year timeframe from start to finish was stated, and she would also like it added that there would be a five-year maximum timeframe for marketing signs. If there was a problem, and an extension was needed, she felt that the City would cooperate, if there was a good reason. She knew of incidences where marketing signs did not come down. She asked Mr. Loughrin if he agreed, which he did. Chairperson Brnabic assumed that staff would submit the changes to the City Attorney for review.

Mr. Reece considered that if there was going to be a five-year timeframe for signage, that they should add the word "maintenance" of the signs so they were taken care of during that time. Mr. Loughrin said that it would not be an issue at all.

Mr. Kaltsounis stated that it was the Commission's responsibility to go over the Final PUD Plan to make sure that it was done in the same light as the approved Preliminary PUD Plan. He thought that a lot of the items were consistent and in the same direction as what had been approved.

**MOTION** by Kaltsounis, seconded by Dettloff, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received February 12, 2019 with the following five (5) findings and subject to the following five (5) conditions.

**Findings**

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD Concept Plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

**Conditions**

1. City Council approval of the PUD Agreement.
2. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.

3. *All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.*
4. *The Agreement shall be revised to include the clerical items discussed at the meeting, including adding ranch style homes into the description and correcting page 11, Signage, b and c to make it consistent, to be approved by the City Attorney, prior to the matter going to City Council.*
5. *A plan for the maintenance and eventual removal of the marketing signs within five years shall be added to the PUD Agreement and approved by the City Attorney, prior to the matter going to City Council.*

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

**Excused** 1 - Schultz

**2019-0064**

Request for a Tree Removal Permit - City File No. 18-015 - for the removal and replacement of as many as 234 trees for Brewster Village Condominiums, a proposed 30-unit development on 7.3 acres, located north of Walton, on the west side of Brewster, zoned SP Special Purpose and R-1 and R-3 One Family Residential, Parcel Nos. 15-08-376-015 and 15-08-331-041, Robertson Brothers Homes, Applicant

***MOTION*** by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on January 25, 2019, with the following two (2) findings and subject to the following two (2) conditions.

**Findings**

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to remove and replace 234 regulated trees on site.*

**Conditions**

1. *Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$216.75 per tree.*

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

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

**Excused** 1 - Schultz

**2019-0062**

Request for Natural Features Setback Modifications - City File No. 18-015 - for approximately 450 linear feet for development of Brewster Village Condominiums

***MOTION*** by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impacts to as much as 450 linear feet of natural features setbacks associated with the development, based on plans dated received by the Planning Department on January 25, 2019, with the following three (3) findings and subject to the following one (1) condition.

**Findings**

1. *Natural Features Setback Modifications are needed in mowed lawn areas of the development.*
2. *The Planning Commission has the ability to waive the natural features setback modifications as a part of accepting the site being developed as a PUD.*
3. *The City’s environmental consultant, ASTI, has determined that the natural features areas are of poor floristic quality.*

**Condition**

1. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*

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

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

**Excused** 1 - Schultz

**2018-0152**

Request for Final Planned Unit Development Site Plan Recommendation - Brewster Village Condominiums, a proposed 30-unit development on 7.3 acres located north of Walton, on the west side of Brewster, zoned SP Special Purpose and R-1 and R-3 One Family Residential, Parcel Nos. 15-08-376-015 and 15-08-331-041, Robertson Brothers Homes, Applicant

***MOTION*** by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning

Commission **recommends** that City Council **approves** the **Site Plan**, dated received January 25, 2019 by the Planning and Economic Development Department, with the following five (5) findings and subject to the following seven (7) conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of the driveway providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Plan promotes the goals and objectives of the Master Plan by providing an alternative housing option.

