



# Rochester Hills

## Minutes - Draft

### Planning Commission

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Rochester Hills, MI  
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Home Page:  
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*Chairperson William Boswell, Vice Chairperson Deborah Brnabic*  
*Members: Gerard Dettloff, Julie Granthen, Greg Hooper, Nicholas O. Kaltsounis,*  
*David A. Reece, C. Neall Schroeder, Emmet Yukon*

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Tuesday, June 30, 2015

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Chairperson William Boswell called the Special Meeting to order at 7:00 p.m. in the Auditorium.

## ROLL CALL

**Present** 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Julie Granthen, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum Present.

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

## APPROVAL OF MINUTES

[2015-0256](#) June 16, 2015 Regular Meeting

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

## COMMUNICATIONS

- A) *Planning & Zoning News dated May 2015*
- B) *Email from F. Aragona, dated 6/29/15 re: City Apartments*
- C) *Charter Township of Orion Master Plan Update (CD) dated 6/25/15*

## NEW BUSINESS

[2013-0171](#) Public Hearing and request for Recommendation of the Second Amendment to

the Planned Unit Development (PUD) Agreement - City File No. 98-047.3 - City Walk PUD, located at the southeast corner of Rochester Rd. and Tienken, to allow residential uses on the first floor of Building D and accessory structures, zoned FB-2, Flexible Business, with a Planned Unit Development Overlay, Parcel No. 15-11-103-009, City Walk, LLC, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated June 26, 2014, Second Amendment to the PUD and Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Paul and Francis Aragona, City Walk LLC, 37020 Garfield, Suite T-1, Clinton Township, MI 48036.*

*Ms. Roediger summarized the requests, including recommendation of approval of the Second Amendment to the PUD, recommendation of approval of a Conditional Use for the building height and recommendation of approval of the Site Plans. She noted that the City Walk site was 12 acres, located at the southeast corner of Tienken and Rochester. The majority of the site had been built, including a Bar Louie, a Big Boy restaurant, a bank and other retail establishments. The applicant was present with a request for the eastern most building to be four-story residential. The property was zoned B-2 with an FB-2 Flexible Business Overlay and a PUD Overlay. The original PUD was approved in 2004 for the overall site. It was amended in January of 2014 to allow six residential units on the upper story of another building that was originally office space. They had such success with that that they decided that Building D, which was originally intended for a mixture of office, retail and residential would make the project a very walkable, mixed use development, and it would be the best use of the building. The request was for a Second Amendment to allow residential on all floors of the building. In 2004, the pad was shown as one building, and they wanted to break it up with the existing Sherwin Williams, which was already constructed, one other single-story retail building and an apartment building. They wished to have some reduced spacing between the buildings to maintain an urban, walkable feel amongst the buildings.*

*Ms. Roediger noted that there had recently been an article in Crain's about the upcoming project. The materials would be similar to what was already constructed at City Walk. She advised that the PUD did allow the building to go up to 70 feet in height, but there was a condition that any building that exceeded 30 feet was required to have a Conditional Use approval. The proposed building was 60 feet, and the PUD Agreement stated that the building had to be set at a certain distance from the neighboring properties so it did not penetrate the sky plane at a 45 degree angle. She pointed out a graphic that illustrated the sky plane,*

*which indicated compliance with the regulation. There were garages east of the building and proposed vegetation. In terms of the site plan, the retail building would be just over 5,000 square feet, and the apartment building would be approximately 66,000 square feet. The applicants were looking for some leeway to be able to build between 52 and 60 residential units. The reason for the range was to let the market dictate if one or two bedrooms were needed. If there was a lot of demand for one bedroom units, they could obviously fit in a couple more apartments.*

*Ms. Roediger concluded that Staff had recommended approval with the exception of the Fire Department. Since the review, the applicant had spoken with Mr. Cooke at the Fire Department, and a memo had been provided by the applicant in response to the Fire Department memo. There were four comments, and the applicant had stated that all of the concerns could be addressed. The main one regarded the western-most driveway which had to be 26 feet in width. The drive aisle had been constructed under a different code regulation which did not, at the time, require 26 feet. There was a way to tweak the site to move parking spaces or shrink the sidewalk that would not require any shifting or downsizing of the building. Other comments referred to adding notes to the plans and striping, which was not mandatory, but the applicant had offered to have no parking in front of the garages along the eastern side of the building. The Fire Department also made a comment about loading and unloading. She advised that residential developments did not typically require loading spaces, but because it was a mixed-use development, there were ample spaces throughout the project where trucks could be accommodated. She said that she would be happy to answer any questions.*

*Mr. Paul Aragona noted that the request was for the seventh and eighth building to go on the site. They felt that the addition of residential to the development would really pull all the uses together. Someone could live in the apartments and have child care, health care, a drug store, food choices and exercise facilities on site. The amenities they would provide for the apartment building were mainly concentrated on the garage section. They intended to put in fire pits, soft seating, barbeques and things of that nature that the tenants could use in a secure location. He commented that they were excited to do the project. He agreed that they had built six apartments above a retail space, and five were successfully leased. They had one two-bedroom left, which proved to him that there was a need in the marketplace for luxury units. He offered to answer any questions.*

*Mr. Yukon referred to Ms. Roediger's report, and he asked for clarification about whether Sherwin Williams should be in the northeast corner rather than northwest, which she confirmed. In the overview of the Staff Report, it stated that the applicant was proposing to amend certain sections of the Agreement to include residential uses on the first floor in addition to any upper floor levels as permitted uses and to allow Building D to be constructed as separate buildings with limited setbacks between buildings. On page two of the PUD Agreement, Review Considerations, number two stated that "Notwithstanding the foregoing, the Building D location as shown in the final PUD Plan may be constructed as multiple, separate buildings and there shall be no setback requirements between buildings." He asked for clarification between limited setbacks and no setback requirements.*

*Ms. Roediger explained that the intent of the PUD language was to allow the development as shown on the final site plan, which had eight to ten-foot setbacks. Without the PUD Agreement, in a normal B-2 district, there was a 25-foot building separation required. The applicant wrote the language intending to depict what was in the plans at eight to ten feet. She suggested that the language in the PUD Agreement could be modified to state that there shall be an eight-foot minimum requirement. Mr. Francis Aragona pointed out that it should exclude the two retail buildings, which had abutting walls. Ms. Roediger agreed that the existing Sherwin Williams building and the other proposed retail building would share a wall with a zero lot line. Mr. Yukon felt that it would be important to clarify that in the Agreement, and it was eventually added as a condition in the motion.*

*Mr. Anzek suggested that the word setback could be eliminated and building "separation" could be stated instead. Setbacks were used as measurements from property lines, and this was different. As long as the Fire Code was met, the width could vary.*

*Mr. Yukon asked Mr. Aragona how long the lease agreements would be. Mr. Paul Aragona replied that they would be one year. They would entertain longer lease periods if something needed to be customized for certain situations.*

*Mr. Yukon asked if the parking spots that existed in the back would stay, which Mr. Aragona confirmed. Mr. Yukon asked if the garages would have doors. Mr. Aragona agreed, but he said that those in the back would be carports. He noted that there was an existing carport on the site to service the six units already built.*

*Mr. Schroeder asked where the six units were, and Mr. Aragona explained that they were over the Urban Dog and the Orange Leaf. Mr. Schroeder asked if the parking spaces were behind by the back door, and Mr. Aragona agreed. Mr. Schroeder questioned how the garages would be allocated for the apartment dwellers. Mr. Aragona said that there would be one unit assigned to those on the first floor in the back of the building. They would have a private patio, and through that patio they would be able to access the rear of their garage section. The others would be leased to tenants who wanted to pay more for covered parking.*

*Chairperson Boswell opened the Public Hearing at 7:17 p.m.*

**Tim Srock, 391 Elmhill Rd., Rochester Hills, MI 48306** *Mr. Srock stated that he had lived on Elmhill for 28 years, and that he had seen the corner of Rochester and Tienken develop quite a bit over the years. The biggest concern he had with the proposal was related to auto traffic. His children used to ride bikes over to Hart Middle School and to the high school, and he still saw a lot of kids riding bikes down Tienken to get to the high school. Their safety was a concern for him because of the width of Rochester Rd. and the traffic. For someone on southbound Rochester Rd. turning left onto eastbound Tienken, there were two left turn lanes. The immediate right lane ended at the first driveway. He said that he could assure that there was a gigantic race every day for people turning left in the far right lane to get to the end to merge. Regarding the new driveway on the eastern part of the proposal, which was beyond where the two lanes on eastbound Tienken merged, he anticipated there would be more traffic and safety concerns. He asked if there would be a light to control the traffic. At the western-most exit onto Tienken by the Big Boy, if someone tried to turn left onto westbound Tienken, other than between the hours of 10:00 a.m. and 2:00 p.m. it was hazardous at best. People would have to cross the people who were racing on eastbound Tienken to merge. The other issue related to the traffic was the southern-most exit from the complex. Currently, there was not a restriction about turning left. The northern-most exit on Rochester had one, and people could only turn right out of the facility. The southern-most exit was directly across the street from the North Hill shopping center's driveway. Rochester was approximately four lanes wide to get across to go left. He stated that it was very dangerous. Regarding the auto traffic for the intersection, he saw two major concerns; the southern-most exit and being allowed to turn left and the increased traffic trying to get onto westbound Tienken from either of the Tienken accesses. He hoped the Commissioners would review his comments and come up with a safety plan other than just exits*

onto to the two roads.

**Allen Rawa, 288 Red Oak Lane, Rochester Hills, MI 48307.** Mr. Rawa said that he owned a home on Courtland. He asked how high the salon with the apartments was, noting that it was a two-story building. He saw that there would be balconies off the back of the apartment building with fire pits and lights. He observed that the salon building was very high, and the apartments would be two stories higher than that. He questioned the traffic, and stated that he did not go down Tienken to go left. He thought that people would cut down Courtland, and that there would be a lot of extra traffic.

**Chuck Kowaleski, 1459 Courtland, Rochester Hills, MI 48307** Mr. Kowaleski said that he had the widest property, and the proposed complex would be directly behind his house. He maintained that people would not want a four-story building in their backyard. He mentioned the noise, and said that he got debris in his yard from the complex. There would be privacy issues and with four stories, people could look down onto his property, so he was concerned. He stated that there would be even more noise, especially with fire pits. He noted that some of the trees along the fence line were dying off and overgrown with grape vines that were killing some of the trees. He claimed that it was not being maintained. In his opinion, he did not think the building should be four stories.

Chairperson Boswell closed the Public Hearing at 7:25 p.m. He mentioned traffic and adding 52-60 units, and he wondered what the increase in traffic would statistically show.

Ms. Roediger believed that with multiple-family, there would be about seven trips a day, so that would be about 300 trips. She reminded that adding residential to the PUD got to the core of planning for traffic problems in general. The idea of mixing uses and adding residential was to get people out of their cars and to walk to the sites. There would be less cars driving to Bar Louie, for example. From a planning standpoint, the best thing to reduce traffic was to create walkable, mixed-use environments. From an engineering standpoint, the City's Traffic Engineer reviewed the plans, and he did not have concerns with the proposed plan. The plan was originally going to have office and retail uses, and she felt that switching some uses to residential should mitigate the traffic.

Chairperson Boswell noted the concern about noise and debris that

currently came across the property lines and a concern about privacy. He did not think that the existing buffer took into consideration a 60-foot tall building. Ms. Roediger suggested that the applicant could provide some more information about the existing buffer. Typically, there was a more restrictive buffer required for office and retail uses abutting residential, and residential to residential typically required less of a buffer. The height might be something to look at, but that was why the PUD Amendment had requirements about the site lines from the setback. The site had been around for over ten years, so the landscaping that was planted has had ten years of maturation. There might be some issues with the health of some of the trees, and the applicant could take a look at the existing buffer. If there were any places where trees were dying or in poor health or there were visible gaps, Staff could work with the applicant to fill in those gaps.

Mr. Paul Aragona advised that there was a mature tree line at the rear of the adjacent property. The tree height was from 45 to 50 feet high, and that was as tall as the building would be. The screening they installed was almost continuous. There was a gap, and they had already instructed their landscapers to put the trees back and to remove any trees that would not make it another year. They would also cut down some of the grape vines. The buffer was solid at six to eight feet, and there were sporadic openings from 10-12 feet. Besides that, it was completely full from end to end.

Mr. Francis Aragona added that there was a mixture of very mature maple and oak trees. Several were over 60 feet. There were also some white pines and spruces along there that they had planted in 2004 that had matured, and they were pretty well packed in. Mr. Paul Aragona said that the building was quite narrow for the area they could have built on. It was concentrated on the western half, and it was buffered with garage ports and open space. They took visibility in mind, because it was important to the neighbors looking out of the apartments to see something nice and green. They valued privacy just as much as the adjacent neighbors. Mr. Francis Aragona noted that they moved the four-story building as far west as possible, and it was 155 feet from the property line. He advised that there were no balconies on the rear of the building.

Chairperson Boswell brought up the noise issue. Mr. Paul Aragona said that noise was a consideration for them as well. There would be residents who would not be able to sleep if there were wild parties, and it was their job to take care of it. He noted that they had been in the business for 50 years, managing apartments, retail and office, and if there was a noise

*issue, they would hear about it immediately and they would deal with it immediately. Chairperson Boswell asked who they were targeting for the apartments. Mr. Aragona said they were not really targeting anyone; it would be a resemblance of the surrounding neighborhoods. Most people would come from a couple miles radius of the site and would have lived in the Rochester Hills area previously. They would have higher incomes and smaller families, and there would be a lot of individuals, but he did not think on average that they would hit two people in an apartment. Chairperson Boswell asked the price point, and Mr. Aragona said that a one bedroom would be \$1,450 and two bedrooms would be about \$1,900. There would be some very high end units at over \$3,000 per month, which would be a reflection of the existing demographics of the area.*

*Chairperson Boswell mentioned one of the topics raised that was not really pertinent to the discussion, which was the south drive onto Rochester Rd. He asked if there was a high accident rate there. Mr. Paul Aragona replied that there was not a high accident rate. The City requested that they matched the driveway with the drives at North Hill. He said that it was a relatively easy left turn for most of the day. The only bad time was during the drive home, but people were courteous enough to let others out to make a left. On Tienken, there was a dedicated left turn lane in the approach, and it had great visibility in both directions. There had been no unusual accidents or situations. He noted that with 40,000 square feet of retail, there would have been far more trips than from a 60-unit apartment project. The Bar Louie building was 16,000 square feet, and one on the south side was 14,000 square feet, and it still did not equal the 40,000 square feet that they could have put on the site. They felt it would be very well balanced, and they would have an excess of parking towards the front of the building. On the far edge, the spaces would be sporadically used, and they were very comfortable with the parking.*

*Mr. Anzek recalled that in 2004 before the first PUD was established, Staff went through an extensive traffic analysis for the intersection due to the fact that the Papa Joe's and the City Walk complexes were previously zoned Industrial. The request was for commercial, and the direction from the Planning Commission, Mr. Hooper, in fact, requested that the applicants had to improve the intersection or keep the area the status quo. That evolved into having dual lefts in all directions. Ever since, the intersection had worked a lot better, and it was at the expense of Mr. Aragona and Mr. Curtis, the two owners. At the time, the design for the dual lefts, southbound on Rochester going east on Tienken were designed knowing they would taper to one lane. One lane went to a right*

*turn only. Anyone who used the turn to go straight on Tienken should know to stay to the left. There was extensive analysis by MDOT, the Road Commission and the City as how to best design the intersection, and it was working a lot better than it did prior.*

*Chairperson Boswell agreed that it was working better, but he could see someone turning eastbound and racing to get ahead of the guy next to him. Mr. Paul Aragona said that in the traffic modeling they did, there was a percentage that used that lane, and it was needed to make the intersection work. That was in each of the directional turns - the right lane always faded out. If a certain amount of traffic did not use that outside lane, it would actually gum up the intersection, and there would be longer delays.*

*Mr. Schroeder asked if the patios would be open on the sides. Mr. Paul Aragona said that the ones in the back would not be. The ones in the front would have a little gate off of the sidewalk. Each one of the lower units would have a private patio, and they would be private to each other. They would provide great open space along with spaces like Bar Louie and Big Boy had, and it was another level of outdoor living they could provide on site. Mr. Schroeder asked where the common barbeque area was. Mr. Aragona said that it would be the spaces over the garages in the back of the building. There would be some seating and fire pits and passive walk through. It would be on the roof of the garages. There would be two connections to the building and no external stairway up to the patio.*

*Mr. Kaltsounis indicated that it was not the first time that the property had been in front of the Commissioners, and they had looked at it before to see how things would work versus having a big box store. He asked how people would access the area on the garages. Mr. Paul Aragona said that there would be two connection points off of the second floor hallway to access. Mr. Kaltsounis clarified that it would only be for people who lived in the apartments.*

*Mr. Kaltsounis thought that the garages looked pretty plain. He wondered if there was a colored rendering. Mr. Francis Aragona did not think there was one for the rear. Mr. Kaltsounis said that it looked like a plain storage facility with cinder blocks with no architectural features, and that was what the neighbors would see. Mr. Aragona reminded that they would add amenities to the top. He pointed out a gazebo and said that he would like to add over-sized chess pieces, and he claimed that it would be interesting. Mr. Schroeder asked if it would have a grass surface, but Mr.*

*Aragona said that it would be artificial grass. Mr. Kaltsounis asked if there would be painted cinder block. Mr. Aragona said that it could be a color through block. That would be the least they would use. Mr. Kaltsounis noted that a rendering for that was not in the packet. The applicant's picture showed features that broke up the walls and a metal guardrail. Mr. Aragona said that the guardrail was drawn too big. They were going to bring a parapet up from the walls below and put a smaller rail on top to allow more privacy. There would be metals for trellises and stone work for a walk. Mr. Kaltsounis asked Staff if those items should be in the plans. Mr. Anzek said that a condition could be added that that it be shown in the plans before it went to Council. Mr. Kaltsounis asked the applicants if they would agree to a condition about adding the rendering with the accents to the plans before it went to Council, to which they agreed, and Staff would review it.*

*Mr. Schroeder said that on A101, it appeared that there was open space on each end and the patio was in the middle, but on A201, it appeared that there was a guardrail. Mr. Aragona explained that the guardrail would cover the open space area. Mr. Schroeder asked if it would be used as a patio, and Mr. Aragona said it could just be open space, and he said that he envisioned one of those big chess sets there.*

*Mr. Yukon said that in keeping the residents in mind, he wondered if there would be a time restriction for the patio's use. Mr. Aragona agreed that there would most likely be a time restriction because half of the units would look over that area. Mr. Yukon asked if it would be posted on the patio, which was confirmed, and Mr. Aragona said it would also be included in the lease. Mr. Yukon said that he would like to see that, as it would be fair for the residents. He wondered if that should be a condition, and Chairperson Boswell agreed the Commissioners could add that as a condition.*

*Mr. Reece said that to clear up the issue with the elevation of the back garages, he would add some horizontal banding that was introduced on the rest of the building, perhaps at the header of the doors. They could break that up and run the banding so it tied in with the remaining elevation. He would suggest a color through block or split face masonry unit. Mr. Francis agreed that they did not do as good of a job of displaying it as they could have. Mr. Reece said that with the rents proposed, he did not see the complex as a big college dorm palace. The people would want as much privacy as the neighbors across the way. It would be no different than anyone's neighbors having a fire pit on their backyard patio. He saw the rents dictating the overall use of the spaces,*

*and he had less concern about that.*

*Mr. Reece referred to the elevation of the fourth floor at 36 feet, and he observed that a six-foot tall individual would still be lower than the higher points of most of the trees along the property line. There was a valid concern about people looking down into people's backyards, but he felt that the trees would do a pretty decent job of blocking most of that. Mr. Francis Aragona said that the roof decks were at 48 feet; the 60-foot dimensions came from some of the parapets, but that was not living space.*

*Mr. Srock came back to the mike. He did not believe some things about traffic and safety had been understood correctly. He agreed that if the rents were going to be high that people would have more disposable income. That told him that they were probably employed. If they could assume that many of the residents of the complex were employed, they had to assume they would be working primarily a day shift. The timing of the travel would become critical. The Manager of Planning had indicated that a hope of having a mixed use complex would reduce the amount of people on the road. He would agree with that for people home from work. When children were on the street and the traffic was heavy (people going to and coming from work), the intersection, regardless of the applicant's perspective of how safe it was, was very dangerous the way the driveways were allowed to have left turns onto southbound Rochester from the southern access. The far eastern entrance onto Tienken after the right turn lane, regardless of the perspective that people should know better, was one people did not know how to use correctly. The vast majority of people who turned left onto eastbound Tienken raced to get in to merge. It was not an issue of 10 or 20% - it was the vast majority. He had lived on that corner for 28 years, and he watched what happened there every day. With high school kids driving in the morning rush hour, it was even more of a concern. He said that he beseeched the Commissioners to reconsider the traffic situation. The plan that was reviewed 11 years ago could not possibly have predicted the growth in population in the northern part of the community that traveled through the intersection.*

*Ms. Roediger responded that the City had a Traffic Engineer, and Staff could have him look at it again before the matter went to Council. She knew that it had been studied multiple times in the past, however, and the Traffic Engineer felt comfortable enough to recommend approval.*

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 98-047.3 (City Walk/City Apartments PUD), the Planning

Commission **recommends** that City Council **approves** the Second Amendment to the PUD Agreement, dated received June 11, 2015, with the following five (5) findings and one (1) condition.

Findings

1. The proposed amended PUD agreement is consistent with the proposed intent and criteria of the PUD option.
2. The proposed amended PUD agreement is consistent with the approved Final PUD plan.
3. The amended PUD agreement will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed amended PUD agreement 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 agreement provides for an appropriate transition between the subject site and existing land uses to the east of the property.

Condition

1. Item 3 (regarding Section 13) change the word setback to separation.

**Recommended for Approval to the City Council Regular Meeting**

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2015-0264

Public Hearing and Request for Conditional Use Recommendation - City File No. 98-047.3 - City Apartments, for the height of the four-story apartment building at City Walk, located at the southeast corner of Rochester and Tienken, zoned FB-2 with a Planned Unit Development Overlay, Parcel No. 15-11-103-009, City Walk, LLC, Applicant.

**MOTION** by Kaltsounis, seconded by Reece, in the matter of City File No. 98-047.3 (City Walk/City Apartments PUD) the Planning Commission **recommends** to City Council **approval** of the **conditional use** for the height of the apartment building, based on plans dated received by the Planning and Economic Development Department on June 11, 2015, with the following nine (9) findings and subject to the following one (1) condition.

Findings

1. *Per the PUD Agreement, the Planning Commission is authorized to make a recommendation to City Council for the height of the building.*
2. *The maximum height of the apartment building is 60 feet.*
3. *The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.*
4. *The expanded use will promote the intent and purpose of the Planned Unit Development Agreement.*
5. *The proposed building has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the development, the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use*
6. *The proposal should have a positive impact on the community as a whole and the surrounding area by further offering an alternative housing option.*
7. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
8. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
9. *The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Conditions

1. *Use of the common areas shall be available from 6:00 a.m. until midnight.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

**2015-0226**

Request for Site Plan Recommendation - City File No. 98-047.3 - City Apartments, a proposed 53-unit apartment building at City Walk, located at the southeast corner of Rochester and Tienken, zoned FB-2, Flexible Business Overlay with a Planned Unit Development Overlay, Parcel No. 15-11-103-009, City Walk, LLC, Applicant

*Mr. Kaltsounis remembered being at a meeting when the development was first before the Commission that lasted until after 2:00 a.m. He recalled that there was substantial discussion about the traffic, the double lanes and the capacity. They discussed right in right out only for a lot of places throughout the City, although people still made left turns. He thought that the southern access might be tricky at certain times of the day, but he felt that people could make it work, and he stated that the Traffic Engineer would have the final say.*

**MOTION** by Kaltsounis, seconded by Reece, in the matter of City File No. 98-047.3(City Walk/City Apartments/City Apartments PUD), the Planning Commission **recommends** that City Council **approves the Final Site Plans**, dated received June 11, 2015 by the Planning and Development Department, with the following five (5) 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 location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.*
3. *There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.*
4. *The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.*

5. *The proposed final plan promotes the goals and objectives of the Master Plan by offering a variety of housing.*

Conditions

1. *Provision of landscape cost estimates to determine the amount of the performance bond, prior to issuance of a Land Improvement Permit.*
2. *Provision of an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.*
3. *Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*
4. *Add architectural features and add banding to be wrapped on the north and south faces to be unified with the elevation, and assess the guardrail on the plans, to be reviewed by Staff prior to going to City Council.*
5. *That the City's Traffic Engineer re-evaluates the plan for traffic patterns prior to going to City Council.*

*Mr. Hooper noted that at the time they looked at the plans for a discussion only, he thought that the apartments would be a great amenity to the City. After seeing the plans, he was even more impressed. He felt that it would be a huge hit, and that it would be very popular. He felt that with the quality of the development that it would be easy to lease, and it would be a huge success. Regarding traffic, he recalled that prior to the development, going eastbound on Tienken, traffic was backed up to Livernois. Traffic had been hugely improved compared to what it was before the developments were constructed. He agreed with Mr. Anzek's comment that he (Mr. Hooper) had insisted on having dual lefts all four ways at the intersection before a Rezoning could be done. It had proven to him that it was the right thing to do for both developments for now and the future.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2015-0269

Request for Tree Removal Permit - City File No. 13-016.3 - Pines of Rochester Hills, for the removal of as many as 81 regulated trees for a proposed senior living development consisting of an 18,326 square-foot assisted living facility and a 19,833 square-foot memory care facility on two parcels totaling 3.86 acres, located on South Boulevard, east of Livernois, Parcel Nos. 15-34-351-012 and -013, zoned R-2, One Family Residential with an FB-1, Flexible Business Overlay, AGE of Rochester Hills, Inc., Applicant  
*(Reference: Staff Report prepared by Sara Roediger, dated June 26, 2015 and site plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Chuck SeKrenes, AGE of Rochester Hills, 1245 E. Grand Blanc Rd., Grand Blanc, MI 48439; Sheri Ananich, H2A Architects, 9100 Lapeer Rd., Suite B, Davison, MI 48423; and Kevin Cook, CHMP, Inc., 5198 Territorial Rd., Grand Blanc, MI 48439.*

*Ms. Roediger stated that Staff and the applicants were back with Pines of Rochester Hills, which had been before the Planning Commission two times for Rezonings for both properties. The site was a total of 3.86 acres on the north side of South Boulevard, just east of Livernois. She noted that the property was zoned R-2 with an FB-1 Overlay. The applicant was present with a site plan to construct two buildings, one just over 18,000 square feet and one almost 20,000 square feet for assisted living and memory care. The buildings were intended to have a residential feel. Regarding the tree removal permit, the applicant would be required to provide 41 replacement credits, which they would accommodate through a combination of plantings on site and payment into the City's Tree Fund. Staff had multiple meetings with the applicant and recommended approval with conditions. A written response was provided for the Fire Department review in the packet. It stated that they would meet all of the conditions, and the Fire Department was comfortable with those revisions, although there was not time to submit a new memo. She said that she would be happy to answer any questions.*

*Mr. SeKrenes agreed that they had gone back and forth with Planning and Engineering Staff, and they spent close to a year-and-a-half working on the project and tweaking it to meet the ordinances. Mr. Cook spent a lot of time with the City's Engineering and the Fire Departments. He commented that they were excited about the project, and said that he would also be glad to answer any questions.*

*Mr. Kaltsounis pointed out the lighting plans and thought that some of the higher footcandles at the property line might need to be addressed. Ms. Roediger clarified that the ordinance allowed .5 at the property line. She*

*noted that there had been multiple iterations of the lighting plan, and there had been reductions.*

*Chairperson Boswell opened the Public Hearing for the Tree Removal Permit at 8:20 p.m.*

**Michael Kivari, 939 Grace Ave., Rochester Hills, MI 48307** *Mr. Kivari stated that he lived right behind the subject property, and he believed that he was the most impacted person. He said that he did not have a problem with the project, but he knew that they would be cutting down a lot of beautiful trees. He would like to see the applicants plant some better trees than just the arbor vitae proposed. He said that arbor vitae were fine for a barrier wall, but he would like to see other hardwoods or something more sturdy planted. They would be taking down a lot of walnuts and elms. He had a 50-foot tree on his back property line, and he wanted to make absolutely certain that it was not touched. He said that he had been assured by Staff earlier that it would not be, since it was two-thirds on his property, and it did not show up on the tree removal plan. He did not want an overzealous tree company taking it out by accident. He said that he was glad to see that the site plan only called for one-story, although he felt that the roof line would impact his visual sight range and that all he would see was the roof. There was a lot of wild life that would be sacrificed by developing the property, but he said that he could live with that change. Another concern was that the residents of the facilities would be mentally impacted or disenfranchised in some way, and he thought that there could be security issues. His father died of Alzheimer's, and he watched him have violent outbursts, so having lived through that, he was concerned. He had a 12-year old son and some grandchildren, and he wanted to make sure that there were security measures in place that guaranteed their safety against a patient getting loose and onto their property. He suggested that they looked at putting in some different trees in the back corner area. He did not think that would affect the plan, and he remarked that he liked trees.*

*Chairperson Boswell closed the Public Hearing at 8:22 p.m. He asked about the security measures that would be in place.*

*Mr. SeKrenes advised that the memory building would be a lock-down facility. They did everything they could in all of their locations to keep the residents inside unless they were being supervised outside. The patio areas were also lock-down. If a fire alarm went off, the gates popped open, and if there was no fire emergency, the gates would stay locked. Chairperson Boswell asked if there would be someone outside with a*

*patient at all times. Mr. SeKrenes assured that it would be a lock-down, so the patients could not get out. He noted that the assisted living facility could not be lock-down under State guidelines. People had wandered, but they did the best that they could to see that someone did not follow a family member out, and they had not had any incidents.*

*Chairperson Boswell agreed with Mr. Kivari that there were some very nice trees on the property. He asked if there was room to put some trees in the back. Mr. SeKrenes said that they would not have a problem adding a couple of trees. He noted that there was a water line, but outside of that on either side he offered to plant a couple. He added that they wanted to work with everyone and make it a great facility. Mr. Schroeder suggested that Mr. SeKrenes might want to meet with the neighbor in the field.*

*Mr. Reece recommended breaking up the continuous line of arbor vitae and mixing the landscaping. He agreed that arbor vitae formed a nice visual screen, but after a while, he pointed out that they looked kind of nasty. He thought that the applicants could work with City Staff to get a different blend of trees. He thought it would be more natural looking than it would as currently presented.*

*Mr. Anzek advised that he and Ms. Roediger met with Mr. Kivari earlier in the day, and he did have a rather large elm on the property line. Mr. Anzek told him that before the applicants could get a Land Improvement Permit, they would have to put in tree protective fencing, which would protect the tree at the dripline. That would come significantly onto the applicant's property. Regarding the arbor vitae, they really could not dig a hole where there were a lot of roots supporting another tree, so they talked about the possibility of staggering the arbor vitae and mixing them with different species. That would make the intent of the buffer work but also respect the trees that were already there. Mr. Reece agreed that would be a good natural solution.*

*Mr. Reece noted that there was not a colored rendering or any material colors presented. He asked Staff if, going forward, it could be a requirement that the Planning Commission was given a colored rendering. Mr. SeKrene responded that the common colors they used were earth tones and reds with weathered wood or earth tone colored shingles. Mr. Anzek advised that Staff could require that from the applicants.*

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

*motion, seconded by Mr. Reece.*

***MOTION*** by Kaltrounis, seconded by Reece, in the matter of City File No. 13-016.3 (Pines of Rochester Hills), the Planning Commission **grants** a Tree Removal Permit, based on plans dated received by the Planning Department on June 5, 2015, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to replace 81 regulated trees with 21 tree replacement credits, and as required by the Tree Conservation Ordinance, the balance will be paid into the City's Tree Fund.*

Conditions

1. *Tree protective and silt fencing, as reviewed and approved by the City's Landscape Architect, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Payment into the City's Tree Fund of \$4,000.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

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

2013-0360

Request for Site Plan Approval - City File No. 13-016.3 - Pines of Rochester Hills, a proposed two building senior living development totaling 38,159 square feet on 3.86 acres (assisted living and memory care facilities) on South Boulevard, east of Livernois, AGE of Rochester Hills, Inc., Applicant

***MOTION*** by Kaltsounis, seconded by Dettloff, in the matter of City File No. 13-016.3 (Pines of Rochester Hills), the Planning Commission **approves** the site plans, based on plans dated received by the Planning Department on June 5, 2015, with the following six (6) findings and subject to the following four (4) 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 have a second access for emergency vehicles, also promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
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 Planning Commission has determined that proposed plan meets the required criteria for a modification to the FB district requirements and therefore approves to the lawn frontage requirement to allow the principal entrances of the buildings to face internally as proposed.*

Conditions

1. *Indicate proposed outdoor amenity space on the site plan, prior to final approval by staff.*
2. *Provide total landscape cost estimates (not per specie cost), as adjusted as necessary by staff, prior to final approval by staff.*
3. *Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*
4. *Staff to re-evaluate and approve north tree line landscaping plan that accommodates existing neighboring trees and sight lines.*

*Mr. Hooper thanked Mr. SeKrenes for his investment in the community. Mr. Hooper was cautious about approving the Rezoning, and he noted that the site also went through a process with the Historic Districts Commission. He was glad the applicants followed through and were making the investment in the community. With the aging population, the facilities would definitely be a welcomed addition. He was sure they would do a great job, and he wished them well.*

*Mr. Yukon asked whether the Planning Commission needed to grant a modification from the lawn frontage regulation, noting that the entrance did not face South Boulevard. Ms. Roediger clarified that it was accomplished under finding six in the motion.*

*Mr. Schroeder questioned whether there was anyone in the building that monitored the front door. He did not see an office or desk. Mr. SeKrenes advised that there would be offices in each location, and the doors would be monitored by computers or safety cameras.*

*Mr. Kaltsounis mentioned that his daughters went to Deerfield Elementary, and they regularly visited the Marriott senior facility up the street. They sang for the residents, went for walks and spent a couple of hours having a good day. He suggested that the school might be a good resource for Mr. SeKrenes' facilities.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously, and he thanked the applicants.*

## **ANY OTHER BUSINESS**

*Mr. Kaltsounis indicated that he heard a rumor that the Barrington Park project at Auburn and Barclay Circle was for sale. Mr. Anzek advised that it had been sold to Pulte, but it would be the same development. Ms. Roediger added that she and Mr. Anzek had met twice on site with members of Engineering, Building, the development team, the neighbors and representatives from the County Drain to address the flooding along the eastern property line. The developer would be going above and beyond to fix the drainage along the rear of the properties to the east and would create a new storm water pipe and connect stubs to the individual houses to connect to sump pumps. A lot of their sump pumps were*

*clogged, but the developer would set up a system so it worked better, and the residents would have an opportunity to enhance their drainage if they chose.*

*Mr. Anzek said that it was pretty well determined on site that the land proposed for development had nothing to do with the residents' water conditions in their back yards. There was a County Drain that had not been maintained, and the County did not even have it on their map. They agreed it was theirs, and that they should repair it, but the developer was going to repair it for them when the site was prepared. There was a swale on the Barrington Park property that was being used by all the homes that had filled with sediment, and it had no positive flow. The water just sat, and it was a mosquito pit.*

*Mr. Kaltsounis said that it was a large PUD, and some developers appeared just to work to raise the value of their property. He was not sure if he should be concerned. The City negotiated with the applicant, and a contract was laid out with a lot of the details. He wondered if they should go into more detail during the process to make sure they were covering all the bases.*

*Mr. Reece believed that Mr. Kaltsounis was saying that the Planning Commission spent a lot of time, effort and good faith in discussions with the developer and placed trust in what he told them. Then the developer flipped the property, which he had a right to do, but some Commissioners might be questioning that.*

*Ms. Roediger explained that the use of a PUD was a good thing, because the City had something in writing, more so than for a general site plan. Anyone who took the project, the same as with a Conditional Rezoning, had to develop the property with the conditions tied to the land, regardless of who owned it.*

*Mr. Kaltsounis agreed that they should probably not be concerned about it, but he did not really want it to become a trend, or they might have to think a little more about what they were agreeing to. Mr. Anzek said that he could appreciate the concern, but he was confident because the Planning Commission looked comprehensively at site plans, and there were very few stones left unturned. When people walked out of a meeting, they knew the expectations. Mr. Shapiro, the developer, was very well respected in the region, and he was a man of his word. He was going to make sure that Pulte lived up to his word. Mr. Kaltsounis commented that his word was the City's PUD.*

*Ms. Roediger said that Mr. Shapiro mentioned that he knew that his reputation was on the line. If he transferred it to a developer that tried to build something different, it would not be what he wanted at all. He was proud of the product, and he wanted everyone to be happy. He was essentially contracting it out, and she believed he would still be a partner. Mr. Anzek knew that with the market, he was looking at other pieces of land in the City.*

*On another subject, Mr. Kaltsounis said that he was a little irritated about the trees and shrubs at the Walgreen's at Auburn and Crooks. He drove by there every day. They cut down a bunch of trees and put in a lot of little shrubs in front. They talked about the shrubs growing after a couple of years to block the headlamps. Walgreen's fought the City, because they did not want the trees to block their sign. A lot of the trees were being cut short, and a lot were dying, and they were not acting like a buffer as intended. He said that it had been six or seven years into the development, and the trees were growing, but he wondered if they were growing at the rate the City wanted. He was mainly concerned about the shrubs. He asked who looked at them to check how they were being cut and whether they were at the required height.*

*Mr. Anzek said that it was a landscaping issue that Planning would handle, and he would look at it. Staff had a very good experience with Walgreen's corporate out of Chicago at the Boulevard Shoppes location. They said that they would do whatever it took to fix the buffer, and they would partner with Mr. Jonna to plant as many trees as needed, and the trees would be going in soon. If there was an issue at Crooks and Auburn, Mr. Anzek was sure it could be taken care of.*

*Mr. Kaltsounis wanted to make sure the shrubs were blocking the headlights. Mr. Anzek said that if they had shrubs around the perimeter by the sidewalks, they should be 2 ½ to 3 feet high. Mr. Kaltsounis did not think they were more than one foot. He said that he was bringing it up for discussion to make sure applicants did what the City required.*

*Mr. Schroeder asked if there was a time limit on the City's review. Mr. Anzek said that it was done through code enforcement, and they could usually just ask an owner to correct something.*

*Ms. Brnabic asked if colored renderings could be an official requirement of all site plan packets. Mr. Anzek said that it could possibly be an ordinance requirement or Staff could just ask the applicant, and he was sure it would not be challenged.*

**NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for July 21, 2015.

**ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Boswell adjourned the Special Meeting at 8:45 p.m.

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William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary