

[2020-0559](#) November 17, 2020 Regular Meeting

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

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

## COMMUNICATIONS

A) *Planning & Zoning News dated November 2020*  
B) *RCOC's Chairman's Report dated December 2020*  
(Items provided to those who got hard copies of the packet)

## PUBLIC COMMENT

*Chairperson Brnabic opened Public Comment at 7:03 p.m. Seeing no one wishing to speak or in the Auditorium and no communications received, she closed Public Comment.*

## NEW BUSINESS

**2020-0201** Public Hearing and request for a Revised Wetland Use Permit Recommendation - City File No. 19-042 - for impacts to approximately .181 acre related to construction activities for North Row Development, a proposed 20-unit apartment development on 2.4 acres located on Old Orion Ct. west of Rochester, zoned R-1 One Family Residential with an FB-1 Flexible Overlay, Parcel No. 15-03-476-016, Kevin Baird, North Row, LLC, Applicant  
*(Reference: Staff Report prepared by Kristen Kapelanski, dated December 9, 2020, Site Plans and Elevations had been placed on file and by reference became part of the record thereof).*

*Present for the applicant were Kevin Baird, North Row LLC, 720 Kimberly, Troy, MI 48098; Jeff Klatt, Krieger Klatt Architects, 2120 E. 11 Mile Rd., Royal Oak, MI 48067; and Paul Tulikangas and Brett Buchholz, Nowak & Fraus Engineers, 46777 Woodward Ave., Pontiac, MI 48342.*

*Mr. Reece stated that due to an ongoing relationship that his office currently had with Krieger Klatt, he felt that it would be appropriate to recuse himself from the discussion.*

*Ms. Kapelanski recapped that the applicant was proposing to construct a 20-unit attached development on 2.4 acres on the west side of Old Orion Ct. The site was zoned R-1 with an FB Overlay, and the applicant was using the FB Overlay to develop. The Site Plan, Tree Removal Permit,*

*Natural Features Setback Modification and the Wetland Use Permit were either approved or recommended for approval in June 2020. Following that approval, EGLE had indicated that modifications would be necessary before the State could release its Wetland Permit. Modifications had been made to address those concerns, including expanding the wetland delineation limits. That led to a slight increase to onsite wetland impacts and the natural features setback area. She noted that the amenity space had been split into two and now included an additional area in the south portion of the site. A right turn only sign had been added at the northern entrance at Maplehill, along with some revised landscaping, per the Planning Commission's previous request in June. She advised that all staff reviews, including the ASTI wetland review, were recommending approval of the revised plan set, and the Planning Commission was being asked to approve the revised Site Plan, Natural Features Setback Modification and to recommend approval of the revised Wetland Use Permit. The applicant had a brief presentation to show, and she turned it over to Mr. Klatt.*

*Mr. Klatt thanked the Commissioners for their time. They were primarily present because the wetland impact was slightly higher than what had originally been approved. Since the June meeting, per the comments and requests, they had extended the second floor balconies to three feet, a right turn only sign had been added at the Maplehill Rd. approach, and they had made some landscape revisions. There had been an onsite review by EGLE on June 6, 2020, and the wetland boundary needed to be extended north to the ditch culvert along Maplehill. The hardscape pavers for the amenity space had been reduced to minimize wetland impacts, as suggested by EGLE. To meet area requirements, a second amenity space was added in the south part of the site to compensate for the reduction to the northerly amenity space. A swale had been added on the adjacent property to the west, which was also owned by the applicant. That was to maintain a hydraulic connection between the Maplehill ditch and the wetland, also as suggested by EGLE. He put up a slide that showed the original perimeters and areas of the wetlands and one that showed the revised area, where it extended a bit more to the northeast. The wetland encroached a little into the amenity space in the northwest corner of the site, and it had to be reduced. As mentioned, they compensated by adding an area to the south. They were proposing a community garden. He stated that no major changes had been made to the first floor plans. The buildings still had the same look and style, but the balconies in the front had been increased to three feet in depth. He said that they would be happy to answer any questions.*

*Mr. Kaltsounis referred to the community garden, and he asked what amenity had been removed from the northern space. He asked if there had been a garden there, too. Mr. Klatt said that they had a longer seating area. They had a central, BBQ dining area, a seating component and a fire pit area, and they just reduced the seating. He said that it was still quite large, and they thought that a community garden would be welcomed by the community.*

*Mr. Kaltsounis questioned what past precedent had been for allowing buildings in wetlands. They would typically stay away from the wetlands or maybe encroach a little, but he was not sure if there was a river going across. He asked staff their thoughts about the proposed impacts as opposed what had been done before.*

*Ms. Kapelanski said that it was a fairly difficult site. ASTI reviewed it and felt that the impacts being proposed, which were only .08 acres more than what had previously been proposed, were not detrimental to the larger function of the wetlands and were recommending approval. Mr. Kaltsounis agreed that there was sort of a "tail" being impacted, not the main part of the wetland, which was more of what they had typically approved. He asked how the development would have scored with the new parking ordinance.*

*Ms. Kapelanski said that it had not been analyzed, but they would have met it for visitor parking. Previously, the ordinance allowed driveways and garage spaces to be counted as visitor spaces. Mr. Tulikangas advised that there were 10 visitor spaces. That would be .5 spaces per the 20 units, so it complied.*

*Mr. Gaber asked how many square feet the amenity space at the northwest had been reduced. Mr. Klatt advised that the new area was about 700 s.f., so that was how much the north had been reduced. Mr. Gaber asked what would happen to the area if no one used the community garden. Mr. Klatt indicated that they were optimistic that it would be used, but he could see the point. Mr. Gaber asked if it would just remain grass or if there would be empty bins with soil. He wondered what it could look like. Mr. Baird said that if it was unused, it would be maintained by management. Mr. Gaber clarified that it would still have to be maintained if it was not used to be in compliance. He hoped that it would get utilized as envisioned.*

*Ms. Roediger suggested that the management company could always plant some flowers or landscape it in some way. Mr. Gaber said that it*

was not noted on the site plan, and he asked if there was a requirement that it be maintained in a planted form. Ms. Kapelanski said that it could be added as a condition. She agreed that it was not noted on the site plan. She did not think that they would want to specify plants. Mr. Gaber thought that there should be a condition. He said that it was a small site without much room for anything, so if it was not going to be used for a garden, he thought that it should be beautified in some manner. Mr. Gaber asked the applicants to go over the landscaping along Maplehill Rd. Mr. Kaltsounis asked Mr. Gaber if he felt that a garden would be of more use to the community than a sitting area. Mr. Gaber thought it would be if it were utilized, but he would want to ensure that the space had something planted, whether it was a flower or a vegetable garden. He would not want to see just soil or weeds.

Chairperson Brnabic agreed that if a community garden did not work out, that the area should be a dedicated amenity area whereby if the garden was not planted, they could add benches or something else for the public to enjoy. She asked Mr. Klatt his thoughts about that. Mr. Klatt felt that Mr. Baird would be open to a small seating area if the community garden did not work out. He knew that he would want to maintain a beautiful site. Mr. Baird said that he would be fine adding that. He was hopeful that the garden would be successful but if not, they could add some benches and landscaping. He suggested a butterfly garden, but he indicated that they would make sure that it was an asset to the site.

Regarding the landscaping along Maplehill, Mr. Tulikangas noted that the Commission had recommended some tree species changes to screen Building A mostly. They had proposed Ginkgo Bilobas, and they were swapped out with Black Hills Spruces. Another landscape change provided additional evergreen screening around the detention basin. Mr. Gaber asked if all the trees along Maplehill would be evergreens and how large they would be when installed. Mr. Tulikangas advised that the Black Hills Spruces would be planted at eight feet tall, and they grew to 30 or 40 feet. There would also be three Red Jewel Crabapples, 3" calipers, and Honeysuckles, which were shrubs. Mr. Weaver added that the Crabapples would bookend the Spruces. Mr. Gaber felt that it would provide a visual barrier to break up the side of the building, which was what they were trying to accomplish.

Relative to the amenity space, Mr. Gaber suggested that they should approve it as a community garden with a condition that if it was not regularly used, the applicant should work with staff to convert it into some other type of acceptable public amenity space.

*Mr. Weaver said that he liked the idea of introducing a community garden, but he did share the concern that it might not be used. He thought that it should be able to be converted to something that would be used. He said that he was good with the landscape changes. He liked the boulder wall and felt that it would be a nice, natural accent along the wetland. He realized that ASTI had recommended approval, but he wondered if there were any structural concerns about putting a building where the wetland soils were.*

*Mr. Klatt responded that they would design the foundation according to the geo-tech reports. The amenity space structure would be fairly light weight. Mr. Weaver explained that the revised wetland boundary looked as if it came all the way up through the two northern buildings. He asked if there were structural concerns for the soils in that area. It looked as if the original boundary did not extend as far. Mr. Klatt said that when the soil borings were taken, they accounted for the placement of the buildings on the site.*

*Mr. Weaver pointed out trees 155 and 156 in the center of the front of the property. The survey showed them to be pretty poor or fair, and one was covered in vines. He asked if they were really worth saving. He wondered if it would be worth taking them down and putting up healthier trees. He commented that the renderings looked great, and he liked the balconies, but he would not like them detracted with some gruesome-looking trees that might not be worth saving. Mr. Tulikangas said that they would have to reassess those. (It was later determined that those trees were in the right-of-way, so the applicant could not remove them).*

*Dr. Bowyer stated that extending the balconies was a beautiful design, and she liked the added landscaping, especially around the fire pit. She commented that people would not feel watched by people driving or walking by on Maplehill. She thought that the community garden was a great idea. She used one on Wabash, which had a ten-foot fence around it because of the deer problem. She noticed that there was corn planted in the middle of the proposed garden, which she claimed would be a feeding box for the deer. She was not sure anything could be grown that would not be eaten, and the residents might get frustrated by a garden that was continually eaten by the deer. She would not want to see a ten-foot fence around it. She thought that a butterfly garden with a seating area would be nicer, and they could plant flowers for bees to pollinate. She thought that the plan looked great, and she thanked the applicants and welcomed them to Rochester Hills.*

*Mr. Hooper agreed 100% that the garden would not work. He thought that the deer would have a feast without a fence. He thought that they would be better off having a bench and tables. They might add something similar to what they lost with the northerly amenity area. He was all for trying it, but if it did not work, there should be a Plan B ready to go. He echoed all the other comments.*

*Chairperson Brnabic noted that at the June 2 meeting, the applicants had estimated the monthly rent to be \$2,200 for lower units and \$2,600 for upper units. She asked if that had changed. Mr. Baird said that it would still be very close to that range. Chairperson Brnabic had noticed the Environmental Impact Statement listed the projected price range to be between \$1,000 and \$1,800. She asked if they would correct that prior to final approval, and Mr. Baird said that they would definitely make that correction.*

*Chairperson Brnabic opened the Public Hearing for the Wetland Use Permit at 7:35 p.m. Seeing no one wishing to speak online or in the Auditorium and no communications received, she closed the Public Hearing.*

*Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Mr. Hooper.*

**MOTION** *by Kaltsounis, seconded by Hooper, in the matter of City File No. 19-042 (North Row Development) the Planning Commission recommends to City Council approval of a revised Wetland Use Permit permanently impact approximately .181 acre to construct the outdoor amenity area, site access drive and parking lot, the buildings and the boulder retaining wall based on plans dated received by the Planning Department on October 22, 2020 with the following three (3) findings and subject to the following four (4) conditions.*

**Findings**

- 1. Of the .35 acre of wetland area on site, the applicant is proposing to impact approximately .181 acre.*
- 2. Because the wetland areas are of low ecological quality and are not a vital natural resource to the City, the City's Wetland consultant, ASTI, recommends approval.*
- 3. Construction of a retaining wall should prevent unintended impacts to the wetlands and preserve the City's aesthetics, per ASTI.*

Conditions

1. *City Council approval of the Wetland Use Permit.*
2. *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 to the City Council Regular Meeting. The motion carried by the following vote:**

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

**Abstain** 1 - Reece

2020-0203

Request for approval of Revised Natural Features Setback Modifications - City File No. 19-042 - for impacts of up to 657 linear feet for construction activities related to North Row Development, a proposed 20-unit apartment development on 2.4 acres, located on Old Orion Ct., west of Rochester, zoned R-1 with an FB-1 Flexible Business Overlay, Parcel No. 15-03-476-016, Kevin Baird, North Row, LLC, Applicant

***MOTION*** by Kaltsounis, seconded by Hooper, in the matter of City File No. 19-042 (North Row Development), the Planning Commission **grants a revised natural features setback modifications** for 657 linear feet for permanent impacts to construct the access drive, detention pond and several buildings, based on plans dated received by the Planning and Economic Development Department on October 22, 2020 with the following two (2) findings and subject to the following two (2) 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 November 4, 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 Hooper, that this matter be Approved. The motion carried by the following vote:**

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

**Abstain** 1 - Reece

2020-0202

Request for Revised Site Plan Approval - City File No. 19-042 - North Row Development, a proposed 20-unit apartment development on 2.4 acres located on Old Orion Ct., west of Rochester, zoned R-1 One Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-03-476-016, Kevin Baird, North Row, LLC, Applicant

**MOTION** by Kaltsounis, seconded by Hooper, in the matter of City File No. 19-042 (North Row Development), the Planning Commission **approves the revised Site Plan**, based on plans dated received by the Planning Department on October 22, 2020, with the following six (6) findings and subject to the following five (5) conditions.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The proposed project will be accessed from Maplehill Rd. and Old Orion Ct. thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
3. *The Planning Commission waives the site yard setback to the north requirement of 25 feet to 15 ft, finding that it meets the intent of the FB Ordinance.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
5. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the*

*site or those of the surrounding area.*

6. *The proposed development offers another type of housing as outlined in the Master Plan.*

**Conditions**

1. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
2. *Provide a landscape bond for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff in the amount of \$69,905.00 to be posted prior to temporary grade certification being issued by Engineering.*
3. *Payment into the City’s Tree Fund of \$16,040.00 prior to temporary grade certification being issued by Engineering.*
4. *Update the EIS prior to the City Council meeting to show the corrected monthly rents.*
5. *That the applicant works with staff to develop an alternative plan for the amenity area in the south if the community garden as planned is not feasible.*

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

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

**Abstain** 1 - Reece

*After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. She congratulated the applicants on moving forward. She said that it looked like it would be a very nice development.*

**2020-0550**

Public Hearing and request for a Conditional Use Recommendation - City File No. 20-029 - to construct a drive-through associated with Chief Financial Credit Union, a proposed 7,425 s.f. building on 1.36 acres located at the northeast corner of Rochester and Diversion in Rochester and Rochester Hills, zoned B-2 General Business with an FB-3 Flexible Business Overlay in Rochester Hills and B-1 General Business in Rochester, Parcel Nos. 15-14-301-007 and 15-14-154-004, Tom Dluzen, Chief Financial Credit Union, Applicant