Conditions

1. City Council approval of the Final Site Plans.
2. Provide landscape bond in the amount of \$108,240.00, plus inspection fees, for landscaping and irrigation, as adjusted as necessary by the City, prior to issuance of a Land Improvement Permit by Engineering.
3. 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.
4. Payment of \$6,502 into the tree fund for street trees prior to issuance of a Land Improvement Permit by Engineering.
5. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.
6. That a tree screening plan for the neighboring property be added per staff approval, before the matter goes to City Council.
7. An executed agreement for tree screening between the applicant and

*the neighboring HOA shall be in place and approved by staff prior to issuance of a Land Improvement Permit.*

*Mr. Schroeder asked if the Commission had addressed Mr. Larroquette's concerns. Ms. Roediger stated that the landscaping was shown on the Shadow Woods property, which had been discussed previously. The applicant had been working with the HOA about the regional detention, and there was concern about having a separation between their open space and the proposed development. The applicant offered to put screening on their property if they agreed, and it had been in negotiations.*

*Mr. Loughrin agreed that he had been having conversations with the neighborhood. A fence came up, but no one really wanted a fence, and the neighbors were agreeable to the screening.*

*Mr. Schroeder asked the current price point for the homes. Mr. Loughrin said that it was a little early to tell, but he assumed they would be in the \$400k's based on their experience. He commented that they could never win with that argument, and they would like to make it cheaper, but it was the reality.*

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

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

**Excused** 1 - Schultz

*After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously, and she thanked Mr. Loughrin. Mr. Hooper thanked him for their investment in the City.*

**2019-0065**

Public Hearing and request for Preliminary Planned Unit Development and Conceptual Site Plan Recommendation - City File No. 18-016 - Rochester Hills Trio, a proposed mixed use development consisting of residential units, office and retail space on 5.77 acres located at the northeast corner of Auburn and Livernois Rds., zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant  
*(Reference: Staff Report prepared by Kristen Kapelanski, dated February 15, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Peter Stuhldreier and Mike Pizzola, Designhaus Architecture, 301 Walnut, Rochester, MI 48307 and Mr.*

*Fred Haddid, owner, OYK Engineering & Construction, 30700 Telegraph Rd., Bingham Farms, MI 48025.*

*Ms. Kapelanski stated that the applicant proposed a mixed-use development using the PUD option. She noted that the property, located at the northeast corner of Auburn and Livernois, had split zoning with residential and commercial with a flexible business overlay. Three buildings were proposed; the one nearest to Livernois would be a two-story retail and office building totally 10,500 s.f. of each. Buildings B and C would be three-story, multiple-family buildings. The additional height for Buildings B and C would necessitate the use of a PUD. The applicant had requested four other modifications from Ordinance provisions. The front yard arterial setback along Livernois exceeded the maximum allowed; the parking setback along the north portion of the property was deficient; and the proposed building design materials and façade transparency standards were deficient on a number of the elevations. The applicant had indicated that they believed those could be brought into compliance, which would be discussed. The front yard landscaping was deficient along Auburn. Staff recommended the addition of eight deciduous trees. The applicant was requesting some landscape waivers to accommodate utilities in other portions of the site. Public open space was proposed in the center of the site, and there would be public art at the corner of Livernois and Auburn. Another benefit stated was the remediation of the former gas station parcel at the corner, and all those benefits would not be realized without the use of the PUD. She summarized that the applicant was seeking a recommendation of the Preliminary PUD Concept Plan Approval, and that a Natural Features Setback Modification and Tree Removal Permit would be required at Final should the project move forward. Ms. Kapelanski advised that staff reviews generally recommended approval with the exception of an engineering issue. The applicant had proposed a right in, right out access drive off of Auburn. Engineering, per MDOT's requirement, would like it limited to right in only because of traffic safety concerns. Auburn Rd. was under the jurisdiction of MDOT, and an email indicating that a right in only drive was acceptable had been provided. Mr. Davis from Engineering was present to answer any questions about that.*

*Mr. Stuhlreyer stated that in the middle of 2017, Mr. Haddid came to them with one parcel, and the concept did not include the gas station parcel. They went to great lengths to negotiate with Speedway for the sale and deed restrictions, as well as for the investigation of the environmental issues. He agreed that they would be using the PUD and the FB Overlay to achieve the density and height and still provide a well-designed,*

*reasonably open and interesting project. He felt that it would be a much needed project for the intersection. He pointed out the Auburn Rd. elevation. There were three end caps with some sort of commercial activity, either a live-work studio that was two floors high or a fully commercial property. He showed some slides of the buildings from various directions. He claimed that it would not be just one long, boring building. The live-work could be for a consultant or CPA and the other side could have a gym or gathering area for residents. The streetscape would be active. He showed a slide of the landscaping, which he described as "heavy." There would be a water feature to provide, as he explained, some acoustical balance for the units in the courtyard. There would be another courtyard set up for a plaza with a gazebo for the public. He noted the proposed boulevard leading back to the apartments to the north, which also led into their site. It was in alignment with the renovated drive into the Mosque. He showed some aerial perspectives. He said that they had been talking with staff and MDOT for several months, and they had a reasonable signoff from all departments.*

*Mr. Stuhlreyer continued that the drawings were highly refined through engineering, grading, utilities, retention, traffic, etc. Fire had input, and one of the measures of relief they were looking for arose from a conflict between the front setback being close to the street and Fire needing a fire lane around the south end of the western building. He noted that there would be screening between the apartments and the project through the use of garages. The apartments would be higher-end, from one to three-bedrooms, and they were meant for an active community. He talked about the commercial space, but said that there were not tenants in place. He said that the center building would be two stories on one end and three on the other. The topography of the site dropped quite significantly from east to west. Technically, the tops of the buildings would stay aligned, while the bottoms added the extra floor. He stated that there would be brick, metal panel and synthetic wood panel. There would be balconies, awnings and large windows.*

*Mr. Schroeder said that the drawings showed Buildings D, E and F, but looking at sheet C300, he did not see any detail about those buildings. Mr. Hooper explained that they were the garages. Mr. Kaltsounis asked if there was detail about the garages, which he thought would be covered parking. Mr. Hooper noted that S100 called them attached garages. Mr. Kaltsounis stressed that they needed more detail, because the Commissioners were being asked to do something they never had with garages on a property. Mr. Schroeder agreed that it would help to have details. Mr. Stuhlreyer said that the garages would be brick. The wall in*

*the back of the garage would rise to the roof line, and the water would pitch towards the subject property. The neighboring property would see a brick screen wall. He said that they could provide more detail. Mr. Kaltsounis reminded that it was a big part of the project.*

*Ms. Morita knew that there was a drain that ran through the property, and she asked how the water would be handled. Mr. Stuhlreyer said that the water would be captured and retained in underground retention. In between the dumpster and the garage set was an outlet into the property to the east which would outlet at an agricultural rate. Ms. Morita asked if they would not be worried about the garages on the east property line getting flooded. Mr. Stuhlreyer said they were not, but it was a good point. That came up during an engineering review, but everything would run through that portal, and most of it would be caught in catch basins. Any overflow would flow between the garage and dumpster. Ms. Morita commented that it would if they were lucky. She said that she also would like to see more detail on the garages. She was not a fan of zero setbacks. She wondered what would happen if they needed to maintain the backside, and Mr. Stuhlreyer said that he understood.*

*Mr. Davis stated that he wanted to expand on Ms. Morita's question about the storm drainage. Mr. Stuhlreyer had indicated that it would be captured and delivered to the detention basin. Mr. Davis said that might be fine for the drain that would be abandoned and filled with the development, but there was upstream flow that headed from the gas station on the northwest corner and some Livernois drainage. The plans showed that the storm sewer would be on the north of the buildings and head east towards the detention basin. He asked how they would reroute the flow that presently went on the south part of the development east up to the northerly part of the detention basin. Mr. Stuhlreyer said that the site had been graded, and it was not a delicate grading. There were several elevation pads that made their way from the east to the west. All of that was associated with the grading of the parking lots and the catching of the water into catch basins at appropriate grades. There was nothing left of the drain that crossed through the center of the property. It had been dealt with from an engineering perspective. He said that he could get more answers on the grading. Mr. Davis said that it would have to be answered, because if they were taking it through the detention system, it would affect the outlet size, and eventually it would be directed towards the existing basin offsite to the east.*

*Mr. Davis reminded that the basin was owned by the apartment development. He asked if the applicants had achieved any agreements*

*with them for the drainage that would be sent to them. He asked if there was a storm water maintenance plan in place or if one would be put in place for what flowed from the subject development toward the basin. Mr. Stuhlreyer said that he could not answer if there was a maintenance plan. He knew that the release of whatever water went to that site naturally would be no greater after their engineering. Mr. Davis recalled that when the Mosque was developed, there was a property owner east of that. When it drained, which was normal concentrated flow going over an undeveloped piece of property and discharged from a pipe, there was a change in the drainage pattern. Although they could say that the volume from pre-developed to post developed might be the same, because it was released at a controlled rate, the volume would not necessarily be the same. The characteristic of the discharge was not necessarily the same. He was a little sensitive to making sure that the offsite property owner was on board. At the Mosque, it caused problems for years for the City and the Mayor at the time. Mr. Stuhlreyer said that he would make note of the issue, and they would make sure they were doing things right. He said that he did not see a comment from the engineering review that said they were violating.*

*Mr. Davis explained that in the second engineering review letter, there was a comment about an offsite easement for the drainage perhaps being needed, but that comment disappeared in the next review. He was not the person who reviewed the plans, but he had learned a lot about the site in preparing for the meeting. He said that it was unfortunate that the person who did review the project was on vacation. He would find out what happened with that comment. Perhaps it had been taken care of, but the City would prefer an agreement where the offsite property owner acknowledged and was ok with it. He indicated that he might be, but he had to be aware that there could potentially be a little different type of discharge coming out of a 30" pipe.*

*Mr. Hooper said that upon further review, there were more things he would need. He needed to see a section of the wall. On the south side of the property, it would be filled ten feet with a retaining wall, and then a garage would be placed on top of the wall with a zero setback. He would like some clarification about the wall - he assumed it would be a block wall, but he would need to see the design. He envisioned a ten-foot wall with a garage on top of it with no setback or relief or anything, and he would be curious to see how it would all look at the end of the day. He was looking at the grades on C201.*

*Mr. Kaltsounis said that he agreed with Mr. Hooper's concerns. There*

were things to look into for the applicant's sake. He asked if the garages would be staggered, if they would be different heights or all at an angle. He felt that it would behoove the applicant to look at it, because they might be planning something for the garages only to find out that they were not technically possible. As he mentioned, it was something they had never approved, where buildings were along property lines with garages on top. There were a lot of deficiencies with the subject PUD. He stated that he did not mind the development, but he stressed that the loose ends needed to be tied up before they approved anything. He felt that the applicant would want them tied up. He questioned whether the garages would be usable.

Mr. Stuhlreyer responded that typically, they would stagger the elevations every couple of garages, and there was three or four feet between the doors to make up the grade. Mr. Kaltsounis said that the Commissioners would usually see that detail. If there was a ten-foot wall, they needed to know what it would look like, especially since a lot of trees would be taken out to put that in. He wanted to make sure everyone was happy.

Ms. Morita asked if the gas station site was contaminated. Mr. Stuhlreyer said that it was not. Ms. Morita asked if they were not doing any cleanup, and if nothing was required. She said that the project looked pretty dense, and Mr. Stuhlreyer had mentioned that part of that had to do with the gas station. She asked why they needed the density. Mr. Stuhlreyer said that the gas station deed restrictions, even though the contamination was at reasonable levels of almost none, because it was cleaned by the previous owner, would not let them place residential units on that parcel. Even the property line (where it used to be for the gas station) was off limits for residential when they had discussed having residential units on the second floor of Building A. Ms. Morita confirmed that they could still put an office building there. She asked why three stories of apartments was needed on the other side of the property. She asked the need to build a project that had zero setbacks on two property lines. Mr. Stuhlreyer said that most of the setbacks to the edges were based on the FB Overlay. He understood the back line, although that would probably have a privacy fence or brick wall either way. It happened to be garages to give an amenity. The garages were the one thing that were not required for an apartment complex. Ms. Morita said that with a fence or brick wall, there would need to be access for maintenance. She pointed out that a garage was a different type of structure. Mr. Stuhlreyer said that it might be a different type of garage, and he would provide details. He claimed that it would be a pretty simple garage - a wall holding up a roof with nine-foot doors across the front. He said that it would be one long

*garage, basically. Ms. Morita said that previously, Mr. Stuhlreyer said there would be different roof lines and so on, depending on where it was, but she was hearing there would be one roof line. Mr. Stuhlreyer agreed that it would be very simple. He said that the roofline would not be visible from the apartments to the north. Ms. Morita asked why they needed the number of units they were proposing. She asked if they would consider building something smaller. She indicated that she was just not a fan of three-story apartment buildings, noting that the proposed complex would be next to another that was only two stories.*

*Mr. Stuhlreyer said that he understood, and added that from a design standpoint, when they saw the way the roofline matched across the grade, and there were only one-and-a-half buildings that were three stories, he did not think they were asking for a big point of relief along a major road. Ms. Morita said that if she was driving west on Auburn, and she was looking at a ten-foot wall with a garage on top of it and a three-story apartment building behind it, it would look pretty massive.*

*Ms. Morita said that Council liked PUDs, but there were trade-offs involved. She was trying to figure out what the City would get out of the proposed arrangement, other than some dense buildings with zero setbacks. Mr. Stuhlreyer felt that the commercial corner would be a big deal, for one. There would be a pathway connection eastward and westward with several heavily landscaped places, such as pocket parks. He also felt that it was a big deal that they were able to create a boulevard with parallel parking to be almost an internal street in the center, which would be a benefit to the apartments to the north and create an activated streetscape going north and south.*

*Ms. Morita had noticed that there were tenant signs on the apartment buildings, and she asked what that was for. Mr. Stuhlreyer pointed out the live/work suites. The lower box would be a resident amenity, which would make the street interactive. Ms. Morita asked how many facades they would be asking for signs. Mr. Stuhlreyer answered four. There would be multiple tenant façade signs on the commercial building that might have three or four tenants on it.*

*Mr. Dettloff noted that 125 units were proposed, and he asked if there would be 125 single-car garages, which was confirmed. He asked the square-footage difference between the one and two-bedroom units and the proposed rent structure. Mr. Stuhlreyer said that it would be \$1.50 per s.f. for the larger units and \$2.00 for the smaller. He believed that the square-footages aligned with code requirements. The one-bedrooms*

would be 700 to 850 s.f. and 800 to 1,000 for the two-bedrooms. There would be a couple of three-bedrooms at close to 1,400 s.f. A couple of units would be 550-600 s.f. studios. There would be a two-bedroom, 950 s.f. unit with a balcony. Mr. Dettloff asked, to Ms. Morita's point, if the justification for that many units was based on market demand. Mr. Stuhlreyer said that it was the economics of the site, feasibility and ability to provide amenities. He stated that 40 townhomes would not give them the economics to build something of that quality.

Chairperson Brnabic asked if Mr. Stuhlreyer was calling the proposed project affordable and high quality. Mr. Stuhlreyer said that it would be market rate. Chairperson Brnabic read from the EIS: "The result of the proposed project will be affordable, high quality living to accommodate a wide range of economic backgrounds." She asked what the projected rent ranges would be. Mr. Stuhlreyer said that their studies showed that \$1.50 to \$2.00 per s.f. was acceptable. The term affordable came from working all over the County where people were achieving \$2.50 and \$2.75 in rents and making them reasonably unaffordable for the average person. In terms of affordable housing and what the legal ramifications were, it was not low income housing. Sometimes that term could be conflated with low income. Chairperson Brnabic guessed it was how someone categorized affordable. She knew that property in Rochester Hills was higher, but someone could be looking for something affordable that was not necessarily low income housing. She mentioned that they had not discussed the traffic issue, and she asked to move on to that.

Mr. Stuhlreyer stated that it was a reasonably important component to the design. They were proposing right in right out at the commercial end on the west. At the beginning, they proposed a conventional driveway entrance and exit. Upon review with Engineering, they gave up their left in and left out on that drive onto Auburn. Over the course of the reviews, it seemed like they had solved the problem. They had a meeting at MDOT where they were given approval for the right in right out. It was not until recently that they were asked not to provide the right out. They understood that the request was made, but he felt that they would be making an improvement. They had a 60% reduction of ingress and egress maneuvers from when it was a gas station. They had more than doubled the distances from the intersection in both cases. In terms of safety improvement, they were making a lot of huge strides. The right out turn into a right turn lane was not the exception in Rochester Hills; it was the norm. They took a sampling of intersections and more often than not, there had been a right out into a right lane approved within 160 feet of an intersection. They looked at the accident patterns. Of the ten they noted,

*there were only six accidents in 2017, which was half-an-accident per month per right out into a right turn lane. He did not think that could be contributed to the right out. He did not think they were talking about an epidemic of traffic problems caused by that condition or about a condition that people were not completely accustomed to in the region. He said that none of the accidents that they studied were fatal, none were serious, and only one had a minor injury. The standard that was reported to them was that they should have 460 feet from the intersection to a right turn out. To them, in a town that had ½ to two-acre parcels, they did not think that was reasonable. On Auburn, there were zero intersections with 460 feet between a commercial driveway and an intersection. His point was that traffic would redirect through their site from the commercial side through the residential side if someone wanted to take a right out onto Auburn. To them, that risk was greater than a common use of a right turnout lane considering that they could attribute a half-an-accident per month to a right turn out lane. He reiterated that cutting through their apartments would be less safe. That was the position of their traffic engineer and site planners. They were still negotiating with MDOT, but he wanted the Commission to understand why they were standing firm. He maintained that the success of the commercial parcel could be negatively impacted by taking away another access point.*

*Chairperson Brnabic said that since there was a denial by Engineering, she would like to hear from Mr. Davis. Mr. Davis said that the applicant did explain MDOT's involvement and decision. He did not know if the half-an-accident was really going to apply to the subject site. MDOT looked at each site individually and in this case, the site had a lot of frontage on Auburn Rd. They felt that there was reasonable access provided to the property from the single entrance off of Auburn. It would be across from the Mosque, and when MDOT denied right in right out, staff questioned them and asked if they would permit a right in only, and they agreed to that. The 460 feet was desirable corner clearance for a 50 mph road. If the parcel was shaped differently, MDOT might consider that, but based on having an access to Livernois and to Auburn, MDOT did not think a third access could be approved for right in right out only.*

*Chairperson Brnabic asked if the speed limit was 50 mph on Auburn in that area. She noted that to the east, it was 40-45. Mr. Davis said that Auburn was variable. He added that the speed limit on Livernois was 45.*

*Mr. Stuhlreyer stressed that the right out issue was a big deal to them. It seemed as if MDOT was a little bit aggressive, and there was plenty of evidence to show that it would not be unsafe. They would try to hold to*

*that idea. Since there was a school district immediately to the west, they could discuss with MDOT potentially reducing the speed limit down to 35 after Auburn crossed M-59. That would change the standard dramatically. He had photographs of the intersection, and he said that there was not a lot of traffic mid-day.*

*Mr. Hooper brought up façade transparency and building materials, which were short of the requirements. Mr. Stuhlreyer said that he was not exactly sure, but he believed that there was agreement that something did not have to be fulfilled. Ms. Kapelanski suggested that the applicants could chose to not fulfill it and ask for a modification as part of the PUD if they wished. Or, the plans could be modified in order to meet the requirement, which applied only in the FB Overlay. Mr. Hooper asked why they would not just comply. Mr. Stuhlreyer indicated that it was not that black and white of an issue. He said that he would look back into it, and Ms. Kapelanski added that they were not that far off. Mr. Hooper asked if they could find room for the eight trees. Mr. Stuhlreyer stated that they did not have a problem with the trees. Mr. Hooper said that the issue was solving the Auburn Rd. western access, and they would need some wall and garage sections. He said that he was concerned about traffic going west on Auburn seeing a ten-foot wall and a 12-foot garage (for a total 22-foot wall) for the length of the project. He was not sure how that would look, especially at a zero lot line. Mr. Stuhlreyer assured that they would provide that detail. Mr. Hooper said that they would also need some revised drawings showing compliance with the façade and building materials. Mr. Stuhlreyer said that there was also a question about the flow pattern. Mr. Hooper agreed, and said that they needed to resolve the discharge of the outlet so that it was not an issue with the neighbor. He recommended that the matter be postponed until the applicant came back with revised drawings addressing the comments. He asked if he had missed anything.*

*Chairperson Brnabic asked how the Commissioners felt about the right in right out. Mr. Hooper stated that he did not see an issue with that, adding that he did not own the road, however. Mr. Stuhlreyer asked if they would be okay if MDOT said that they could have it. Mr. Hooper said that he did not think that right in right out was an issue, but they would not want someone trying to make a left. He commented that he was one out of nine.*

*Ms. Morita said that in the EIS, it stated that there was traffic information as part of the PUD. She said that she did not see anything. The Commissioners had received an 83-page report earlier in the day, but*

she had not read it, and she doubted that everyone else had. Mr. Stuhlreyer said that they would make sure to include that information. As far as the right in right out, Ms. Morita said that she did not have enough information to make an opinion.

Mr. Reece noted that Mr. Stuhlreyer had made reference that Lower Ridge Dr. would align with the Mosque entry. Mr. Reece said that the aerial photographs did not show that unless the Mosque entry was changed and moved further west. Mr. Stuhlreyer said that not only did the Mosque's entry move, but so did the subject road. Mr. Reece clarified that Lower Ridge would align with the Mosque entry. Mr. Stuhlreyer said that they both had moved entries, and they talked with the Mosque's engineers and tied it to the project's engineering. Mr. Reece felt that relative to Mr. Hooper's comments, they needed to see some sections through the garages. He pointed out that Garage D had over a ten-foot change in elevation from west to east. They needed to see how that would look from the neighboring property line, and whether it was stepped or one big wall being built on a zero lot line. He asked if the applicant would get an easement to build the wall, and if it would be precast concrete with a masonry infill that was tilted up in place, for example. There were a lot of details that needed to be worked out from an engineering and construction standpoint, and they needed to know how it would be maintained without an easement. He suggested doing a cross section from Building D through E and the same thing at Building F so the Commissioners could see how the garages would step. He assumed that not everyone would get a garage, which was confirmed. He asked where the rest of the residents would park. Mr. Stuhlreyer advised that they could park the perimeter of the buildings, the field lot on the east and the lot on the north. He agreed with Mr. Morita that when they saw the traffic study about the right in right out, they could make a better decision. In principal, he said that he was okay with it, but without knowing what the numbers looked like, it was hard to be definitive.

Chairperson Brnabic opened the Public Hearing at 9:20 p.m. Seeing no one come forward, she closed the Public Hearing.

Chairperson Brnabic said that there had been questions about the necessity of the density, and she advised that it might be something to consider.

Hearing no further comments, Mr. Hooper moved the following:

**MOTION** by Hooper, seconded by Reece, in the matter of 18-016

*(Rochester Hills Trio PUD), the Planning Commission hereby postpones the request for recommendation of the PUD Concept plans dated received January 2, 2019 until the applicant returned at a future date addressing the items brought forward, including details and drawings as discussed.*

*Chairperson Brnabic asked the applicants if they agreed with the postponement. Mr. Stuhlreyer asked if they could have a brief discussion with staff and the Commission about the process. Ms. Roediger advised that a PUD was a two-step process, and both steps involved the Planning Commission's recommendation to City Council. She noted that they were at step one. Mr. Reece reminded that a PUD Agreement would be required at Final. Ms. Kapelanski stated that there would be ten-day a staff review of the changes and updates before it came back to the Planning Commission.*

*Chairperson Brnabic stated for the record that the motion had passed unanimously, and she said that she looked forward to seeing the applicants back.*

**ANY OTHER BUSINESS**

*Chairperson Brnabic noted that currently, Mr. Schroeder and Mr. Hooper served on the CIP Policy Team, and she asked if they would like to continue. They both agreed.*

**MOTION** *by Kaltsounis, seconded by Reece, the Rochester Hills Planning Commission hereby appoints Mr. Hooper and Mr. Schroeder to represent the Planning Commission on the current year's Capital Improvement Plan Policy Team.*

**Voice Vote:**

*Ayes: All  
 Nays: None  
 Absent: Schultz*

**MOTION CARRIED**

**NEXT MEETING DATE**

*Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for March 19, 2019.*

*Ms. Roediger announced that the Legacy of Rochester Hills project would be on the March agenda. It had been originally scheduled for January but was postponed, and there had been a number of updates since then. It would be going to City Council on March 11 for a discussion about the environmental issues. She advised that the cleanup was governed by a Consent Judgment and a Brownfield Plan. The site plan would be coming to PC on March 19th. Mr. Staran, Mr. Davis and Mr. Wackerman from ASTI would all be in attendance.*

*Mr. Kaltsounis asked what authority the Planning Commission had over the project. Ms. Roediger said that would all be explained, and Mr. Staran would provide a memo in advance of the meeting. The Consent Judgment ruled the use of the property, the number of units and a conceptual plan that identified more specific criteria, such as requiring a 100-foot buffer along the north property line. The Planning Commission would look at conformance with the Zoning Ordinance for things that were not specified in the Consent Judgment.*

*Mr. Anzek thought that their role was to be pure planners and look at the site plan to see if there were ways it could be improved. It was not their responsibility to judge density and things like that, but they could look at the turning radiuses and so on.*

## **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 9:27 p.m.

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Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary