



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Gerard Dettloff, John Gaber, Marvie Neubauer,
Nicholas O. Kaltsounis, David A. Reece, and Ben Weaver

Tuesday, July 21, 2020

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting of the Planning Commission to order at 7:00 p.m. She outlined the procedure for the meeting and explained Governor Whitmer's Executive Orders 2020-21 and 2020-129 allowing the public meeting to be held virtually.

ROLL CALL

Present 9 - Deborah Brnabic, Gerard Dettloff, John Gaber, Greg Hooper, Nicholas Kaltsounis, David Reece, Susan M. Bowyer, Ben Weaver and Marvie Neubauer

Quorum present.

Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Jason Boughton, DPS/Engineering Services Utilities Mgr
Mary Jo Pachla, Recording Secretary

APPROVAL OF MINUTES

[2020-0228](#) June 2, 2020 Special Meeting

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

COMMUNICATIONS

[2020-0263](#) Community Planning Update - Giffels Webster - Summer 2020

Chairperson Brnabic noted the following Communications presented:

- *Giffels-Webster Community Planning Update Summer 2020*
- *Planning and Zoning News*
- *Road Commission for Oakland County Report*

- Adopted Final Capital Improvement Plan

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:03 p.m. Seeing no one wishing to speak or in the Auditorium and that no emails has been submitted, she closed Public Comment.

NEW BUSINESS

2020-0267

Public Hearing and request for recommendation of the PUD Agreement - City File No. 18-022 - Redwood at Rochester Hills PUD, 121-unit ranch style apartments located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 15, 2020 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the Applicant were Richard Batt, Redwood USA, 7510 East Pleasant Valley Rd., Independence, OH 44131 and Paul Furtaw, Bergmann, 7050 W. Saginaw Hwy., Suite 200, Lansing, MI 48917.

Ms. Kapelanski noted that the applicant has proposed 121 ranch-style apartment units to be located at the southwest corner of Avon and Dequindre Roads. Planning Commission recommended approval of the Preliminary Planned Unit Development (PUD) at their November 19, 2019 meeting, with Council's approval of the Preliminary PUD following in December. She noted that the submitted proposed Final Plans are in compliance with the Preliminary PUD and all applicable ordinances. She explained that the applicant is requesting Planning Commission's recommendation for approval of the Final PUD, Wetland Use Permit, Steep Slope Permit and Final Site Plan, and approval of a Natural Features Setback and Tree Removal Permit. She noted that staff received minor comments from Commissioner Gaber and the Road Commission for Oakland County (RCOC), and staff will work with the applicants on the PUD Agreement prior to moving to Council. She explained that the changes requested were minor and will not affect the agreement. She stated that staff recommends approval of these items. She commented that Jason Boughton of DPS/Engineering was in attendance virtually tonight to address any questions.

Mr. Batt stated that nothing has changed from the previous submission and engineering concerns have been satisfied. He requested the Commission take the next step to recommend and grant the various approvals.

Chairperson Brnabic noted that Building M has a high profile side elevation noted as facing Dequindre and wondered why the rear elevation did not have a high profile view as it appears that it will be viewed by traffic traveling southbound

on Dequindre.

Mr. Batt responded that the elevation could be updated.

Chairperson Brnabic noted that on page 5 of the proposed PUD Agreement, language states that the project will be completed in five years to the date of building permit issuance. She questioned whether there was any definite plan to building in phases or if the project will be built on economies of scale.

Mr. Batt responded that they are not planning on phasing, and timing depends on engineering and the complexity of the site. He stated that five years is the outside date, and the applicant wishes to be in business within three years. He mentioned that with the current situation with the COVID-19 virus, there are unknowns and they want to provide some flexibility.

Chairperson Brnabic note that page 8, number 15 of the PUD Agreement states that as the project may be developed over a period of time, changes may be required in the PUD plan, and allows delegates of City staff to review and approve minor changes to the PUD. She stated that 15(e) includes an increase in the number of units by no more than five (5%) percent, which would be approximately six units. She noted that amendments to a PUD regarding density require Planning Commission review.

Mr. Batt responded that he would have no issue in changing that wording. He mentioned that with the topography and wetland setbacks on the site the applicant would like to have some flexibility if they need to shift a building around or change its size to deal with site conditions. He commented that they have no need or desire to change density.

Chairperson Brnabic stated that 15(e) would be removed.

Mr. Kaltsounis requested background information on where the steep slopes are located and questioned what the developer can and cannot do with regard to decks, patios and furniture in the areas up against the natural features setback, and whether the applicant understands what is allowed or not allowed.

Ms. Kapelanski responded that the plan does include an encroachment into the natural features setback. She explained that areas that do not show an encroachment cannot be encroached into at all; and areas that are shown cannot have any further encroachment. She confirmed that if it is not currently shown as an encroachment on the plan management cannot place furniture or anything else into that setback.

Mr. Batt responded that they do understand and commented that the terms of their lease will not allow it.

Mr. Kaltsounis noted that patios are shown on the plans encroaching into the natural features setback and questioned whether that was allowed.

Ms. Kapelanski responded that it was allowed as long as it is not a covered patio. She stated that she would defer a response regarding steep slopes to Mr.

Boughton.

Mr. Boughton responded that the steep slopes exist near the southwest portion of the development, on the road climbing to the southwest and the road adjacent to the wetlands. He commented that the plan went through many modifications and this result was the least obtrusive.

Mr. Gaber noted that Buildings L, N and P already show upgraded facades and wanted to confirm that all facades facing Dequindre are upgraded.

Ms. Kapelanski confirmed that one of the plan sheets shows the upgraded facades and noted that all facades facing Dequindre are upgraded.

Mr. Batt stated that their team reviewed this today and confirmed that they are upgraded.

Mr. Gaber questioned whether street parking will be allowed or if there will be signs prohibiting it. He questioned whether there is enough depth in the driveways to park behind garage doors without extending into the sidewalk.

Mr. Batt responded that they prohibit parking in streets. He stated that each unit will have four spaces including two in the garage and two in the driveway. Lease terms will specify no street parking.

Mr. Gaber mentioned the letter received from SOCRRA's attorney expressing concern regarding storm water drainage and any impacts and questioned what the applicant has done in terms of environmental testing and to confirm no leaching or migration of any environmental contamination from the nearby landfills to this property.

Mr. Batt responded that the applicant retained an environmental engineering firm to examine the site and test the groundwater and came to the conclusion that there are no concerning issues. He commented that this was also considered in the design; and both their engineer and Mr. Boughton have looked at this as well and are not concerned with this issue.

Mr. Gaber questioned whether Mr. Boughton was in concurrence regarding both storm drainage or environmental contamination.

Mr. Boughton stated that with regard to drainage, the site adjacent to the west has some drainage that drains onto the property near the southwest corner. He explained that a rear yard swale at one percent reroutes drainage water to the north and also to the east into the existing wetlands where it was draining before. At the southeast corner, the proposed detention pond is set to a lower elevation than the adjacent property to the south which is also the SOCRRA site. The pond is oversized to accommodate any extra water coming from that site onto the detention pond. The west side drains to the wetland pond in the middle corner of the site, and the southeast corner drains to the Dequindre ditch and discharges to the river.

Ms. Roediger stated that ASTI, the City's environmental consultant, has

undertaken both preliminary and final review of the wetlands and impacts to the drainage. She noted that ASTI also did the natural features inventory studying all of the landfills in the area over ten years ago. She stated that the site was always determined to be a likely developable site as there were no past contaminants on this property. She explained that ASTI has seen the letter in question, and after reviewing it, they maintain that they do not have any concerns at this point.

Mr. Gaber questioned whether ASTI has reviewed environmental concerns as well, noting that it is an important issue.

Ms. Roediger confirmed they have.

Mr. Gaber noted that last time the Commission discussed a number of concerns addressing elevations and improvements that were made between the first and second meeting. He requested an explanation in general terms on what those improvements were. He noted that the elevations shown in the packet were fairly stark and have plain siding details. He stated that he is aware that there is more to break up in terms of landscaping, elevations, and separate architectural materials.

Mr. Batt responded that in general, they discussed a mixture between high profile elevations and those that were not. He noted that they previously discussed a mixture of stone, shake siding, and regular siding on some elevations; and also using a unit floor plan that is a little more front-facing with a front porch on the Avon and Dequindre Road elevations. He stated that a lot of those improvements were not done in the interior of the site. He noted that on Dequindre, a number of the front and side elevations are high-profile, while on the interior of the site, it is more of a Redwood standard unit.

Mr. Gaber stated that it was mentioned that most of the buildings are stepped due to grade elevation.

Mr. Batt confirmed that was correct, noting that there are variations.

Mr. Gaber mentioned that on some of the different Redwood sites, landscaping is more full and on others it is more sparse for both front and rear.

Mr. Batt responded that some of the more spare landscaping is seen in the older neighborhoods and the current neighborhoods are more robust. He pointed out that there is a more significant allowance of wetlands and woods plus much topography to the site. He commented that they had a hard time getting more landscape on the site because so much of it is taken by natural features.

Mr. Gaber stated that he appreciated the landscape on the Avon and Dequindre sides.

Dr. Bowyer noted that ASTI Environmental's review letter indicated that a wetland use permit will be required from EGLE and questioned where the applicant stands with that permit and if there would be any problems obtaining it.

Mr. Batt responded that they should have it by the end of the week. He noted that the application is complete and review questions were answered. He commented that they would have had it a week or two earlier if it not for a two day a week furlough of the EGLE staff member working on the project. He stated that there would be no problems obtaining the permit. He explained that there are a couple of areas where the wetlands are impacted consisting of a farm road in one place and a crossing, consisting of approximately 15 percent of an acre.

Dr. Bowyer noted that they are staying away from the larger wetlands.

Mr. Batt confirmed that was correct and noted that the permit is supposed to be on its way.

Mr. Hooper noted that buildings L, N and P facing Dequindre all have upgraded rear elevations; however Building M does not and questioned whether the plans will be corrected to change the elevation to reflect the high-profile site.

Chairperson Brnabic stated that this was what she was requesting earlier in the discussion.

Mr. Batt responded that they agree to do that and it will be similar to Buildings L, N and P.

Mr. Furtaw responded that it will not match L, N and P exactly because they are different buildings; however, they will be upgraded.

Mr. Hooper stated that in November it was discussed to provide landscaping for the resident across Dequindre and noted that they have done that. He thanked the applicant.

Chairperson Brnabic noted that the faces on a couple of the buildings have a front façade of stone veneer that doesn't occur on many of the buildings.

Mr. Batt responded that they tried to go with the spirit of what was requested.

Mr. Hooper noted that there are a mixture of elevations depending on what type of units they are installing. He commented that he does not care for the uniform elevation look; and noted that a majority have stepped elevations which will break up the flat barracks look.

Mr. Batt responded that with the amount of open space and natural features, the development will look dramatically different.

Chairperson Brnabic called for public comment at 7:38 p.m.

Ms. Pachla noted that an email communication and letter was received from SOCRRA expressing concerns regarding possible drainage impacts and proposed density.

Ms. Roediger indicated that there was no one wishing to speak online and no

one in person.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received July 14, 2020 by the Planning and Economic Development Department with the following findings and subject to the following 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. *On page 8 of the proposed Final PUD, wording in paragraph 15 (e) relative to the increase in building density be removed.*

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0266

Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 18-022 - for impacts of up to 11,700 s.f. for construction activities associated with development of Redwood at Rochester Hills PUD, 121 ranch style rental units on 29.9 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

Chairperson Brnabic called for public comment at 7:41 p.m.

Ms. Pachla noted that an email communication and letter previously mentioned in the item above was received from SOCRRA expressing concerns regarding possible drainage impacts and proposed density.

Ms. Roediger indicated that there was no one wishing to speak online and no one in person.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission recommends to City Council approval of a Wetland Use Permit to permanently impact approximately 11,700 square feet for associated construction activities, based on plans dated received by the Planning and Economic Development Department on December 30, 2019 with the following findings and subject to the following conditions.

Findings:

- 1. Of the 5.25 acres of wetland area on site, the applicant is proposing to impact approximately 11,700 s.f.*
- 2. Because the wetland areas are mostly low quality and will be minimally impacted, the City's Wetland consultant, ASTI, recommends approval.*

Conditions:

- 1. City Council approval of the Wetland Use Permit.*
- 2. If required, that the applicant receives and applicable EGLE Part 303 Permit prior to issuance of a Land Improvement Permit.*
- 3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
- 4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible and implement best management practices, prior to final approval by staff.*

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0270

Request for approval of Natural Features Setback Modifications - City File No. 18-022 - for impacts to approximately 3,260 linear feet for construction activities associated with development of Redwood at Rochester Hills PUD, 121

attached, ranch style rental units located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission grants natural features setback modifications for approximately 3,260 linear feet for permanent impacts for construction activities, based on plans dated received by the Planning and Economic Development Department on December 30, 2019 with the following findings and conditions:

Findings:

1. The impact to the Natural Features Setback area is necessary for construction activities.
2. The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated January 14, 2020,

Conditions:

1. Add note that work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Site must be graded with onsite soils and seeded with City approved seed mix.
3. Show natural features setback areas in linear feet, not square feet, prior to final approval by staff.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0269

Request for approval of a Tree Removal Permit - City File No. 18-022 - for the removal and replacement of as many as 45 regulated trees associated with development of Redwood at Rochester Hills PUD, 121 ranch style apartment units located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning and Economic Development Department on December 30, 2019 with the following findings and subject to the following 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 up to 45 trees on site and replace onsite.*

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 \$304 per tree.*

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0265

Public Hearing and request for a Steep Slope Permit Recommendation - City File No. 18-022 - for steep slope impacts of approximately 10,722 s.f. and steep slope setback impacts of 46,941 s.f. for Redwood at Rochester Hills PUD, 121 ranch style rental units on 29.96 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant Chairperson Brnabic called for public comment at 7:47 p.m.

Ms. Pachla noted that an email communication and letter previously mentioned in the item above was received from SOCRRA expressing concerns regarding possible drainage impacts and proposed density.

Ms. Roediger indicated that there was no one wishing to speak online and no one in person.

Mr. Kaltsounis questioned the condition of City Council approval of the steep slope permit. He commented that typically a condition is given that City Council must approve before the Land Improvement Permit and questioned whether the condition is sufficient as presented.

Ms. Kapelanski responded that the language presented is what has typically been offered in the past. She noted that if the Commissioners wanted to add additional language, that would be fine. She commented that Engineering is in concurrence with the condition presented.

Mr. Kaltsounis responded that he would leave the condition as presented.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission recommends to City Council approval of a Steep Slope Permit to impact approximately 10,722 s.f. of steep slopes and 46,991 s.f. of steep slope setbacks, based on plans dated received by the Planning Department on June 15, 2020 with the following findings and subject to the following conditions.

Findings:

1. The proposed activity and the manner in which it is to be accomplished are in accordance with the findings and purpose set forth in Section 138-9.200.
2. The proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize erosion to the maximum extent practicable.
3. The proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses and floodplains.
4. The proposed activity and the manner in which it is to be accomplished will not adversely affect adjacent property.
5. The proposed activity and the manner in which it is to be accomplished can be completed in such a way so as not to adversely affect any threatened or endangered species of flora or fauna.
6. The proposed activity is compatible with the public health and welfare.
7. The proposed regulated activity cannot practicably be relocated on the site or reduced in size so as to eliminate or reduce the disturbance of the steep slope area.
8. The applicant has demonstrated compliance with the requirements of Article 9, Chapter 2, Steep Slopes.

Conditions:

1. City Council approval of the Steep Slope Permit.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

18-022 - Redwood at Rochester Hills PUD, 121-unit attached, ranch-style rental units on 29.9 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission recommends that City Council approves the Final Site Plans, dated received June 15, 2020 by the Planning and Economic Development Department, with the following findings and subject to the following 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 development.*
- 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 \$603,600.00, plus inspection fees, for landscaping and irrigation costs, as adjusted as necessary by the City, prior to the preconstruction meeting with Engineering Services.*
- 3. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*
- 4. Applicant submits revised plans for staff approval that updates and upgrades Building M's rear elevation on A-410 to match the rest of the buildings facing Dequindre that have an upgraded facade.*

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. She thanked the applicant noting that it has been a pleasure working with them and stated that she wishes them good luck in moving forward with this development in the future.

Mr. Batt thanked the Commission noting that it has been a pleasure working with the City thus far.

Mr. Hooper thanked the applicant for their investment in Rochester Hills.

Ms. Roediger noted that this item will move forward to City Council for their August 10, 2020 Council Meeting.

2020-0163

Public Hearing and request for recommendation of the PUD Agreement - City File No. 19-022 - Rochester University Townhomes PUD, a proposed 70-unit residential development on 7.9 acres located on the Rochester University campus on Avon, east of Livernois, zoned SP Special Purpose, Parcel No. 15-15-451-008, Pulte Homes of Michigan, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 15, 2020, Site Plans and Elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Mike Noles, The Umlor Group, 49287 West Road, Wixom, MI 48393 and Tom Rellinger and Jaymes Vettraino, Rochester University, 800 W. Avon Rd., Rochester Hills, MI 48307

Mr. Gaber recused himself, as he represented Rochester University generally in real estate matters and in the subject transaction.

Ms. Kapelanski stated that the applicant is proposing 70 for-sale residential townhomes on the campus of Rochester University. She noted that the Planning Commission recommended approval of the Preliminary Planned Unit Development (PUD) on February 18, 2020, and Council approved the Preliminary PUD on March 16, 2020 with several conditions. She noted that the plans submitted are in compliance with the Preliminary PUD and all applicable ordinances. She stated that staff is recommending approval of the Final PUD Agreement, Wetland Use Permit, Steep Slope Permit, and Final Site Plan, and recommends the granting of Natural Features Setback Modifications and a Tree Removal Permit.

She explained that the property will need to be split off from the Rochester University campus, which is a separate item, with staff recommending approval. She noted that Mr. Noles represents the applicant and has a brief presentation.

Mr. Noles stated that he is with the Umlor Group, representing Pulte Homes of Michigan. He provided a brief presentation for the Final PUD for The Groves, noting the following:

Seventy units are proposed on 7.9 acres. The PUD meets the preservation requirements for single-family developments as well as the replacement requirements for multi-family developments. The PUD carves out an underutilized portion of the college property. The college plans to use the land sale funds to continue expanding the educational services and employment opportunities that they have offered the community for over 60 years.

The University currently operates at a level of 1,000 students. The retained approximate 70-acre education campus will allow Rochester University to double student body in the future. Tom Rellinger, the Executive Vice President of the University, expressed in a letter to the Commission that there is a need for this type of housing on campus for staff, faculty and the wider community.

Because the development is being processed as a new PUD, clear public benefits are a qualifying condition of approval. Benefits offered tonight are consistent with the concept PUD previously recommended for approval by the Commission and subsequently approved by City Council earlier this year. The public benefits include maintaining the benefits included in the 2006 PUD Agreement, such as the preservation of the historic farm buildings and silo, the right-of-way on West Avon Road, and the recorded 8.79 acre conservation easement along the Clinton River. The additional public benefits that The Groves provides include the nature path providing access to Clinton River and the City's landlocked green space property, a new 4.11 acre conservation easement, a new pedestrian connection to the Clinton River Trail, completion of missing pedestrian links along the college frontage, and there will be a reduced intensity of use compared with the fully vested 300 unit rental housing plan removed from the college PUD.

He stated that the Groves plan provides less tree impact, more tree replacement primarily on campus, less density, less impact on utilities, less impact on the steep slopes and less impervious area than the previously-approved PUD. At the end of the day, the dozen benefits itemized are wonderful aspects of plan, but the real benefit is providing a new diversified housing opportunity in the City of Rochester Hills, that is well-located with access to amenities and amazing views of preserved natural features.

Mr. Noles stated that staff and consultants performed a diligent and comprehensive review, and he commented that he is grateful to come before the Commission with a plan unanimously endorsed for approval by City professionals entrusted to review the plans on the City's behalf. In addition, the City's outside consultants have reviewed the geotechnical report and wetlands assessment; and they are also recommending approval of the wetlands permit, steep slope permit, and natural features components of the plan. Major findings reported by City staff after a thorough review include that the Final PUD is consistent with the intent and criteria of the PUD option, is consistent with the approved PUD Concept Plan, does not create unacceptable impacts on utilities, circulation systems, adjacent property or the environment, promotes the goals and objectives of the Master Plan, and provides an appropriate transition from adjacent land uses.

Mr. Noles reviewed the development challenges that were the primary topic of

discussion at the previous PUD meetings. He stated that his team has worked out details on Final PUD presented this evening. He noted that double the required parking has been provided, with an overflow parking easement that has been fully-executed as requested. He noted that the parcel split documentation has been reviewed several times and is in the final stages of approval, concurrent with this application. The bond will be delivered to Ms. Bopp tomorrow, and they have worked out the final review comment with Mr. Boughton earlier today. The emergency access has been detailed to ensure appropriate turning radii as well as the pedestrian access discussed at previous meetings. The life safety components have been reviewed and approved by the Fire Chief, including fire suppression systems in all six-unit type B buildings with basements. He noted that details pertaining to the site access easement have been worked out and include a rerouting of the pedestrian walkway to avoid disturbing the historic barn and silo. He stated that the challenging grading plan has been sufficiently detailed to warrant the recommendation for approval issued by Rochester Hills Engineering. The challenges have been worked out, including maintaining ADA requirements for sidewalk slopes as well as velocity control for the piped storm water system traversing the steep slope. Maintenance access and pedestrian trail locations have been relocated to provide pathways adjacent to the basin that run along the perimeter high ground outside of the wet areas of the pond. He noted that the EGLE wetland permit has also slowly progressed through the State approval process and is scheduled to be issued on July 27, 2020. The City's consultant, ASTI, recommends approval of the final PUD wetland permit.

He stated that the Groves will be an amazing place to live. The site will appeal to faculty, staff, families and empty nesters alike. He commented that they are very proud of the proposal before the Commission tonight and are indebted to amazing team of professionals who worked from home during these unusual times to bring this Final PUD forward. He requested the Commissioners' continued support.

Chairperson Brnabic expressed appreciation for the presentation and the information that addressed the Commission's previous concerns. She noted that page 4 of the proposed Final PUD Agreement states that to the extent that the developer requires minor modifications to the document, the City Building Official shall be permitted to approve such minor modifications administratively. She questioned what a minor modification would be.

Mr. Noles responded that the documents have been fairly well ferreted out. He commented that if the configuration of a deck or bump-out would be changed without necessarily encroaching on the setbacks any further than was allowed. He explained that Pulte has three different units that they provide buyers options that could slightly change the configuration. He noted that they are all the same square footage of 1,850 square feet, and all have an optional bump-out of 200 square feet and these have been included on the plans. From time to time Pulte will change floor plans or change unit names. He commented that they wish to ensure that they do not have to halt the job for several months to wait to schedule appearing before Planning Commission and/or Council for something minor. He stated that they do not foresee any significant changes coming.

Chairperson Brnabic noted that page 12 of PUD states that Pulte has the right to erect signage at entrance for sale of condominiums, and has an additional right to erect a permanent sign at the entrance on Avon Road. She questioned whether the right to erect signage at entrance for sale would be temporary.

Mr. Noles responded that it would be. He commented that they wanted to put a permanent sign at the road; however, there is no room. He explained that the permanent monument sign will be installed at the point after traversing the ring road. He added that they still want to erect signage for directing potential customers to the site from Avon Road on a temporary basis.

Chairperson Brnabic questioned whether they would add the word temporary to the wording. She questioned the timeframe requested for a temporary sign.

Mr. Noles responded that he would have no problem clarifying that this is a temporary sign. He stated that as this PUD agreement runs for five years, they would want to have it the signage up for the whole sales period. He explained that a development of this nature should generate 35 sales per year, making this a two-year process; however, they would like to maintain the signage for the whole term of the PUD Agreement which is five years.

Chairperson Brnabic responded that five years is a long time, and noted that they do have the ability to install the permanent monument sign as the project gets going. She stated that she would rather have a much lower timeframe.

Mr. Noles stated that the permanent sign will be installed within six months; however it does not accomplish the same job as a sign on West Avon Road. He commented that they would really need to have that sign there over the entire sale period. He requested a compromise, for five years or until the sale period has ended which could be defined as the last unit has been sold. He stated that 35 units per year is what Pulte is targeting in their proformas, and if sales get down below 20 units, it is not considered a successful effort. With those numbers, Pulte would be looking at a timeframe of 3-1/2 years. He added that there would be changing signage noting coming soon, under development, final closeout or five units left; and stated that the signage will change as the development changes. He commented that it is a must-have for a public builder like this to be able to market their site. He requested they allow it to go for the entire agreement; however, it can be terminated earlier with the sales period if the last unit was sold.

Chairperson Brnabic commented that she thought that five years is a long time; however, she would see what the other Commissioners would think. She stated that the PUD contract requires a timeframe for commencement and completion of development, and noted that she did not see that information. She questioned whether the start would be when all needed permits were obtained and the completion would be a given timeframe such as five years.

Mr. Noles responded yes, stating that this would be the outside date. He commented that he believed, relative to the inside date, if they were approved at City Council in August, they would begin development immediately following, subject to all of their permits being issued and the construction documents

completed and bonds posted. He noted that if they do start in August, the roads would be paved before Thanksgiving. He stated that the development will go quickly in terms of the physical site improvements, and a model will be built for spring. There would be a few site improvements left to complete in the spring. Once the sales period begins, they could theoretically be out of there in two years. He commented that the inside date is 2-1/2 years, and the outside date is five years. He added that they can never predict the market forces, so they would like to keep five years if possible.

Chairperson Brnabic stated that the start date would be when all required permits are granted, with completion within five years. She noted that they do need to include this in the PUD Agreement, as it is a requirement of the ordinance 138-7.107.F, and would be included as an addition to the PUD contract.

Mr. Kaltsounis questioned how Chairperson Brnabic would word that inclusion.

Chairperson Brnabic stated that the applicant does not have a commencement and completion date which is required for a PUD contract. She stated that their start will be when they have all the required permits and their completion will be within five years of that date.

Mr. Kaltsounis stated that he would make that when they have staff approval before City Council.

Mr. Skore stated that the start is generally the time in which they receive all permits; however he commented that there is a little gray area with certain developments relative to the Indiana bat and the northern long eared bat species, and sometimes there are tree clearing restrictions that come into play. He pointed out that there is a possibility that they could be delayed even if they have all of their permits. He commented that they need to be careful when a commencement date is listed, as in a rare circumstance they may not be able to commence development of the property even after obtaining all permits.

Chairperson Brnabic stated that if there were extenuating circumstances, the City would be totally understanding. She noted that it is an ordinance requirement is to state a commencement start date and completion date. She stated that whatever way they would be comfortable with including that.

Mr. Skore stated that Pulte will start immediately which is their absolute goal in every development; however there are rare circumstances or weather that could influence. He noted that if permits are obtained in December or January, they may be precluded from doing everything as commencement would be weather-related.

Chairperson Brnabic questioned how the applicant would like to see this worded.

Mr. Noles responded that there are things at play including weather and market forces. He pointed out that their outside date is twice as long as the inside date. He added that the City has a site improvement permit that is not issued until the silt fence and tree fence is up. He noted that the only way to put up the silt and

tree fence is to clear a path to allow that to be installed. If the site improvement permit has bat restrictions, it would mean that the big trees would need to be cleared in October. He commented that if there are restrictions on the permit and clearing and grading cannot be done until October, underground would be installed during the winter, and paving undertaken in spring which would be in June. If they open for sale in 2021, with 70 units they would still have four years remaining.

Mr. Skore stated that he would be comfortable with all permits and within ten days from the preconstruction meeting.

Ms. Kapelanski stated that as there are a lot of mitigating factors, staff would be happy to sit down with the applicant prior to the Council Meeting to come up with something to convey the intent of the Planning Commission to put a five year limit on this.

Mr. Kaltsounis stated that he would make the motion such that it would capture that intent.

Mr. Reece suggested relative to the sales duration, a compromise be three years and after 36 months the situation would be revisited. If an extension is warranted and the condition of the sign is being maintained in good shape, it would be extended. If the project were completed after three years, the sign would be taken down. He questioned where the permanent sign was delineated on the plans.

Mr. Noles responded that it should be within the first ten pages, and noted that the landscape plan was updated and attached.

Mr. Reece questioned whether it was intended to be at the Eagles Wing entry.

Mr. Noles responded that it is.

Ms. Kapelanski stated that on L-2, there is a very small line where it is called out on the corner plan.

Mr. Reece questioned whether there was no rendering or elevation of the sign.

Ms. Kapelanski responded that it would be reviewed under a sign permit and a specific rendering is not included.

Mr. Noles stated that it does require a building permit.

Mr. Reece commented that he would like to see a better delineation of where the sign is going.

Mr. Noles responded that they could tighten up that note.

Ms. Neubauer stated that she would propose possible language suggesting pursuant to reasonable industry standards and conditions post-permits. She stated that it would provide a start point consistent with industry standards and

conditions and would give enough language to provide a start point and the end point has already been discussed. She added that 36 months is acceptable for the sign.

Mr. Weaver concurred, stating that he liked the idea of a re-evaluation period for the sign. He commented that he understands the importance of a sign near the road; and he likes the idea that after a certain period of time, whether it is 24 months or 36 months, a review of whether it is needed or to what extent it is needed. He noted a note on L-2 citing a pier with sign, and questioned whether that was where the permanent sign would be located.

Mr. Noles confirmed that was correct.

Mr. Weaver commented that he would also like to see a rendering of what the sign looks like.

Mr. Kaltsounis stated that he is aware that there will be a public hearing, and wished to discuss the conditions to be added to the motions. He stated that for the PUD, the conditions would include that the applicant add initiation and completion dates, for Staff approval and updates must be made before Council approval. He commented that he thought it was fair for the Pulte team to work with the university to come up with the dates considering bats or whatever might be in the way for the building of the property next to the river. For the sign, he noted that he agreed with his colleagues that there should be a date on it. He stated that he liked the idea of a 36-month review; however, he would also like to make it upon the sale of all of the units. He stated that he did not want it to be a revolving-door where changes could be made if there was a unit open. He commented that with Zillow and everything else on-line, he did not even see the need for a sign. He stated that many people are drawn to Pulte's properties because of their name. He noted that he would like to propose that a temporary sign be allowed on Avon Road to be removed at the end of the sale of all of the units or after a 36 month review of the condition and current purpose of the sign. He stated that it cannot be longer than the PUD agreement of five years.

Mike Noles stated that this would be fair. He noted that he would like to clarify that the start date as the start of sales, the end date as 36 months, and the outside date as five years.

Chairperson Brnabic stated that in her opinion, she would like to see that temporary sign as of right now for the contract purpose limited to three years with the option of an extension which would require a review. She noted that that way, if that timeframe was coming up, they would be obligated before the three-year period to request the review and would be able to provide an update on sales. She stated that she would be more comfortable with three years and then up for extension rather than agreeing to five years as of now. She noted that from what she is hearing, three years seems to be the consensus between the Commissioners that have spoken tonight.

Mr. Kaltsounis stated that he was in agreement with Chairperson Brnabic's recommendation and questioned whether Mr. Noles would concur.

Mr. Noles responded that he would like to have a coming soon sign. He stated that the five-year period is fine and could begin right now. He commented that the three-year period is also fine, as long as they still do not have units to sell. He noted that if the job is slow, they do not want to take tools out of the salespeoples' toolbox. He stated that he would be fine with a re-evaluation; however, if there are still units to sell and they are taking down the sign, that would cripple the development.

Chairperson Brnabic stated that the developer would not let it get to that point; and if they felt that they would need an extension due to circumstances of the development not being sold out, they would be requesting a review and an extension to the three years. She stated that she wants a more definite answer on how long the sign will be there as temporary.

Mr. Noles commented that it appears everyone is saying the same thing, and that the Commission wants an opportunity for a discussion at three years. He stressed that he did not want to be left without a sales tool of a marketing sign. He stated that to not have a sign at the major thoroughfare directing people in would be a major detriment to sales. He noted that if the Commission is saying that they could start having a sign now, and after three years it would be reviewed and extended up to the point of the five-year PUD Agreement.

Chairperson Brnabic stated that she is not saying that if an extension is requested it would automatically go to five years.

Mr. Noles stated that he would not be asking for an extension past the last unit which is the reason he was requesting that it be for the term of the PUD Agreement or when the last unit was sold, whichever is sooner.

Chairperson Brnabic stated that she wanted to be clear that the applicant does not have the impression that they will have a temporary sign for three years and automatically get an extension for another two; but they would have the option depending on the circumstances.

Mr. Kaltsounis suggested that a temporary sign be allowed on Avon Road to start after Council approval of the PUD to be removed at the end of the sale of the initial units or 36 months. The Applicant can return to Planning Commission for an option for more years that are not to exceed five years.

Mr. Noles thanked the Commissioners for working with them as it is such a critical item. He stated that he understood the Commission not wanting to have the sign there forever.

Chairperson Brnabic also noted that the word "temporary" would be added to page 12, section 3 Signage, to read "have the right to erect temporary signage".

Chairperson Brnabic opened the public hearing for the PUD Agreement and called for public comment at 8:37 p.m.

Ms. Pachla indicated that there were no email communications.

Ms. Roediger noted that there was no one online or in attendance wishing to comment.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 19-022 (Rochester University Townhomes PUD), the Planning Commission recommends that City Council approves the PUD Agreement dated received April 15, 2020 by the Planning and Economic Development Department with the following findings and subject to the following 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. *Applicant to update the PUD Agreement to add initiation and completion dates for this development for staff approval. Updates must be made before Council approval.*
5. *The PUD Agreement must be updated to address the temporary sign wording that the sign be allowed on Avon Road to start after council approval of the PUD, to be removed at the end of the sale of all units or 36 months. The applicant can return to the Planning Commission for an option for more years, not to exceed a total of five years.*

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

2020-0164

Public Hearing and request for recommendation of a Wetland Use Permit - City File No. 19-022 - The Groves PUD (aka Rochester University Townhomes) for impacts up to approximately 3,175 s.f. for development activities associated with construction of a 70-unit townhome development on 7.9 acres located on the Rochester University campus on Avon, east of Livernois, zoned SP Special Purpose, Parcel No. 15-15-451-008, Pulte Homes of Michigan, Applicant *Chairperson Brnabic opened the public hearing for the Wetland Use Permit and called for public comment at 8:40 p.m.*

Ms. Pachla indicated that there were no email communications.

Ms. Roediger noted that there was no one online or in attendance wishing to comment.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 19-022 (The Groves/Rochester University Townhomes PUD), the Planning Commission recommends to City Council approval of a Wetland Use Permit to permanently impact approximately 3,175 square feet to construct and grade access roads, based on plans dated received by the Planning and Economic Development Department on June 8, 2020 with the following findings and subject to the following conditions.

Findings:

- 1. Of the 5,227 s.f. of wetland area on site, the applicant is proposing to impact approximately 3,175 s.f.*
- 2. Because the wetland areas are mostly low quality and the small, higher quality wetland will be minimally impacted, the City's Wetland consultant, ASTI, recommends approval.*

Conditions:

- 1. City Council approval of the Wetland Use Permit.*
- 2. If required, that the applicant receives and applicable EGLE Part 303 Permit prior to issuance of a Land Improvement Permit.*
- 3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
- 4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible and implement best management practices, prior to final approval by staff.*

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

2020-0165

Request for Natural Features Setback Modifications - City File No. 19-022 - for impacts of up to 400 linear feet for construction activities associated with The Groves PUD (aka Rochester University Townhomes), a proposed 70-unit residential development on 7.9 acres located on the Rochester University campus on Avon, east of Livernois, zoned SP Special Purpose, Parcel No. 15-15-451-008, Pulte Homes of Michigan, Applicant

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 19-022 (The Groves/Rochester University Townhomes PUD), the Planning Commission grants natural features setback modifications for approximately 400 linear feet for permanent impacts for construction activities, based on plans dated received by the Planning and Economic Development Department on June 8, 2020 with the following findings and conditions:

Findings:

1. *The impact to the Natural Features Setback area is necessary for construction activities.*
2. *The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated July 9, 2020, which also states that the areas are of low ecological quality and function and offer little buffer quality.*

Conditions:

1. *Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.*
2. *Site must be graded with onsite soils and seeded with City approved seed mix.*

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

2020-0166

Request for approval of a Tree Removal Permit - City File No. 19-022 - for the

removal and replacement of as many as 737 trees for The Groves PUD (aka Rochester University Townhomes), a proposed 70-unit townhome development on 7.9 acres located on the Rochester University campus on Avon, east of Livernois, zoned SP Special Purpose, Parcel No. 15-15-451-008, Pulte Homes of Michigan, Applicant

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 19-022 (The Groves/Rochester University Townhomes PUD), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning and Economic Development Department on June 8, 2020 with the following findings and subject to the following 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 up to 737 trees on site and replace in the development area and in areas around the Rochester University Campus.

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 \$304 per tree.

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

2020-0167

Public Hearing and request for recommendation of a Steep Slope Permit - City File No. 19-022 - for regulated steep slope impacts of approximately 23,100 s.f. and regulated steep slope setback impacts of approximately 61,600 s.f. for The Groves PUD (aka Rochester University Townhomes PUD), a proposed 70-unit residential development on 7.9 acres located on the Rochester University campus on Avon, east of Livernois, zoned SP Special Purpose, Parcel No. 15-15-451-008, Pulte Homes of Michigan, applicant.

Chairperson Brnabic opened the public hearing for the Steep Slope Permit and called for public comment at 8:45 p.m.

Ms. Pachla indicated that there were no email communications.

Ms. Roediger noted that there was no one online or in attendance wishing to comment.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 19-022 (The Groves/Rochester University Townhomes PUD), the Planning Commission recommends to City Council approval of a Steep Slope Permit to impact approximately 84,700 s.f., of steep slopes and steep slope setbacks based on plans dated received by the Planning Department on June 8, 2020 with the following findings and subject to the following conditions.

Findings:

1. *The proposed activity and the manner in which it is to be accomplished are in accordance with the findings and purpose set forth in Section 138-9.200.*
2. *The proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize erosion to the maximum extent practicable.*
3. *The proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses and floodplains.*
4. *The proposed activity and the manner in which it is to be accomplished will not adversely affect adjacent property.*
5. *The proposed activity and the manner in which it is to be accomplished can be completed in such a way so as not to adversely affect any threatened or endangered species of flora or fauna.*
6. *The proposed activity is compatible with the public health and welfare.*
7. *The proposed regulated activity cannot practicably be relocated on the site or reduced in size so as to eliminate or reduce the disturbance of the steep slope area.*
8. *The applicant has demonstrated compliance with the requirements of Article 9, Chapter 2, Steep Slopes.*

Conditions:

1. *City Council approval of the Steep Slope Permit.*

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

19-022 - The Groves PUD (aka Rochester University Townhomes), a proposed 70-unit, for sale development on 7.9 acres located on the Rochester University campus on Avon, east of Livernois, zoned SP Special Purpose, currently part of Parcel 15-15-451-008, Pulte Homes of Michigan, Applicant

Mr. Kaltsounis stated that this is a final recommendation for a Final Site Plan. He commented that this has been debated many times before, and he would thank the applicant for the hard work put into this at this point.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 19-022 (The Groves/Rochester University Townhomes PUD), the Planning Commission recommends that City Council approves the Final Site Plan, dated received June 8, 2020 by the Planning and Economic Development Department, with the following findings and subject to the following 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 development.*
- 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 \$131,885.00, plus inspection fees, for landscaping and provide irrigation plan and its cost estimate, as adjusted as necessary by the City, prior to the preconstruction meeting with Engineering Services.*
- 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. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*

5. *Details of the permanent sign to be added to the plan to be reviewed and approved by staff.*

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

2020-0261

Public Hearing and request for recommendation of the First Amendment to the PUD Agreement between Rochester University and the City of Rochester Hills - City File No. 94-426.10 - to allow the 7.9-acre development of The Groves (aka Rochester University Townhomes) PUD, a 70-unit development on 7.9 acres on the Rochester University campus on Avon, east of Livernois, Rochester University, Applicant

Chairperson Brnabic opened the public hearing for the First Amendment to the PUD Agreement and called for public comment at 8:49 p.m.

Ms. Pachla indicated that there were no email communications.

Ms. Roediger noted that there was no one online or in attendance wishing to comment.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 94-426.10 (The First Amendment to the Rochester University PUD), the Planning Commission recommends that City Council approves the First Amendment dated received April 13, 2020 by the Planning and Economic Development Department with the following findings and subject to the following conditions.

Findings:

1. *The proposed amended PUD Agreement is consistent with the proposed intent and criteria of the PUD option.*

2. *A new PUD Agreement between Pulte Homes and the City of Rochester Hills requires removal of 7.9 acres of land on the campus to be sold for a 70-unit townhome development.*

3. *The proposed amended PUD Agreement is consistent with the approved Final PUD plan for The Groves/Rochester University Townhomes.*

4. *The proposed amended PUD Agreement will not create an unacceptable impact on the public utility systems, surrounding properties or the environment.*

5. *The proposed amended PUD agreement promotes the goals and objectives of the Rochester University Master Plan and the City's Master Plan as they*

relate to providing varied housing for the residents of the City.

6. The proposed Agreement provides for an appropriate transition between the subject site and existing land uses to properties to the east and west.

Conditions:

1. City Council approval of the First Amendment to the PUD Agreement.

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. She congratulated the applicant and stated that she looks forward to the development moving forward.

Ms. Roediger noted that this item will move forward to City Council for their August 10, 2020 Council Meeting.

DISCUSSION

2020-0231 Potential Zoning Ordinance Amendments

(Reference: Staff Report prepared by Kristen Kapelanski dated July 13, 2020.)

Eric Fazzini and Jill Bahm were in attendance from Giffels Webster.

Ms. Kapelanski stated that staff has been working on the potential amendments for discussion this evening for several months, along with input from the City's planning consultant Giffels Webster, the Building Department, and the City Attorney. Staff is seeking input from the Planning Commission before moving on with specific text. She added that parking standards for multiple family developments would be discussed, and introduced Eric Fazzini and Jill Bahm from Giffels Webster.

Ms. Kapelanski reviewed the various ordinance topics one-by-one, requesting input from the Commissioners.

On-Site Signage for Planned Unit Development Requests

She stated that a few years ago, text requiring a 4 ft. by 6 ft. sign be posted on all properties where a rezoning or condition use was proposed was added to the Zoning Ordinance. She noted that staff is proposing an identical provision for a potential PUD.

Chairperson Brnabic stated that she thought it was a very good idea. She suggested it be considered to make all the signs three dimensional to allow them to be more easily viewed from a traffic perspective. She commented that the current sign requirement is not always easy to view.

Ms. Kapelanski responded that staff could look into that possibility.

Mr. Reece questioned who pays for the sign, and whether the 15 day requirement is enough.

Ms. Kapelanski responded that 15 days is consistent with advertising in the paper, and noted that the minimum requirements are dictated by the State. She commented that 30 days could put a damper on how fast a development can be brought in front of the Commission.

Mr. Reece stated that if a sign is installed for a longer period, more people will see it. He questioned who sees the postings in the paper.

Ms. Roediger noted that much of the time it comes down to the wire whether a proposed development will be able to make the meeting. She commented that this could delay the development review process even further.

Mr. Reece noted that one criticism the Commission seems to get is that if someone is not within the mailing boundary or discussion about a project does not appear on a Facebook page, nobody knows about it. He stated that if the requirement is 15 days, then that is what it is.

Mr. Hooper stated that he would support this addition as well. He questioned when a sign would be removed, noting that the Speedway rezoning sign is still in place.

Ms. Kapelanski stated that staff have been working with that applicant; and a sign is supposed to be removed once it is considered by City Council. She commented that they are not as anxious to take a sign down as they are to put it up.

Mr. Hooper commented that they have an ordinance for signage that could be applied in this instance and perhaps a removal fee could be assessed.

Pathways and Sidewalks

Ms. Kapelanski noted that the next potential amendment deals with pathways and sidewalks. She stated that the ordinance currently requires an eight-foot path in all rights-of-way abutting a subject property which are either existing or planned rights-of-way of 120 feet or greater. Staff is proposing that five foot sidewalks be required on all public and private streets with an existing or planned right-of-way less than 120 feet. She noted that this would not apply to natural beauty roads. She stated that it would go along with the City's policy of encouraging pathways and sidewalks. She noted that as developers come in they encourage the addition of the five-foot sidewalks, and this would actually require it. She mentioned that they would also look at adding a Planning

Commission waiver if certain conditions exist such as natural features in the way or a very small number of units.

Chairperson Brnabic noted that everyone seems to be in agreement with this addition.

Mr. Gaber stated that he thought this was in the ordinance already. He questioned whether sidewalks would be required in a subdivision on one side or both.

Ms. Kapelanski responded that she would opt for both sides; however, the Planning Commission could waive that or language could require one side of the street.

Mr. Gaber stated that he believed it should be on both sides, and cited the dense developments that came before the Commission this evening.

Ms. Kapelanski stated that the proposed amendment would require sidewalks on both sides.

Barrier Height for Outdoor Dining

Ms. Kapelanski stated that the ordinance currently allows for an outdoor dining enclosure barrier height of a maximum of three feet and six inches. She explained that certain restaurants are looking to provide more atmosphere out of their outdoor dining area and are looking to put in landscape screening or barriers higher than that. She noted that the Building Department has brought this potential amendment forward, and stated that care will be needed to ensure that taller barriers would not create a blank wall effect such as a solid vinyl fencing along a roadway. She noted that they would want to ensure that there was landscaping to soften the look of the barrier.

Mr. Reece commented that six feet is too high. He stated that he would support three feet with landscape plantings on top for another two feet; however, a six foot barrier along a sidewalk is essentially a wall.

Mr. Gaber asked for an example where six feet might be appropriate.

Ms. Kapelanski responded that one example could be Avery's Tavern along Crooks. She noted that they are near the road and have an outdoor seating area, and they were one of the businesses that approached the Building Department about wanting to include something that provides a little more screening and is a little bit higher so the people sitting outside do not see the cars zooming by on Crooks and parked at the shopping center.

Mr. Reece responded that for Avery's he could support that; however, along a public sidewalk it would present concerns.

Ms. Kapelanski suggested consideration if it was along a road of 120 foot right-of-way or larger or surrounded by shopping center parking.

Ms. Roediger noted that most of the examples that have come to staff are in suburban shopping centers. She mentioned CJ Mahoney's, CK Diggs' and Clubhouse BFD. She noted that the city does not have a lot of outdoor seating that abuts a sidewalk and most abut an interior drive aisle. She stated that this would create a more enclosed area separated from the vehicles driving in the parking lot. She commented that this can be spelled out in the amendment.

Mr. Gaber commented that he still does not favor this approach and does not want to see a wall as the aesthetics would be as if an additional building were being put up. He stated that he thinks a barrier of 3-1/2 feet is sufficient.

Mr. Dettloff stated that he is opposed to six feet and stated that it would not look good aesthetically. He questioned whether approval would be granted administratively or would come to the Planning Commission for someone requesting outdoor dining.

Ms. Kapelanski stated that typically unless it was a part of a larger site plan or a substantial redevelopment, the Commission would not see it and it would be reviewed and approved administratively as all outdoor dining enclosures are now.

Mr. Dettloff stated that he would concur with Mr. Gaber's opinion that 3-1/2 feet is sufficient and six feet is out of the question.

Mr. Hooper stated that he supports Mr. Gaber and Mr. Dettloff wholeheartedly. He mentioned Johnny Black's on Auburn Road and stated that they should not put a six foot barrier by the sidewalk.

Ms. Neubauer questioned whether the ordinance will specify the type of fence that will go up so that it would be required to have posts up to a certain height and foliage covering so it would permit them to create the atmosphere and privacy so they do not see the cars. She stated that that would be a possible compromise and it would not be a solid fence.

Mr. Weaver stated that he would tend to agree that six feet is way too tall. He suggested a case by case basis and the possibility of going with four feet of landscape and not going any taller. He mentioned that someone sitting in a chair does not get any higher than four feet. He concurred that six feet is too tall.

Ms. Kapelanski noted that this can be discussed further internally and something will be brought back to the Commission.

Vehicle Storage in Non-Residential Off-Street Parking Areas

Ms. Kapelanski noted that this item was brought forward by the Oakland County Sheriff's Office (OSCO), regarding enforcement issues related to drivers parking tractor trailers in commercial and office off-street parking areas overnight. She stated that it is not currently in the ordinance and they would like to prohibit that.

Chairperson Brnabic stated that she would like to have some background on this item and expressed concern that there are not any dedicated rest areas near the city. She commented that supply and demand for delivery is at an all-time high and if there is a need for a driver to pull off the road to rest for a few hours overnight when nothing is going on in these parking areas, and she wondered why this is presenting a problem.

Ms. Kapelanski noted that this was one of the first items added to the list when staff began working on this list of potential amendments before COVID became a concern. She explained that some businesses are complaining to the OCSO that tractor trailers are parking on their property overnight and they do not want that. The OCSO cannot enforce this as the City's ordinance does not cover it. She suggested that she could ask OCSO for a backup memorandum.

Chairperson Brnabic responded that she would like more information on it on how it is presenting a problem.

Ms. Kapelanski responded that if this item comes forward at a future meeting, she will have a memorandum.

Mr. Gaber commented that he thinks this makes sense and he understands why business owners would be opposed. He stated that the language needs to be looked at again and is too broad. He noted that commercial vehicles can be more than a semi truck. He commented that a delivery vehicle parked overnight at an establishment could violate this language. He added that the area designated for customer parking is not broad enough as there can be drive aisles, customer parking, vendor parking, and loading areas. He stated that if this moves forward, the language needs to be revised.

Mr. Kaltsounis mentioned that there are places such as Walmart that have a tradition of letting people use their parking lots overnight for campers and the like.

Mr. Hooper stated that the ordinance will need to have exclusions for a delivery vehicle parked in a loading dock such as Meijer, Walmart or Target; however, delivery vehicles parked elsewhere on the property that do not have permission to park there and creating a nuisance should be ticketed and removed.

Dr. Bowyer stated that she does not necessarily support it and would like to hear from the business owners rather than having it come from OCSO. She commented that a delivery person for that particular business could not spend the night there if that was what they normally do.

Mr. Reece stated that he does not support this and believes it is being short-sighted in terms of providing safety for drivers. He stated that in terms of the COVID concerns, delivery drivers are working very hard to keep things in supply. He mentioned that drivers who may have family in the area and want to stop and see them need a place to park. He commented that more information is needed.

Ms. Neubauer stated that she generally supports this; however, she would

question whether someone wanting to park a trailer there overnight could get permission or some type of waiver from the business owner. She commented that there are business that do allow parking.

Chairperson Brnabic commented that she would agree with Dr. Bowyer and want to hear from the business owners regarding any complaints before moving forward with an amendment.

Ms. Kapelanski stated that she would reach out to the OCSO before proceeding.

Attached Accessory Structures

Ms. Kapelanski explained that this portion of the ordinance was amended a few years ago as well, and a provision that was previously included was left out that addressed when a structure is considered attached. She noted that the previous ordinance stated that an accessory structure was also considered attached when it was located within ten feet of the main building and this is proposed for inclusion.

Dr. Bowyer commented that it is not clear that an attached structure is not attached.

Ms. Kapelanski explained that in the previous ordinance, a section included when a structure was proposed within ten feet of an existing principal structure and use, it was to be considered attached and subject to the setbacks on the original structure. She noted that the Building Department brings this forward as it has run into troubles with setbacks; and she pointed out that detached structures can be closer to the property line. She gave the example of a detached garage built a foot away from a house is allowed to be ten feet from the property line as opposed to 25 feet that would typically be required. She stated that this would clear up where that line is and could be added back in, or it can be stricter. She mentioned that ten feet recommendation was in the previous ordinance and it worked quite well. She stated that when the accessory structure ordinance was revised, this was an oversight.

Ms. Kapelanski noted that as there were no comments from the Commissioners, she would assume that the Commissioners were in agreement.

Vibration

Ms. Kapelanski stated that the vibration criteria when put into place looked good; however, problems were encountered during implementation. She noted that there was a recent vibration complaint about a year or so ago, and it was very difficult for staff to go out and to determine whether or not the vibration was attributable to a specific business or the surrounding uses. She stated that the current ordinance indicates that the vibration levels are to be measured by different standards; and she noted that while vibrations could be measured on a property, there is no way to determine what the vibration is attributed to. She stated that staff is suggesting something more typical regarding ordinance

vibrations and to say something instead such as vibration that is perceptible to the human sense of feeling. The demarcation for that would be put at the property line.

Mr. Hooper stated that he would make the disclosure that he works in the construction industry and has had to deal with this issue several times. He commented that what is perceptible to human sense of feeling is very subjective. He stated that when he has had to deal with this issue, he has had to go out and measure as a part of velocity per second and is measured over a several day period of time to capture day, night, traffic, and possible construction traffic. He commented that he would question eliminating the true measurement with a physical instrument and going with a feeling and asked if that is what is typically done in other cities.

Ms. Roediger explained that the issue arose on Leach Drive a couple of years ago. She noted that staff did review this with John Staran, and hired an engineering firm to do an independent evaluation of the vibration, and the firm reported that the City's ordinance numbers were way off and is not appropriate or reasonable to be met with basic business uses. She noted that staff did an analysis at that time of all surrounding communities including Troy and Auburn Hills, and they all approach it in this more intentional gray area that allows staff to work with the business owners to determine if it was considered a nuisance to the neighboring properties based on whether it could be felt at the site at different times. She stated that this was intentional that it was kept gray and in discussions with other communities, the City Attorney, and code enforcement staff it was determined that this is how it should be handled.

Mr. Hooper stated that he wished he had a sense of feeling when he previously encountered this, noting that what he would feel would be different than someone else.

Ms. Roediger stated that this gives code enforcement some ability to work with the individual business owners based on each individual case, in terms of how far away property line is from the source and how far neighboring businesses are. It gives them some flexibility in enforcement.

Mr. Reece stated that he would concur with Mr. Hooper noting that unless you have a finite measurement, perception is different for everyone. He commented that it would open a bigger can of worms. He stated that there would be a need for an exclusion needed for industrial use, and questioned what would happen with a business occupying a building for years and someone moves in next door with a new use and complains.

Ms. Roediger noted that this is the exact situation that they had with an existing construction company that has been there for a very long time. A more higher-end precision R&D company moved in next door and was upset with the vibrations caused by the construction company. She stated that it was very challenging and the City's ordinance was unenforceable as deemed by vibration experts. Staff want to find something that is enforceable that gives the City the flexibility to work with each individual property owner depending on the situation.

Mr. Kaltsounis stated that having an engineering measurement is something that would be nice to have. He commented that his current largest grief at work is dealing with NVH people as everything is perceptible and they have levels of perception that cannot be questioned. Having it being perceptive to human sense of being at the property line, he would question whose human sense of feeling that would be. Whether the property owner, an inspector, or outside engineer, details need to be included. He commented that at his work, they have levels of perception and he disagreed with every single evaluation that he has had. He cautioned that this could create problems if it is not defined more.

Mr. Weaver stated that he thinks that leaving this so vague could cause problems. He questioned how this would be enforceable; and questioned whether the levels in the current ordinance could be adjusted in the ordinance if they are too high. He stated that he would hesitate leaving it so grey as it would be difficult to determine who is right or wrong and could set a precedence that they do not want to set.

Ms. Roediger responded that staff can look at tightening the language based on concerns. She commented that working with code enforcer Jack Sage it was very challenging to find a number that would work for all. She stated that staff can do more research.

Mr. Weaver questioned whether the City's neighbors have had issues with their ordinances being vague.

Ms. Roediger responded that these ordinances do not get called on very often to be challenged and this was only Mr. Sage's second complaint in his long career at Rochester Hills. She stated that she could undertake further research with neighboring communities; however, in the initial research, this was the recommended way to go.

Residential Exterior Lighting

Ms. Kapelanski stated that this issue is brought forward from the Building Department as they have received several complaints from residents that a neighbor's flood lights spill onto their property or shine into their home. She noted that currently all residential lighting is exempt from Chapter 2 of the Lighting Ordinance. In order to remedy this, staff is recommending adding language to indicate that that glare and light trespass applies to residential lighting; which would give the Building Department authority to go ask people to adjust their flood lights.

Mr. Gaber stated that on the surface, this sounds like a good idea because this could be a nuisance. He commented that he has seen this situation a few times and it could be annoying for a neighbor. He noted that he would question how this would be dealt with as you do not want to bring a sledgehammer. He pointed out that this could apply to a lot of lighting and be broader in its application than just dealing with flood lights and sensors that come on. He cautioned that while the intent is good, care must be taken to tailor the language to achieve the intent without being way overbroad.

Ms. Kapelanski stated that staff will work with City Attorney Staran to ensure that the language would not cause any issues, and commented that ordinance enforcement officers are good working with property owners and want to issue tickets only as a last resort.

Mr. Kaltsounis expressed concerns, noting that his garage lights shine on his neighbor's property. He pointed out that home improvement stores do not have any type of lights similar to commercial lights that just shine down. He commented that this ordinance could be applied to any light where the bulb could be seen. He stated that while there would be some grey area that could be debated.

Ms. Kapelanski responded that this concern is understood, and it is not intended to use this ordinance in a lot of instances. She stated that they understand that there will be some grey area and will apply common sense at enforcement.

Ms. Neubauer stated that she is not a fan of this, noting that she was forced to install bright lights at her home as there had been two break-ins into their vehicles. She commented that the lights are not there for anything other than safety reasons. She stated that the language is too broad.

Ms. Kapelanski stated that staff can look at the language and what is available and work in close consideration with the Building Department and City Attorney to come up with something reasonable and enforceable.

Residential Open Space

Ms. Kapelanski explained that there have been several instances over the past year where City Council and the Planning Commission have noted the need for a neighborhood gathering space. She stated that with a standard site condo or subdivision right now, developers are not required to provide that open space. They have made that accommodation at the request of the Planning Commission and Council, and this potential amendment would add that requirement. She commented that staff is not suggesting any size at this time and would have to research what the appropriate amount would be and what other ordinances do require. This would be a part of a standard development, and would not be as a part of an open space plan or flex development that already do require it.

Dr. Bowyer stated that this would be great and noted that everyone on City Council wants to see this. She pointed out that Council is seeing some of these highly-dense developments yet there is nowhere for someone to be able to meet as a homeowners' association. She mentioned that her subdivision has 22 acres and plenty of space to have fall festivals or gatherings, yet the newer development have nothing. She supported making it a requirement.

Mr. Reece stated that he would support adding this to the ordinance.

Mr. Gaber stated that he would agree for the same reasons and examples cited by Dr. Bowyer.

Chairperson Brnabic concurred.

Ms. Kapelanski stated that staff will begin researching what would be an appropriate amount of space would be and incorporate it into a future text amendment.

Average Lot Width

Ms. Kapelanski stated that this is a clean-up item and noted that right now the zoning ordinance allows for applicable developments to use the lot size variation option; and they are allowed to reduce their lot size up to 10 percent below the minimum standard of the district provided that the average lot size is met. She pointed out that it does not include the average lot width and developers can go well below the average lot width as long as they have a very long lot. She stated that this would add width to that section.

Mr. Gaber stated that this makes sense, noting that separation from an aesthetic standpoint is desired. He mentioned the Lombardo development on Livernois Road, where the average width is less than the minimum width; and he noted that this should not be the case. He stated that the width should be treated in the same way as the size to avoid a long narrow lot that satisfies the size requirement but not the average width.

Mr. Kaltsounis stated that he would like to see one thing added where if a developer offers a piece of property for open space and can put certain portions of their property smaller, it needs to be tied to the portion of the property that they are offering as open space. For a developer to create a massive development and then give five percent as open space, they should be able to have five percent of their lots use this exception instead of the entire development. He stated that something should be tied to it.

Ms. Kapelanski stated that the average lot provision is to provide a lot of variety of sizes of lot. She commented that it could be tied in somehow to the idea of adding open space to the development and if they go above a certain percentage, they could reduce their lot width by a certain percentage. She noted that staff could explore that further.

Mr. Kaltsounis stated that he would like to see it tied to something and not allow the developer to get a percentage off the entire development.

Pavement Striping

Ms. Kapelanski stated that this is a cleanup item as well. She noted that currently the zoning ordinance requires double striping for zoning districts B, FB, REC-M and O-1 districts. She noted that this is generally waived by the Planning Commission and most of the plans that have come forward have single striping and very few shopping centers in the city have double striping. She stated that staff recommends it be removed from the ordinance and developments be allowed to proceed with single striping as is customary in most communities.

Chairperson Brnabic stated that she does not recall many plans where the Commission has been asked to waive that requirement.

Ms. Kapelanski responded that it is mostly a default waiver. Double striping has not been shown on many of the plans and the Planning Commission can waive that requirement. She commented that staff has not recommended double striping for anything that has come in. The Village is the only shopping center that has double striping.

Ms. Roediger noted that this has been the standard since she has been at the City. Plans have never shown double striping and it has not really been enforced.

Mr. Kaltsounis stated that as an individual with a wife and daughter that work in department stores and constantly have to deal with vehicles that have door dings, he would love to have double striping. He noted that he realizes the damage of small parking spots every week.

Mr. Weaver stated that he could agree with getting rid of double striping provided that it does not allow for narrower parking spaces and affect minimum size.

Ms. Kapelanski responded that it would not affect minimum size. She pointed out that the City requires 10 foot parking spaces, while most communities only require nine foot spaces.

Chairperson Brnabic stated this is excellent and would not want to go too narrow. She questioned whether this was an item that has been cleverly evasive by developers or being overlooked by staff. She commented that she did not realize this until the item came up.

Ms. Kapelanski responded that it has not been enforced. She stated that as people submit restriping plans to the Building Department, the Department ensures that the space width is correct. As the City is not enforcing the double striping standard, it makes sense to consider removing it. She added that the requirement is only for certain districts, which is also unusual.

Street Trees

Ms. Kapelanski stated that the ordinance currently requires street trees be put in for developments that are along public roads. She pointed out that a number of site condominiums and residential developments propose private roads, and they are not currently required to put in street trees. This potential amendment is more of a clean-up item to ensure that the standards would be applied to public and private roads and the city would end up with tree-lined streets no matter whether the development roads were public or private.

Mr. Hooper stated that he would support this one hundred percent, and noted that he has come across this a number of times and would hope that this could go through right away to be able to plant trees from the City's healthy tree fund

balance.

Mr. Gaber stated that he would concur with Mr. Hooper and questioned whether the developer would be required up-front to put in the street tree.

Ms. Kapelanski responded that the way that the ordinance currently reads is that the developer is currently required to set aside funds for the City to come along and install street trees on public roads. This same provision would apply to private streets.

Mr. Dettloff stated that he would support this one hundred percent.

Maximum Parapet Height

Ms. Kapelanski noted that right now the ordinance does not have any standards as to how high a parapet can be. She noted that for building height in the ordinance for a flat roof, the top of the roof is defined as the top roof beam. She stated that theoretically an applicant can put in a parapet that is much taller and can end up with a building with the appearance that is much taller. She noted that parapets are typically used to screen mechanical equipment. She stated that they do want to allow them, but staff is suggesting investigating what is an appropriate maximum parapet height to include that in the ordinance.

Chairperson Brnabic stated that she would agree.

Mr. Reece stated that he wanted to be careful that they do not go too far in limiting height because many times having a parapet at a certain height is for safety reasons particularly if the mechanical on a roof is close to the roof edge. He stated that if it is close to roof edge contractors going up and servicing the unit must be tied off. He suggested research be done on the proper height before limiting this for purely aesthetic reasons.

Mr. Gaber questioned whether there are examples in the city where staff feels this has been abused.

Ms. Kapelanski responded that there are no examples currently; and staff noted that there were no definitions included.

Chairperson Brnabic stated that she did not think it was a bad idea.

Ms. Kapelanski noted that there was a list of other potential amendments at the end of the memo, and mentioned that Mr. Kaltsounis noted an interest in recreational vehicles. She stated that the list of items at the end were in the next round that staff is thinking to bring forward. She commented that those items discussed this evening would come forward next as an actual draft amendment.

(The Planning Commission Meeting was in recess from 9:52 p.m. to 9:58 p.m.)

Ms. Kapelanski introduced Jill Bahm and Eric Fazzini from Giffels Webster and noted that they were in attendance to participate in an open discussion regarding parking concerns in the Flex Business Overlay District. She noted that this has been brought up several times over the last six months or so with several developments.

Mr. Fazzini stated that staff asked Giffels Webster to provide information on general parking policy trends toward multiple family developments. He noted that they are not proposing any zoning amendments at this time but could pursue them based on the direction of the discussion. He reviewed the memo included in the packet.

He noted that the FB overlay provides a more urban or transitional character based on the areas that they are within or near. The zoning ordinance intentionally removes the automobile as the form-driver of development and redevelopment and through a slightly reduced parking requirement of 1.5 spaces per unit and caps the amount of parking at 200 percent of the minimum requirement.

He noted that page 2 of the memorandum provided some historical information on minimum parking requirements. The historic log for requiring off street parking through zoning is in doing so, it reduces vehicles circling blocks or cruising looking for parking spaces, therefore reducing street congestion.

Between the 1940s and 1970s, parking requirements rapidly expanded through US cities, primarily focused on new modern shopping centers being built. APA Planning Advisory Service PAS reports have assessed parking over decades. Older reports provide a wide range of parking ratios for commercial uses that favored building more parking rather than less. Later PAS reports from the 1960s to 2002 provided several tables of sample parking requirements which planners could adopt for their individual communities or use simply as reference. Recent parking policy reform has taken a more holistic approach in the impact that it can have on a community including the increasing desire for walkable communities, decreasing car ownership and sales rates, increasing work from home and delivery services, and a continued reduction in household sizes.

He stated that Rochester Hills has addressed these trends in long range planning documents over the past several years including the recent Master Plan update. As far as trends in the multiple family development industry, construction costs both in labor and materials have been seen to rise, leading to a decrease in unit sizes and an increase in development densities which historic zoning parking minimums may not account for. Also, according to the National Apartment Association, the 2010s witnessed a decrease in parking ratios in new buildings across the U.S., down to a ratio of 1.46 in the current decade, which is the lowest since the 1960s.

He stated that based on these trends and development, planning and zoning has started to catch up on re-examining parking requirements. He noted the leading voice of reform is UCLA Professor Donald Shoup, who favors eliminating parking zoning requirements in favor of a market-based approach.

He pointed out that that does not work for most communities.

He stated that land use benefits to de-emphasizing single-use off-street parking areas include that dispersed parking spread over an area is less visually intrusive and by reducing and eliminating single use parking areas developers and property owners are freed to pursue shared parking arrangements, use on-street parking, or simply build less parking. If excessive parking is required by zoning, there is no incentive for developers to be creative through shared or dispersed parking.

Big cities like Buffalo have chosen to eliminate parking requirements city-wide. A more popular approach with cities is to do a district-based approach to eliminating or reducing requirements such as in downtowns or a downtown adjacent area. Also, small cities or historic downtowns may simply choose not to enforce required parking for new developments or rehabs such as have occurred in downtown Clare, Michigan, and downtown Baltimore. This district-based approach to reducing requirements has occurred with the FB overlay and seems to be consistent and appropriate.

He noted that information was provided collected by the Institute of Transportation Engineers for reference and commented that the city's numbers compare well to the national trends from the 1980s to the 2010s and to sample nearby communities.

He stated that to summarize, the City's current parking standards for multiple-family residential dwellings, as well as the reduced standards in the overlay, are consistent with local, regional and national trends toward reducing the amount of land dedicated to parking. While the standards are in line with demand, there may be opportunities to improve requirements.

Ms. Bahm stated that she realizes that there is much information here and links are provided to other articles to read at the Commissioners' leisure. She stated that she found it to be a really interesting case looking at providing the Commission with the background as to how the communities have developed particularly in suburban areas as a shift is made toward a more walkable compact environment, and how communities are doing this in more of a district-by-district basis rather than treating the entire community the same way.

Chairperson Brnabic stated that she can think of many developments that lack parking, especially some of the residential developments and more so the multiple-family where using the parking requirements they can count the garage spaces for parking, or on the driveway. She commented that many feel that common sense says that most do not use both garages. Oftentimes one car may occupy garage and storage or the garage may totally be used for storage. She stated that a problem is seen where extra visiting parking spots are required for people who have company and for holidays and the developer states that they have met more than the parking requirements. She stated that she personally does not think that spaces in the garages should be counted toward minimum parking. She noted that the Commission is not seeing much parking available for visitor spaces in developments lately, and she would consider that a problem. If a developer states that there is no room, perhaps

something has to be worked out with the density so there is adequate room to include extra visitor parking.

Ms. Bahm questioned whether some of these problems have been observed in the last five years of newer residential developments where parking occurs outside of the development is a problem; or if it is seen that people live in single family houses with multiple cars and storage in their garages, and this is being applied to the multiple-family scenario where the household size may be less and there are fewer cars.

Chairperson Brnabic responded that she does not know that she has seen a lot of that; however common sense says people do have visitors in their home for a variety of situations whether it is every day or a special occasion and nothing is available. She commented that a couple of the Commissioners can speak to that in their own communities.

Mr. Hooper stated that years ago there were seas of parking with large malls and surplus parking, and mentioned that Winchester Mall has now become a new car parking lot in the rear, as well as by Emagine Theatre. He stated that this is way too much parking and can be opened up for some infill development. He mentioned that now it has swung the opposite direction and is so tight that there is not enough parking. He commented that he does not know the right answer or a magic number and there should be some flexibility. He stated that he does not want to go back to the way it was with surplus development.

Mr. Gaber stated that part of the issue is the density in some of the recent developments that have been approved. He noted that developers of multi-family FB developments are taking advantage of increased density and have provided very little parking, and this has been part of the discussion. He mentioned development on Tienken Road, Orion Court, and even Rochester University where there is a shared parking agreement with the church. He commented that maybe the way to control density is not to deal with parking. He agreed with Mr. Hooper that it is something that will be very tight in these small dense developments. He stated that national parking trends can be reviewed and he appreciates the report; however, they have differences distinguishable from Rochester Hills. He stated that some of the communities mentioned have downtowns and shared parking applies to those particular areas. He pointed out that there were areas mentioned that have mass transit, which Rochester Hills does not have. He noted that there are distinguishing factors that have to be looked at as to how Rochester Hills operates compared to those potentially analogous situations.

Mr. Kaltsounis stated that he agreed with Mr. Gaber, noting that a lot of the trends seen nationwide may have big cities and transit while Rochester Hills does not. He commented that it must be assumed in this city that everyone will have a car, as there is nowhere to walk to and everything must be driven to. He expressed concern when he sees a development with 1.4 spaces per unit and he knows that this will be a problem. He mentioned that he has seen this example in a Lombardi development that his aunt and uncle live in, where he cannot find a parking spot when he visits because everyone has their cars parked in the center area. He commented that one person living by themselves

may have an extra car as a single person in his subdivision does. He stated that it needs to be two for every house. He stated that he is about to have four cars in his driveway and right now he has three and they are all sitting outside because his garage is full.

Mr. Reece stated that Mr. Gaber is spot on with his comments. He noted that it is nice to think that Rochester Hills is a walkable community but the reality is it is not. He stated that he would venture to guess that 95 percent of the residents leave the city daily to go to their places of employment by car. He commented that while the COVID crisis has changed this, people have not gotten rid of their cars. He stated that the city has no public transportation system and no light rail. He commented that he and Mr. Dettloff live in a condominium development and in every newsletter the first article in their newsletter talks about parking. He noted that the standards referenced to not come close to the reality of Rochester Hills, He stated that reducing parking will be catastrophic.

Mr. Dettloff stated that he would echo Mr. Reece, and noted that he sits on his association board and they are constantly bombarded with neighbors reporting neighbors for parking in overflow and not using driveways and using garages. He commented that this would fall onto the shoulders of the management company and questioned how the city would enforce people to use their garages for their vehicles. He stated that considering this, coupled with the fact of multiple vehicles and family scenarios, he believes the parking standards to not apply to the city.

Mr. Reece stated that he would echo Mr. Dettloff, and commented that regarding the development approved tonight at Rochester University, he does not think that people will use the church parking lot for parking in the winter and walk through a path. He commented that he thought it would be doing a great injustice to reduce parking.

Chairperson Brnabic stated that she would agree, and noted that one development had shared parking for residential development which she believes should absolutely be dedicated parking. She stated that she would agree that the ordinance should require at least two. She noted that she does not know of any empty nester or married couple that does not have two cars, and grown families with teenagers have more than two. She commented that she would like to see the developers not be able to use the garage as two spaces. While they could use the driveway as two spaces, they would have to provide some sort of visitor or on-street parking.

Mr. Fazzini stated that for condo ownership garage space can be designated to better control tandem parking. He pointed out that garages with multiple family lead to higher quality developments. He stated that if garages do not count, it could lead to more developments building carports. He stated that on street parking is crucial for events and visitors. He noted that typically a 27 foot wide pavement street is wide enough for parking on one side and maintaining fire access.

Ms. Bahm stated that she can understand the comments and experiences for the two Commissioners that struggle with their parking in their development;

however, in going back to think about the Master Plan, the two biggest issues that came up were traffic congestion and housing. She stated that some of the ways to deal with these issues are by creating districts and nodes that help to facilitate more walkability and reduce dependence on automobiles. The information we provided clearly recognizes that we do not have mass transit in our area and we are still relying on cars. She stated that this is not to say that parking standards need to be changed; but perhaps districts can be identified where they can be a little bit more compact, and one can get away and promote a more walkable area that idea where someone might not have extra vehicles. She noted that this would be places where there was a one or two bedroom units that are typically going to have one occupant. She stated that increasing parking standard is at odds with what most communities are doing, and it drives cost and she would caution the Commissioners to think about the problem that they are trying to solve. She stated they should think about what it is about these developments where the density is found to be problematic.

Mr. Fazzini stated that if the desire is to change parking, usually the process actually includes counting the spaces at some of these developments as they get going to see how their parking requirements may have worked for them. He encouraged the Commission to review some field counts once these developments are fully occupied rather than making a change now.

Ms. Bahm stated that she thought that shared parking with other uses was a good idea, along with on-street parking and thinking of other ways to accommodate the vehicle.

Chairperson Brnabic stated that she would disagree with the statement that most two bedroom units have only one person living there.

Ms. Bahm stated that it is a fair average and not all will have two people in two bedrooms units. She noted that people working from home or wanting an extra space not their living room to have storage space or another space to live will have two bedrooms.

Mr. Fazzini stated that it is not designed to be per unit, but to have the whole development in mind,

Mr. Gaber stated that the question seems to be whether to consider moving from 1.5 to 2.0 in multi-family developments. He noted that these recent FB developments, much of the issue is density. He commented that when the FB units were districted there were larger areas, and now little pieces of these districts have been taken by developers who are presenting small dense multi-family development to take advantage of the FB zoning. He stated that this is his problem with the FB zoning as it promotes infill developments. He commented that this may be able to be corrected without doing anything about parking. He stated that the issue for the Commission is whether it wants to move in that direction, study it more maybe based on actual results from these new developments, or move forward with it.

Mr. Kaltsounis stated that he does not want to wait and suggested going to 2. He stated that he knows that they want to promote walkability but what is starting

to be seen in the city are clusters among themselves where they can cram more units into the area.

Ms. Bahm stated that the location where this is allowed is very important and cannot be isolated pockets where there is no relief valve or a place for people to go and could perhaps be near shopping centers or civic spaces.

Mr. Kaltsounis stated that this is all the city will be getting from here on out, and stated that there will be a parking issue in the development just approved on Dequindre Road. He commented that unfortunately it is not a walkable community outside of the clusters that are being created. He noted that the deficiency of parking is going into the issue of density. He stated that he would say go to two spaces now.

Chairperson Brnabic stated that when the Commission worked on the Master Plan in creating diversity and more of a walkable area, they worked on the R5. She noted that citywide, however, there are concerns regarding the shortage. She noted that the parcel sizes are too small and there is a concern regarding the FB and the small parcel sizes and the densities they are managing to accomplish. She stated that she would agree that it is a problem and she would rather err by raising the minimum now and if they see something different in the future they can take action instead of continuing to have a shortage.

Mr. Fazzini stated that on R5 they included a requirement for each block that no more than 20 or 25 percent of the units would be multiplex units. He suggested that one way to limit density is by limiting the number of four to eight multiplex units in a row as perhaps one or two and the remainder single family. He noted that at the time they did not look at the FB district and commented that this could be looked at further.

Chairperson Brnabic stated that she would absolutely agree.

Dr. Bowyer stated that she would definitely increase it, and noted that with the last couple of developments that came before the Commission, while they wanted to deny them they did not feel there was a basis for denial. She commented that she was all for increasing it now and there could always be exceptions. She stated that there must be something to rely on to say that there just is not enough parking and something cannot be approved.

Ms. Roediger suggested that staff would work with Ms. Bahm and Mr. Fazzini to ensure that the regulations that will be drafted are very forward-looking. She noted that she just undertook a quick search during the discussion to determine how many people in the city do live alone and approximately 26 percent of the population is in a single-person household. She stated that she knows the concerns that the Planning Commission has raised are in relation to multiple family developments. She commented that recognizing that the city does not have transit and is not super walkable, she would look to how to balance the trends of people living longer and having smaller household sizes and trends of how people get around whether it be Ubers or autonomous vehicles. She stated that many changes are happening, and they would look to how they can balance how people will get around in the future. She stated that she wanted to reassure

the Planning Commission relative to the recent developments that have come forward that those projects had been in the pipeline for a very long time. She noted that moving forward she cannot think of any projects of that density or multifamily that have been the type that have concerned the Commission in the past. She stated that in the meantime staff will work with Ms. Bahm and Mr. Fazzini to see how to tweak the ordinance so that the pendulum does not swing to the other side.

Chairperson Brnabic stated that she hoped that staff pays close attention that they are expressing that at this point they would like to see the parking standards raised. She noted that several commissioners agree on that. She stated that yes, the future must be considered but the current situation has to be considered as well.

Mr. Kaltsounis questioned what the timeframe would be.

Ms. Roediger stated that staff can regroup internally and hopefully have something to the Commission at the next meeting. She noted that along with all of the other discussions this evening they would take a look at the amendments and take them another step further for a concentrated focused discussion at the next meeting.

Chairperson Brnabic questioned whether the FB overlays would be included that are in place, whether it is parking, density, how they are currently being used and how they were intended.

Mr. Roediger stated that this was noted.

ANY OTHER BUSINESS

2020-0258

Request for appointment of one Planning Commission representative to the Citizens Pathway Review Committee

Chairperson Brnabic questioned whether any of the Commissioners wished to be considered as the Planning Commission representative to the Citizens Pathway Review Committee.

Mr. Kaltsounis questioned what the committee entails.

Ms. Roediger stated that the Citizens Pathway Review Committee is a committee that is organized by the Engineering Department and evaluates pathways to be improved or added throughout the city. She commented that the last time the Committee met, they were working on creating walking loops, such as 5K loops. She stated that they do not meet often, perhaps one or two times a year usually in a Wednesday evening meeting. She noted that staff try to work with the Committee members to find a time when people are available. She mentioned that Neall Schroeder was previously the Commission's

representative.

Mr. Kaltsounis stated that he would be interested.

Mr. Hooper stated that he would nominate Mr. Kaltsounis.

MOTION by Hooper, seconded by Reece, the Rochester Hills Planning Commission hereby appoints Nicholas Kaltsounis to serve as its representative to the Citizens Pathway Review Committee for a term to expire December 31, 2020.

Approved

NEXT MEETING DATE

Chairperson Brnabic stated that the next meeting was scheduled for August 18, 2020.

ADJOURNMENT

There being no further business to discuss, it was moved by Kaltsounis, seconded by Reece, to adjourn the Planning Commission Meeting at 10:47 p.m.

Minutes prepared by Mary Jo Pachla.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary