

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 Stuhlreyer 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. Stuhldreier 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. Stuhldreier 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. Stuhldreier 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. Stuhldreier 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. Stuhldreier had mentioned that part of that had to do with the gas station. She asked why they needed the density. Mr. Stuhldreier 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. Stuhldreier 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. Stuhldreier 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. Stuhldreger 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. Stuhldreger 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. Stuhldreger 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. Stuhldreger 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. Stuhldreger 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. Stuhldreger 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. Stuhldreger 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.

A motion was made by Hooper, seconded by Reece, that this matter be Postponed. The motion PASSED by an unanimous vote.

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