



Rochester Hills

Minutes

Planning Commission

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

Tuesday, November 17, 2009

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - William Boswell, Deborah Brnabic, Gerard Dettloff, Greg Hooper, C. Neall Schroeder and Emmet Yukon

Absent 2 - Nicholas Kaltsounis and David Reece

Quorum Present.

Also present: Derek Delacourt, Deputy Director, Planning and Development

John Staran, City Attorney, Hafeli, Staran, Hallahan, Christ & Dudek, PC

Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2009-0507 October 20, 2009 Regular Meeting

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

COMMUNICATIONS

- A) Planning & Zoning News dated October 2009
- B) Notice of Public Hearing for Dec. 2, 2009 re: Orion Twp. Master Plan
- C) Letters dated Oct. 28, 2009 and Nov. 3, 2009 from C. Burckhardt of Oakland County re: Orion Twp Master Plan review and vote
- D) Memo from M. Gentry dated Nov. 17, 2009 re: 2010 PC Meeting

Schedule

E) Email from N. Klomp dated Nov. 9, 2009 re: Resignation from PC

There were no further Communications brought forward. Chairperson Boswell related that Nathan Klomp had been elected to City Council and, therefore, had to leave his position on the Planning Commission.

NEW BUSINESS

2006-0718 Request for Approval of Revised Elevations - City File No. 05-015 - Sikh Gurdwara Temple, a 10,400 square-foot place of worship and education center on 4.5 acres located at the southeast corner of Auburn and Norton Lawn, zoned R-3, One Family Residential, Parcel No. 15-34-226-036, Sikh Gurdwara, applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated November 13, 2009, had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Raj Nijhon, Nijhon Associates, Architects, 1844 Rockledge Lane, Bloomfield Hills, MI 48304.

Mr. Nijhon recalled that he had appeared before the Commission a year ago for an Extension of the Site Plan for the Sikh Gurdwara Temple. At that time, he mentioned that problems had come up with the building, and the congregation hired his company to evaluate it. He had explained some of the problems a year ago, and one was that, given the size of the congregation, the building was too big at 22,000 square feet. Secondly, it was very user-unfriendly. The congregation was getting old, and the building had too many stairs and ramps. Also, the building was too expensive to build. His job was to clean up the issues. He had been working with the Planning, Building and Engineering Departments, and he revised the building. He noted that the Site Plan was identical, and they put the new building at the same location as the old. The new building was half the size of the old, did not have any steps or ramps and was now very user-friendly. He believed it looked much better. He showed a colored rendering of the building, and advised that the materials would be the same. The old building had a complicated appearance, and he felt that he had resolved the construction issues with a very simple, straightforward building. He thought it would fit in the neighborhood much more nicely.

Chairperson Boswell asked Mr. Delacourt if he had anything to add, and Mr. Delacourt commented that the applicant had summarized the changes well. The building would still sit in the same footprint, and there were no other changes to the parking, stormwater or other associated features. The site had received Construction Plan Approval, and the building would be significantly smaller in size; it still fit within the City's Zoning and Ordinance requirements, and Staff recommended approval.

Chairperson Boswell asked the Commissioners if they wished to comment. Hearing no further discussion, Mr. Schroeder moved the following motion:

MOTION by Schroeder, seconded by Dettloff, in the matter of City File No. 05-015 (Sikh Gurdwara Temple), the Planning Commission approves the Revised Elevations, based on plans dated received by the Planning and Development Department on October 30, 2009.

Mr. Hooper referred to the architectural treatments on the rendering and asked it was accurate as to what would be built, noting that there was nothing else describing the changes other than the picture. He asked if the brick treatments and soldier lines would be the same, which Mr. Nijhon confirmed.

A motion was made by Schroeder, seconded by Dettloff, that this matter be Approved. The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

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

UNFINISHED BUSINESS

2009-0506 Oakmont/Boulevard Hills - City File No. 09-002 - Presentation by Pine Trace Village Homeowner's Association.

Presenters were Rick Wilson, President of the Pine Trace Village Homeowner's Association, 3473 Warwick Drive, Rochester Hills, MI 48309; Bruce Pregler, 3586 Warwick Drive, Rochester Hills, MI 48309; Joe Bieth, 3930 Greenwood Ave., Rochester Hills, MI 48309 and Bill Charron, 3916 Greenwood Ave., Rochester Hills, MI 48309, residents of Pine Trace Village.

Mr. Wilson stated that they were present to express concerns that their

homeowners and neighboring residents across South Boulevard in Troy had regarding the planned expansion of Oakmont/Boulevard Hills. He advised that Pine Trace Village consisted of 108 homes, and they had common concerns about the architectural review guidelines and zoning issues. Their goal was to achieve ideas that could potentially satisfy all parties. Their concerns were zoning, architecture, landscaping, the emergency access road and related issues such as traffic, noise, light pollution, safety and security.

Mr. Pregler spoke next, and said he was an attorney who specialized in construction litigation. He often represented developers such as Oakmont, and he read and interpreted Ordinances for his clients. He stated that his group was not in a position to try to stop the project; they were in a position to try and ask the Commission to enforce the Ordinance and keep in touch with the architectural standards set by the City.

Mr. Pregler summarized that Oakmont was planned for an area called SP (Special Purpose). The subject project had two buildings, a one-story and a three-story, and their concern was with the three-story building. It was described as a senior congregate facility, but they believed that it violated the City's Zoning Ordinance because Section 138-5.100 on page 81 limited buildings to two stories and 30 feet. However, there was an Ordinance that allowed nursing homes, convalescent homes and assisted living to be built to a maximum of 40 feet (138-4.423 B., page 67). He said the problem was that the Zoning Ordinance specifically said two stories and 30 feet, and there was an enabling Ordinance that said it could be built up to 40 feet, but it was silent on the two or three-story issue. Whether it was a conflict or omission, his point was that it was silent. His interpretation was that if it was silent, someone could build to 40 feet but it should still be two stories. It had been suggested to them that the planners were not concerned with the number of floors. His interpretation was that it was a misinterpretation. They believed that the Commission should interpret the Ordinance as it was described. When there was an omission and a conflict, the Ordinance provided guidance. Section 138-1.106 stated that where there is an omission, or there is conflict, the more stringent standards should apply. He said that if there was a more stringent standard, it was two stories, not three. He stated that they were told not to be concerned with the interior structure. It could be 40 feet, and they could put four or five stories in it. He disagreed, because the Ordinance indicated that interpretation should be for the promotion of the public safety, morals and general welfare of the area. They believed that a larger facility would increase traffic on South Boulevard, and that more

floors would increase cut-through traffic in Pine Trace. Greenwood was the only north/south direct cut-through in the square mile of Auburn, Crooks, South Boulevard and Adams.

Mr. Pregler continued that Pine Trace had many young families, and he felt that the larger building would cause more traffic. They did not have sidewalks, and many people walked in the road, and more traffic and more people would cause a concern for safety and security. They also did not believe that the proposed facility fit within the City's architectural review guidelines. They believed that the three-story structure would devalue the homes adjacent to the project at a minimum.

Mr. Pregler said they believed that the three-story facility was merely an apartment. He had read the letters from the architect explaining the use of the building, and he commended him for talking with them. However, they believed that the Zoning Ordinance precluded a three-story senior apartment building. It was no different than the Millender Center, which contained a gym, a pharmacy, etc. The subject development would have a cafeteria and virtually all the aspects of large, modern apartment facilities that were being constructed all over the State. As a consequence, if it was viewed as such, the Zoning Ordinance required that the project be placed in an RM-1 district, not in SP. He was surprised that it did not require a Conditional Use Permit in an SP district.

Mr. Pregler concluded that the final issue was that it was a dual use project. The Zoning Ordinance precluded a dual use within an SP district. The proposed facility had a commercial nursing home, which had to be licensed. The applicants were requesting to install, on the same site, a three-story, senior living facility, which was unlicensed. Page 175 specifically precluded dual uses. For those reasons, they were asking that the project, as proposed, be reduced to two stories and that the sections of the Zoning Ordinance he outlined be enforced.

Mr. Charron stated that he lived on lot six, which backed up to the proposed development. Regarding architecture, they had some concerns about the design and size of the structure. He pointed out Section 138-2.203, and said they believed that the existing design was not in compliance and not in compliance with the published architectural guidelines. Specifically, he read Section 138-2.203 G., "Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials and color. Proposed buildings should also comply with any adopted City building design guidelines." They believed that the architecture was in

violation of that code. Paragraph C. stated that, "Site elements are designed and located so that the proposed development is aesthetically pleasing and harmonious with adjacent, existing or future developments." Mr. Charron added that they were looking for architecture compatibility and scale and for a building that looked similar to the existing development on the site. They were trying to persuade the Commission to consider having one building design across three structures, not three designs and three structures. They would like to see the new design based on the same architectural principals that were used on the existing Boulevard Hills. They believed that the scale of the building should be visually compatible with the site and with the surrounding neighborhood. They would like to see a building that fit into the site. They would like to see designs that existed today in other senior facilities. He showed examples of other senior living buildings for which they thought the materials were very high end and pleasing to look at. If the project was approved, they would like to see that type of building. He commented that the residents would live with the decisions forever. The developer would develop it and move on, without any long term vision they would like to see.

Mr. Charron observed that the proposed structure had a large footprint, and that the finished grade of the structure would be nine feet above his finished floor. From his home, it would be a four-story building. He said that the roof structure was incompatible with the existing structure, and that the use of materials was incompatible. The proposed building had vinyl shingles, shutters, siding and brick. In their opinion, there were incompatible building designs. He showed a picture of the existing building, which they were pleased with, but he stated that the proposed building did not portray any particular architectural style or quality. He felt that it would simply be a functional container that housed a business. They did not think the building had been through the design guidelines scrutiny, and he maintained that the proposed plan did not work.

Regarding landscaping, Mr. Charron believed there was an inadequate buffer proposed. In the wintertime, he could see through his backyard into the Oakmont land. The natural material lost its leaves and was transparent. They did not believe the buffer was robust, and it was not the type they needed to shield them from the "beast." He showed a buffer in Rochester Hills he felt was a good example of an opaque buffer. It was consistent with the City's guidelines, and they would like to see one like it on the eastern property line.

Mr. Bieth shared his concerns as an adjacent homeowner on Greenwood.

He noted that the emergency access was in close proximity - 20 feet from his property line. He stated that it would create a dangerous environment. It was where their children played and where they barbequed, and he felt it was a quality of life issue. Because it would be so close, it would not allow the landscaping to create the proper opaque barrier because it was such a skinny piece of land. It would prohibit a nice berm from being created, because they could not berm an emergency road or grow trees on asphalt. They were asking that the Commission consider moving the road further west or working with the developer to reconfigure the front entrance altogether so there could be two entrance points to the facility in the correct areas, further away from the backyards. He observed that the area to the west was undeveloped. They understood that the gate would be locked and would be used during an emergency only, but they were concerned about what the gates would look like.

Mr. Bieth mentioned the increase in traffic, noise and light pollution, and safety and security. He asked if there had been a traffic impact study requested. He asked because Greenwood was the only cut-through between Auburn and South Boulevard, and they already had a lot of people cutting through. They were concerned that there would be even more, because there would be three times the residents and three times the traffic and an increase in commercial traffic. He pointed out that per the Ordinance 138.2-203 F, the proposal would not reasonably insulate their sub from the vehicular circulation system. Regarding security, they were concerned because with a commercial building, it would take an army of people to support it. He stated that there would be shifts coming and going at all different hours. They had concerns about noise and what already existed, but he said they had been able to work it out. The size of the development would multiply everything by three. It was so close to their subdivision, there would be no security, and people could literally walk into their backyards. He pleaded for them to listen to the residents. He said that they were not a bunch of citizens trying to stop development; they would welcome a larger tax base and more jobs in Rochester Hills, but he stated that there was a right way to do things. He worked for one of the largest developers in the world, and when he moved in, he looked at the Ordinance to see what could be built behind him and for all the reasons they were talking about, he was not concerned about three stories or emergency roads and buffer roads, so he bought. He asked the Commission to work with them.

Mr. Wilson indicated that they were at the meeting to offer solutions. He showed a slide that had the mission statement displayed at the gateways to Rochester Hills: Historic, Distinct and Progressive, and those were the

guidelines they used to make their proposal. They did a survey of some of the commercial buildings in Rochester Hills, which demonstrated that the government did have a role, and had worked successfully, to bring change to some of the big box stores. He showed a picture of a Home Depot in Chesterfield Township, and said it was nothing more than a concrete block painted cream and orange. The one in Rochester Hills was much upgraded and much more appealing in appearance. He showed the former Walmart on Opdyke and the new Walmart on Adams. The new one was far different and was a desirable look for the City.

Mr. Wilson reiterated that they were suggesting that the structure be two stories, which would be a more reasonable footprint in a residential area. He commented that they had worked hard as an association to make their subdivision a gem of Rochester Hills. They were proud of their homes, and the area was a gateway to the City. They wanted the Commission to think about the impact a large structure would have on the high level ground at the entrance to Rochester Hills. They had been fighting cut-through traffic on Greenwood for a number of years. Two months ago, they met with Mayor Barnett to pursue options and to state their concerns about traffic. A study was done a few weeks ago, and they were waiting for the results. A three-story building would bring a lot more traffic with people trying to escape the main thoroughfares. The parking lot would bring light pollution. They were concerned that the building would be out of scale. He suggested that care and consideration must be taken in account for the neighboring homes. They were concerned about home values, and he maintained that building the building behind the subdivision would exaggerate the problem. If the proposal was constructed per the current design, he said that it would impact the quality of the development of the large open land to the west. He remarked that it would be a short-term gain for the City, but it would have a long-term implication for the City regarding future development.

Mr. Wilson showed the existing Boulevard Hills facility, and said it was an appealing development. He showed a picture of another development with brick and limestone, which he said would be appealing to them for the proposed building. He referred to the emergency access road, and said it was one of their biggest concerns. They did not have deep back yards, and the development would be very close to the back of the homes. The developer had agreed to reduce the road to a 16-foot road, but they would like it to be shifted over so there was a 40-foot gap. That would allow the planting of a very broad and opaque landscaping screen to shield the homes. He mentioned the surface lighting from the parking lot. He handed out a summary of their requests to the Commissioners, and a

copy was placed on file. He read the requests: A senior apartment building two stories high; brick and limestone for the elevation; to locate the access road an additional 20 feet to the west; an attractive lock gate; a cross access agreement, which meant that if the property was developed to the west, that there could be a secondary access through that property and the proposed emergency access road could be eliminated; a traffic impact study performed; broad, opaque landscaping throughout the entire property, including the north, so all residents would be protected; to look at possible flooding issues for individual lots; and for the Landscape Architect to work with homeowners to make sure they were properly screened. He concluded that they were willing to have an active dialogue between the residents, the developer and the City to find solutions that were acceptable to all parties.

Ms. Brnabic indicated that she would reserve further comments for later, but she wanted to illustrate the reasoning for the emergency access road. She understood the concern for their children, but she explained that a gated access road would be used in the event of a fire only. It would be the only time the engines used the road. It would not be used for medical situations. The front entrances would be used for paramedics and medical emergencies. She stated that the emergency access was there for safety. The Fire Department had to have access to all sides of a building of that size so a fire did not get out of control. Regarding it being in close proximity, she asserted that it might never be used. She hoped there would never be a fire, but she reminded that there could be a fire in one of the neighbors' homes - the odds would be the same. There would be a higher frequency of an engine being in the neighborhood due to a medical run. Regarding commercial maintenance, she reminded that subdivisions had snow plowing done all winter. She added that the access road would only be plowed to keep it open in case of an emergency, and she assured that there would be no dangerous rates of speed.

Mr. Bieth asked if the road was even necessary, noting that there was not one in that location now. He referred to the undeveloped lot to the west, and questioned why the access road could not be put there, if there was such a high probability that it would never be used.

Ms. Brnabic said she did not say there was a high probability it would never be used. She said that the odds were better that a house in the sub could have a fire. The Fire Department had to be able to access all sides of the building, and the road was put in place as a safety measure to be able to do that. The odds were also greater that someone in the sub

would have a medical emergency. Mr. Bieth asked about it being so close that it could not be properly landscaped. He said he understood the safety issue, but he said it seemed that they owed it to each other to come up with a better solution than having it 20 feet off the back of their subdivision. Ms. Brnabic said she could only assume that since the Fire Department looked it over many times, that it was the most viable solution. Mr. Bieth asked if the Commission had the ability to work with the developer to change the configuration. He talked with the Fire Department, and he got the impression the developer wanted to use what already existed as far as the front entrance and wall. He wondered if the main entrance and emergency road could be shifted over and if that could be considered before it was approved. Ms. Brnabic noted that she just wanted them to understand the purpose and probability of the road's use.

Mr. Dettloff said that the packet referenced a couple of meetings that were held between the developer and the homeowners - one in September and one in October - and he wondered if there were any other discussions to try and come to some type of common ground.

Mr. Pregler advised that they met with the developer and architect in October. They expressed many concerns, but it was more of a description of what the developer was going to build. The developer said it would be a "three-story building, period." The homeowners told him they would really like it to be two stories because it did not fit to scale. They did receive some concession; initially, there was more vinyl and less brick, and the developer was now proposing hardy board and additional brick. The developer also increased the buffering along the emergency road area, but they did not feel it went far enough along the eastern border. He sent a letter after the first meeting, asking if they could sit down and talk in greater detail. They met about a week ago, when they were advised about the hardy board, the additional brick and additional landscaping. They were told again it would remain three stories. The developer also said he would move the road four feet to the west, and that was the extent of the meetings. He said they were professional, and that there was no animosity, and the homeowners just wanted the Commission to enforce their standards and Zoning Ordinance and to try to get the architectural details similar to what existed currently. The proposed building would appear to be almost four stories because of the elevation.

Mr. Dettloff clarified that the brick issue was addressed. Mr. Pregler replied that Mr. Tosch said the developer agreed to put additional brick and coined brick corners.

Chairperson Boswell introduced Mr. Staran, the City Attorney. Chairperson Boswell indicated that there were a couple of issues he wanted Mr. Staran to address: The so-called zoning violations, the two-story versus three-story issue, whether it was an apartment building or senior living facility, and about the dual use concern that was brought up.

Mr. Staran said that he listened carefully to Mr. Pregler, who articulated a sensible position from the board as to how they construed the Ordinance. Mr. Staran said he looked at the Ordinance, having been consulted by Staff, after the matter was tabled. With respect to building height, he said that he read the Ordinance somewhat differently. He came to the opinion that Staff and the applicant had construed the Ordinance correctly as to building height. The SP district contemplated a number of different uses that might be permitted, either as principle permitted or conditional uses. The Schedule of Regulations, 138-5.100, set forth a number of the dimensional regulations for the SP uses. However, with respect to assisted living facilities, there was another section of the Zoning Ordinance that came into play - Section 138-4.423, which was mentioned in the presentation. That section specifically provided that with regard to nursing homes, convalescent homes and assisted living facilities, they were subject to the following requirements, which "shall supercede any other applicable requirements of this Ordinance." It stated that the maximum building height "shall be 40 feet." It did not contain any limitation with regard to number of stories. Contrary to being a conflict, as was suggested, he felt the language was very clear that the section was intended to supercede all other regulations, which would include those in the Schedule of Regulations. His read of the building height was that it could be up to 40 feet without any limitation as to number of stories. He consulted with Staff because the Zoning Ordinance was just updated. At one point, they were even more generous with the height that could go into an SP district. Far from being an omission, it was by design, and there was no height limitation with respect to stories intended. Regardless, he did not view it as a conflict, but he thought that by the express language of the Ordinance, 138-4.423 controlled and superceded what was in the Schedule of Regulations for SP. It was his opinion that the Ordinance did not prohibit a three-story building in SP, and to decline a plan based on that reason alone would be difficult to support. There were many other considerations mentioned - architectural standards and so forth - that the Planning Commission would discuss which might impact the look of the building, but he did not think it violated the maximum height regulations of the Ordinance.

Mr. Staran commented on the use issue, stating that the Ordinance defined assisted living facilities and apartment buildings, and it did not do it with a lot of substance. There were no bright lines about when an assisted living became an apartment building or vice versa. To a large extent, the Planning Commission would have to reach the conclusion based on what Staff had reported, what the materials presented stated and about what inquiries of the applicant revealed. He thought there appeared to be some things in the project that were unlike what one would normally expect to see in a commercial project, but he also recognized that there was no one common theme to commercial apartments, where certain amenities were included. He thought the Commission should inquire further about that with the architect. He recalled that the City had allowed senior congregate facilities in the SP districts, and what was being proposed was not unlike those. He agreed with Mr. Pregler and if the Commission did, in fact, find that it was not an assisted living facility but rather an apartment building, it would not be permitted under the Ordinance and it would constitute a dual use. That was the threshold question.

Mr. Hooper agreed that it would be the litmus test as far as the project went. It was either an assisted living facility or an apartment. He presumed that if the developer did not get three stories that the economics would not work for him and he would not do the project. He mentioned that the one-story building would be licensed by the State of Michigan. If the three-story and memory care building were both licensed, he wondered if it would meet the litmus test and show that the three-story was assisted living.

Mr. Staran thought it might, and he added that it might be one of the issues that needed clarification. He referred to the letter from the architect dated November 11, and said that he was a little uncertain about it. It referred to the assisted living facility, which was the one-story building, which appeared to be pretty clear. The letter described the three-story building as a senior congregate facility, and he was not certain from what was provided whether that building was also licensed or whether it was covered by the first license or not.

Mr. Hooper wondered if, after evaluating the use for the three-story facility, it would come down to a majority vote of the Planning Commission, if only one building was licensed. They would evaluate the individual apartments, the card room, TV lounge, parlor, laundry, mechanical and electrical rooms, maintenance, director's facilities, library, computer room, individual residential storage on each floor and the layout of the

units being on the small side and determine if that was different from what someone would typically see in an apartment. If he and his wife were going to get an apartment, until they reached a certain age, he maintained that they would not rent one of those apartments due to the size. He felt that was the crux - it would either meet the litmus test or not - and at that point they could move forward.

This matter was Discussed

2009-0231

Request for Site Plan Approval - City File No. 09-002 - Oakmont/Boulevard Hills senior living facilities.

Chairperson Boswell asked the applicants to come forward. He reminded that if anyone wished to speak, he would need cards brought up so he knew how many people would speak. At this point he had one card.

(Reference: Staff Report and memo prepared by Derek Delacourt, dated November 17, 2009 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Daniel Tosch, Progressive Associates, 838 West Long Lake Rd., Suite 250, Bloomfield Hills, MI 48302; A. Kalejian, POMKAL Rochester LLC, 25480 Telegraph Rd., Suite 100, Southfield, MI 48033; Sean Blascik, Ziemet Wozniak, 40024 Grand River Ave., Suite 100, Novi, MI 48375; and Ben Weaver, James C. Scott & Associates, 300 E. Long Lake Rd., Suite 120, Bloomfield Hills, MI 48304.

Mr. Delacourt recapped that the applicant appeared before the Commissioners in August with the proposed project. At that meeting, the Commission had several questions and concerns, and they asked the applicants to re-evaluate things and talk with the neighbors. He advised that the summary of changes would be made by the architect. He noted that they met with the Landscape Architect, and she was comfortable with the proposal.

Mr. Tosch reiterated that at the August Planning Commission meeting, they received direction from the Commission to meet with the adjacent residents to review the project in greater detail and to listen to their concerns. Subsequent to that, they sent out an informational meeting notice to the residents immediately adjacent on Greenwood. That notice went to eight people. They held a meeting on September 22 at the Boulevard Health Center. In attendance was the building administrator,

Ms. Denise Hubbard, to answer any questions about the operation. It was a very informative meeting, and there were about 27 people. They discussed the project and its direction. On October 14, they had a meeting at Mr. Kalejian's office with the Pine Trace Village Homeowner's Association. It was another informative meeting, and Mr. Kalejian talked about the operational aspect, and he invited the residents to visit some of his other facilities in the area. They then issued a letter to Mr. Pregler, indicating responses based on the meeting and about some of the concerns, which were basically the same as were just presented. They had a meeting with City Staff on October 29. The purpose was to specifically review the requirements and direction for the emergency access road. Mr. Cooke of the Fire Department indicated that the road was necessary at the most extreme distance from the main entrance to the property for emergency purposes. It would be used only if there was a catastrophic problem with the main entrance. They would have liked to have it in the upper left hand corner or at the right hand northeast corner, but there was no access provided for those locations because of topography and existing development. They were limited because of the existing detention basin also. The site flowed naturally by grade into the southeast corner, and the detention basin was placed there during construction of the existing nursing facility. It was designed to sustain the water volume necessary based on new engineering design standards, which they had met. The Fire Department allowed the access road to be reduced to 16 feet in width, so they were able to increase the dimension of the landscape buffer. They were adding a double row of evergreen trees and eliminating the undergrowth to get an opaque screen.

Mr. Tosch put a transparent overlay on the Site Plan to show how the buildings fit on the site. They were utilizing the road pattern that was already there. There were existing lights on the perimeter of the property, but there would be no light spillage, and it would be retained on site. The poles were 20 feet in height and shielded downward.

Mr. Tosch noted that the minimum setback from a single-family development for a one-story building was 60 feet. The building was about 120 feet away, retaining the existing landscape buffer, which would not be disturbed and would be supplemented. He pointed out the setback for the three-story building, which was required to be 100 feet, and advised that it was 165 feet. The building tapered away to a maximum dimension of 345 feet, so there would not be a big wall facing the property line.

Mr. Tosch showed a view of the entry court from South Boulevard. They proposed a combination of materials - substantially brick veneer for the

building, and some siding and composite trim. He showed that the brick matched almost identically the existing senior building. The shingles would be a dark, chestnut brown, which were also the same as on the existing. They did not want to put up identical buildings, and he reminded that no homes in Pine Trace were identical, but they wanted the new buildings to be complimentary.

Mr. Tosch felt that the dark green shutters gave the building a nice contrast and a residential character. Regarding the height, they had done a number of studies, and if they did a two-story building, he stated that it would impact the site greatly. There was an economic factor involved, and they needed a certain number of units to make the project feasible to operate. A two-story would not make sense because it was a senior living facility. The walking distances from one end to the dining area and the doctor's office would be excessive, and it would not be functionally operable. He added that the building would only be 60 feet away from the east property line if it was two stories.

Mr. Tosch referred to the discussion about the type of facility, and said that the assisted living facility would not have to technically be licensed. They had elected to license it because there would be more controls. There were two types of licensed facilities in the State of Michigan. One was a home for the aged or adult foster care, which had a lot of constraints. They had to submit a lot of information to the State, and it would then go through a design review. A congregate facility was a different level of living, and it was not licensed. He asked Mr. Kalejian to review the format of his other facilities for congregate care.

Mr. Kalejian responded that all five of his congregate buildings were run similarly. In the meeting with the homeowners, he tried to explain that a two-story building was not practical. The average age in the congregate building was 85 years old. They moved in because their kids were worried about them staying alone in their homes. The time would come where they could not deal with housekeeping or cooking, so the kids decide to move their loved ones into those buildings. He stated that it was not an apartment building. The units looked like apartments, but they were different. They had a kitchen in them because most elderly people did not want to face the fact that they were getting older and losing some of their strength and faculties. It was a psychological boost to see a kitchen so if they wanted to cook they could, even though most would not. Part of the rent included utilities, three meals a day and housekeeping. They would have activity directors to take them to restaurants and plays and other places. They would be kept occupied with exercise and

movies, and it was a safe place to be.

Mr. Kalejian said that everyone came to eat three times a day, and to ask someone at 85 years old to walk through all the corridors to get to a central court area was not good. If it was a two-story building, half of the units would not get rented because they would be too far to walk. From a marketing standpoint, a three-story building made sense because they would shorten the corridors. Regarding the one-story building, half would be for memory care and the other half for residents such as those in the congregate facility that needed more medical care after a while. The existing building would be another step. They were trying to create a senior living campus with continuing care. If someone moved into the congregate care building, there was a licensed health care provider on site to remind about medication, to help with bathing and to escort people to the dining room. They would stay in the congregate facility as long as they could.

Mr. Schroeder asked if there were emergency buttons. Mr. Kalejian confirmed that, and said they also had a bracelet or necklace with buttons someone could push for help. Mr. Schroeder asked if someone would be available 24/7, and Mr. Kalejian also confirmed that.

Mr. Kalejian referred to traffic, and said there would be very few cars, and that traffic was never a problem in their senior facilities. The home for the aged would have more staffing on a shift basis, but most of the residents would not drive. There might be 20 cars at best. There would be five or six people staffing the kitchen until after dinner and they would leave. In the evening, there would be three or four people paying attention to the building and making sure the residents were safe. He said someone mentioned visitors, but that sadly enough, they found that the residents did not get many visits except for the weekends.

Mr. Schroeder asked if there was security in the parking lots. Mr. Kalejian said they did not have on site security, because they had never encountered problems with security. Mr. Schroeder asked if there was a camera system, and Mr. Kalejian said there were cameras on the interiors of every building in every hallway.

Mr. Yukon mentioned that the applicants stated in their presentation that the residents of the apartments would not use their kitchens. Mr. Kalejian said that most people never cooked. Mr. Yukon asked if the residents would have an option of eating in the dining room or having meals brought to their apartments. Mr. Kalejian said they did have that option.

Mr. Yukon said he counted only 72 seats in the dining room. Mr. Kalejian said that was because there were two shifts. Mr. Yukon clarified that the residents would be assigned a certain time to eat. Mr. Kalejian said it was another way to keep track of the residents. They checked on everyone each morning, as well. He also wanted to rebut something the residents said about him being a developer that developed something and went away. He stated that he had been developing senior living for the last 30 years, and he had never sold any of his facilities. Their group maintained and managed them.

Mr. Yukon asked the applicants to put up the Site Plan with the transparent overlay. The applicants stated that the three-story building would not have a wall facing the residents, but there would be an end corner elevation. He asked if that was what the residents would see. Mr. Kalejian agreed they would see a quarter elevation. Mr. Yukon asked what the view would be for the residents on Greenwood for the one-story building. Mr. Kalejian did not believe they would even see that building. Mr. Yukon asked if that was based on the buffering, which Mr. Kalejian confirmed. Mr. Tosch offered that there was a lot of landscaping and they would be adding even more. Mr. Kalejian said that his Landscape Architect would meet with the homeowners that were closest to the development to make sure their homes were buffered adequately. Mr. Tosch noted that Mr. Charron talked about an open view in his yard, and Mr. Tosch pointed it out and said it was a natural void. He offered that they could add supplemental trees or adjust some of the landscaping. They showed some trees, but he felt it could be augmented to help screen the area. He showed some pictures of the current evergreens by the proposed access road, and said they would not be touched. There were some white pines that would have to be relocated, and they would try to save as much as they could.

Mr. Webster explained further that they would move the berm a little closer to the property line to account for the access drive. They would add a mixture of Colorado Blue Spruce, Norway Spruce and Black Hills Spruce, all 10-feet tall at the time of planting.

Mr. Dettloff asked if there was a restriction for the assisted living building about whether or not a resident could have a means of transportation. Mr. Kalejian said they could have a car, but oftentimes, people came in with one and never used it. It was hard for an 85 or 90-year old to give up their independence. Mr. Tosch advised that a transportation van would be provided for the residents for doctor's appointments, shopping, hair appointments, etc.

Mr. Hooper posed his original question about a litmus test and whether the building would be an assisted living facility or an apartment. He had hoped to hear it was a licensed assisted living facility, which would meet the basic test. Since it was not licensed, it came down to a decision about the sum of the parts. That would determine that it was not a dual use with a separate apartment building but truly designed, built and operated like a senior center. It was his opinion that the sum of the parts showed that it was pretty hard not to come to the reasonable conclusion that it was not a congregate care facility and was a residential apartment. He felt that the proposal met the litmus test and complied with the Zoning Ordinance.

Regarding two stories versus three stories, he reminded that if the applicant elected to put in a two-story building, it would be 60 feet away from the residents' property lines. He thought that would be a detriment. He would rather have a three-story building 165 feet away than a two-story building 60 feet away. In addition, if single-family homes were developed instead, a typical colonial with a walkout basement would be 35 feet tall and only 25 feet away from the property line. In his view, someone could not ask for a better neighbor, because a senior living facility would be quiet and the people would rarely be seen. He had been in a number of those facilities over time, and he never saw many people. If there were single-family homes behind the residents, there would be traffic, noise, kids playing and people out all the time. As far as quality of life, he did not think they could ask for a better neighbor.

Mr. Hooper said that the Commission always had to balance the rights of property owners and those of the adjacent residents. It always came up, and he acknowledged that property owners had rights. As long as a developer met the Ordinances, there was reasonable expectation that he or she would get approved by the City. Mr. Hooper commended the residents for their presentation. He thought it was well thought out, and that it presented reasonable arguments and proposed solutions. Typically, people came to Planning Commission meetings, complained and walked away, which did not solve anything. The residents brought diagrams and suggestions, and he respected them for taking the time and initiative to do that.

Mr. Hooper noted that the Fire Department had acquiesced and allowed a 16-foot road instead of a 20-foot, so there would be another four feet of butter. He was not familiar with the Fire Codes, and he remarked that it was why they had experts in the Fire Department. He was not sure why the road could not be reduced to 12 feet, if the fire engine vehicle was

only 12 feet wide. He also had wondered why there could not be grass pavers - a green road - rather than what was proposed, and someone previously mentioned that it had to be plowed. He would prefer a 12-foot road. He appreciated that the applicants had proposed supplemental buffering, which would be double rows of 10-foot high, staggered evergreens. They had asked for that with a number of other developments, and it worked very well as a screen. He wanted to see a condition, if a motion was made, that the developer's Landscape Architect would work with the City's Landscape Architect to augment the landscaping even further so the residents would notice the three-story building less. He did not think there was an issue with the one-story; it was very dense in that area, and they were adding trees.

Regarding the architecture, Mr. Hooper commended the applicants for working with the residents to enhance it. He asked if they could mimic the existing building even further and add soldier lines, brick courses and other things, rather than just use the materials they were proposing. He thought it could be further enhanced.

Regarding traffic, Mr. Hooper said he could not see that there would be much for a senior facility. He did not envision individuals who lived there making a left out onto South Boulevard to make another left onto Greenwood. He would envision people making a right turn to go to Adams. He understood that Adams backed up at times and Adams and Auburn became a choke point at times, and some traffic cut through on Greenwood. The City needed to take whatever measures it could to divert the cut-through traffic. Stop signs had been put up and traffic studies had been done, but they had to see if more could be done. As far as the proposed development adding cut-through traffic, however, he did not see it happening.

Regarding home values declining, Mr. Hooper indicated that it was another concern the Planning Commission saw all the time. Any time a new development was proposed, the surrounding residents were fearful that their home values would go down. An example was the Village of Rochester Hills. When Parisian was proposed, there were a number of meetings with residents who were upset the City would approve a three-story building so close to their properties. They said it would ruin their property values, and that it did not fit in with the community and was not harmonious or appropriate. As it turned out, the residents that lived by there now promoted the Village when they sold their homes, noting the close access and how people could walk there. He expressed that new development was not necessarily a detriment, and it was sometimes quite

an advantage to home values.

Mr. Hooper said he agreed that they should get a cross access agreement to the property to the west so that when it was developed, they could eliminate the emergency access. Regarding drainage, he asked if the applicants were going to fill any part of the eastern property line that would create a drainage issue for the residents. Mr. Blascik said they were not. The grade would remain nearly as it was, and they would push the high point closer to their property lines, so it would reduce drainage going toward them and direct it toward the detention pond. Mr. Hooper said that whatever was done, they had to improve the drainage along that property line, and he felt that should be a condition of approval.

Mr. Hooper said that he drove through Pine Trace Village and saw the beautiful homes. They were built a number of years ago, but he commented that the subdivision was not even thought of before the Boulevard Hills development was built, zoned and master planned. It had been that way for decades. The homes in Pine Trace had brick on the first story and the majority had another material on the second stories, either wood or cedar siding. The majority were not two-story brick homes. He thought that the City should do its part to further enhance the homes there, and he would like the applicants to go the extra step and improve the architectural look and feel of the development. He commented that it would only help the value and make people want to rent there.

Mr. Schroeder said that his mother was a resident of Danish Village and then Peachwood. They had friends at Waltonwood, and he was very familiar with those facilities. He stated that they were very necessary. Mercy Bellbrook was a staged development, where people could move into independent units and later move into other stages. His mother's unit had a kitchen, and she used it when she first moved in, but it became too much for her, and she started just using the microwave, and after that people brought her restaurant food. There would have been no way she would have moved into a unit without a kitchen. He commented that Danish Village had four floors. They made the basement the first floor, and there were three floors above that. He brought up the emergency access road, and said that there had to be as much separation as possible from the main entrance, and that was the purpose of it. If it were placed by the entrance, it would be defeating the purpose of the road. They had to get to both sides of the building. There were gates on the road, and chances were that it would never be used. Regarding traffic, he had spent his career in road building, and for every road they put in there was an argument that it would decrease property values. The Assessor's

office did studies, and the roads had no effect on the property values. People got the same prices as those with interior homes. Regarding the trees, he cautioned that they should not get overzealous and over plant, because in a few years the trees would grow into each other and die. If the branches intermeshed, the trees would die, so he advised that they should be very careful about putting them too close. There might be a year or two where the density was not how they would like, but they would have problems the other way.

Mr. Schroeder recalled that the subject site was approved 30 years ago for three buildings. They chose to start with the rear building, even though the City tried to talk them into starting with the front. It was all planned, and the road was put in, so the development was not a surprise. He had been involved in many traffic studies, and 94-98% of the tickets issued were to the residents. Cut-through traffic was a universal concern, and he suggested that they could do surveys to see who went through and who did not.

Chairperson Boswell opened the public comments at 9:06 p.m. Seven cards had been turned in, and he allowed the usual three minutes per person.

Melinda Hill, 1481 Mill Race, Rochester Hills MI 48306 Ms. Hill stated that she lived in the complete opposite end of the community, however, she still had some concerns. The property was zoned SP, and the current Ordinance showed it with a Flex One Business overlay. The old Master Land Use Plan (MLUP) showed it planned for senior housing and the current MLUP showed it planned for Business Flex One for the whole corner. She said they all understood the uses that were permitted in SP. They did not necessarily or readily fit into other districts, but they had to be given special consideration. Until the recent update to the Zoning Ordinance, congregate care facilities required a Conditional Land Use Approval from the City Council. Now they were a permitted use in the SP district, and they no longer required a Conditional Use Approval. It was the first time the Planning Commission was making the sole approval for this type of facility in an SP district. Oakmont was more than assisted living; it also included a three-story senior living complex, which was not specifically defined in the Ordinance except under RM-1, Multiple Family Apartment Dwellings, which carried a different set of standards. There used to exist criteria for a Conditional Land Use and there was quite a description of things that had to be met for senior and assisted living. Under 138-4.423, Nursing Homes, Convalescent Homes and Assisted Living Facilities, there was no mention of senior facilities. They were not

very clear in the new Zoning Ordinance about the description of those. She had an issue with exactly what the three-story portion of the development was going to be. There were many senior complexes being developed across the country that had the same facilities that were being included in the three-story complex. They had a lot of amenities for 60 years and older, yet they were discussing that people would not move into the proposed building until they were 90 years old. The City had eliminated the controls in the Ordinance, and she did not think it was as black and white as some might think. She thought there needed to be a much bigger discussion about it, because the Ordinance did not cover it as well as it used to. They lost the controls as far as determining whether it was harmonious or compatible with the surrounding community. If it met the requirements of the Zoning Ordinance, the Planning Commission was obligated to approve it. She questioned where the discretionary control went. It seemed to be gone, and she felt that was very unfortunate. She thought they needed to look at that further. She also questioned the buffer, because the Staff Report referred to it as a Type B Buffer, but the Ordinance required a Type D Buffer. She questioned the parking, noting that there were 51 additional spaces. If no one was going to be driving, she wondered why they needed so many spaces. Regarding the access drive, she suggested that they could put in a very short access drive coming off South Boulevard using grass pavers and knock down bollards. The road was primarily there so if the other entrance was blocked they could have access to get equipment to the three-story building. She noted that senior complexes were quieter, so they could put up a two-story building closer to the property lines, and it would be more compatible and blend in with the residential neighborhood. There would be seniors, not people with kids and dogs, and there would not be a lot of visitors, so it would be quieter and a building closer to the property line would not be as much of an issue. She hoped the Commission would consider postponing the matter and having more discussion. She thought the Ordinance was lacking in the SP usages and in clearly defining them. There were other things happening in the community, and she would not like to see the development pass and set a precedent for further development. She stated that she would not want this in her backyard - something 40 feet high - and she did not think the Commissioners would either. She maintained that the community was residential, and that they needed to uphold that look and feel.

Janice Schwartz, 6982 Killarney, Troy, MI Ms. Schwartz stated that she lived in Troy, directly across from the proposed development's main entrance. They talked about a traffic study for Greenwood and

cut-through traffic. She would like to see a traffic study for South Boulevard, because many times when she tried to pull into her subdivision, she was faced with people pulling into the Boulevard Hills community. There would be seniors, additional employees, additional deliveries and guests, and she would be concerned about the safety in that traffic. She noted that the architect showed the material upgrades, and she said she would look directly at the three-story building and a lot of it was going to be vinyl. She asked Mr. Tosch to show the building elevation from the front. When they first started looking at the development, they discussed the architectural details and how the building needed to be compatible with the community. She also considered the location and asked why there had to be such a dense community and whether it was compatible with what was on Adams and South Boulevard. Some of the other communities such as American House, Sunrise and All Seasons were all bounded by wetlands, roads, large easements and businesses. Oakmont did not have such boundaries. In order to be more compatible, she stated that the Oakmont development should not be so dense. If they looked at the whole topography of the land and divided it into fifths, they already had at least 2/5ths taken up, and the other 3/5ths would have two new buildings, but it was way too dense to her. They had a golf course, the Sanctuary, Pine Trace, a couple of other beautiful subdivisions and a farm in Troy across the street, and the proposed building looked too commercial and not compatible with what was there.

Randy Janowicz, 3571 Warwick Dr., Rochester Hills, MI 48309 Mr. Janowicz brought up the height and grade of the proposed property, and said it could not be overstated. When someone looked at the grade from South Boulevard, they had to look up. There would be an additional three stories built above that, "lording" over a number of the homes in the community. One of the first things people would see at the corner, which included the cities of Auburn Hills, Bloomfield Hills, Troy and Rochester Hills was a very, very tall building. The upgrades could make it more desirable, but the height literally would "lord" over. He wished to ask, for the good of the community and for the development, that the people that had to live there be respected. They invested heavily in the community. It was a fact that light spilled over onto the homes that abutted the property. He respected the individuals that lived on Greenwood that had invested in the community. The height and the noise and traffic and light would all increase measurably. It was an additional quarter million square feet at a very small footprint. They already got noise and light from the existing senior facility, and there would be more people now passing through. They all respected the value of business and continue

to build the tax base from that, but they should respect the integrity of the surrounding area and the original thought process for the building and the regulations they had. He believed it was a deviation from some of that, and that it was not necessarily in the best interest of the community.

Heather Sullivan, 3607 Merion Ct., Rochester Hills, MI 48309 Ms. Sullivan asked Mr. Tosch to put up the aerial photo. She said that her backyard backed up to the existing Boulevard Hills facility. She wanted to discuss light and noise pollution. She said that the employees parked behind her yard, with their headlights facing into her yard. Light pollution was a huge concern. There were three shifts operating and they changed at 7:30 a.m., 2:30 p.m. and 11:30 p.m., and when the shifts changed, there were headlights shining into her house. She noted that her kids' bedrooms were in the back of the house, and at 11:30 p.m., the employees drive in and shine headlights into her house. They typically sit in their cars with the radios blasting rap and hip hop for 15 minutes at a time. It also happened at 7:30 in the morning, and during their breaks, they come out to their cars and blast the radios. She complained to the operators of the facility, and they had been very kind and asked the employees to stop, and it had helped for two weeks until the noise problems continue again. She understood the employees were in a high stress situation, working with elderly patients, and they needed to burn off steam when they got off work. She mentioned natural greenery in the backyard and that leaves fell off in the wintertime and headlights shined directly through. The elevation of the Pine Trace Village neighborhood was lower than the elevation of Boulevard Hills. Although she planted evergreen trees along her property line, because the facility was higher, she got light pollution onto her property. She requested permission from the facility to tear out the natural greenery to plant more dense evergreens at a higher elevation, and she was not given permission. If the facility went forward, she would like to see evergreens planted all the way around the perimeter of the facility. The existing parking spots had never been used along the eastern property line. She recommended reconfiguring the parking so the headlights did not shine into the surrounding homes.

Joseph Bieth, 3930 Greenwood Ave., Rochester Hills, MI 48309 Mr. Bieth said that Mr. Kalejian had mentioned that the minimum age for the congregate living home was 55. He asked if that was correct. Mr. Kalejian said if there was someone 55 who wanted to live there, he could not turn them down, but in reality, no one moved in less than 80 years old. He said the minimum was either 55 or 62 years old. Mr. Bieth said that at 60 years old, with cars and carports, no licensing and all the amenities

similar to what he had in his college dorm or in Somerset Apartments, he respectfully believed that not considering the three-story building as an apartment was a rush to judgment. He asked that the Commission tabled the decision for further analysis or approve it conditionally. He said that there would be a significant increase in traffic

because there would be a large, commercial structure that needed to be supported. He agreed with Mr. Hooper that some of the traffic would be created by some of the residents, but they had to understand, facility management-wise, what it would take for the shifts for the operation. Regarding Parisian, he questioned what concessions were made between the developer and the homeowners that backed up to the property. He wondered if berms were added or landscaping credits were given and how they came up with agreements. He agreed that it was an area that appeared to have been done right. He asked if that could be taken into consideration. Mr. Bieth said that they had not even discussed carports. The brick on the buildings seemed to match the carports a little more than it matched the existing building. He asked if the brick would go all the way around the building or be just on the front of it. He asked the Commission to consider it further, and he asked what the rush to judgment was. He said they should all work on it together and do it the right way. Whatever was built there would have a huge impact on the future of the development to the west, not to mention on the residents' quality of life.

Bruce Pregler, 3586 Warwick, Rochester Hills, MI 48309 *Mr. Pregler said that many of the issues had been raised, but a couple were not. He respectfully disagreed with the interpretation of dual use. The age of move in was 55, possibly 60. He knew many 55 year olds who were active. He stated again that it was an apartment complex. He referred to the architect's letter of November 11, 2009, and said that the only difference he saw between an apartment complex and what was proposed as congregate living was the doctor's exam room. He said it was really just a room with an exam table. All the other amenities were in commercially constructed apartment complexes today. He said that many apartments that were constructed had assistance buttons. He asked if it was any different than calling 911. They did not hear whether the assistance button was linked to someone on site 24 hours a day. Mr. Kalejian said it was. Mr. Kalejian stated that it was not an apartment building. The rent structure was such that someone would have to take on all the services. He did not think someone would pay \$2,500.00 per month for an apartment. It was a lifestyle someone would be buying into. It was a service-oriented building. When someone lived there, they had*

to pay for all of the meals and for the housekeeping. He asked Mr. Pregler to find an apartment with that for that kind of money. Mr. Pregler said that when they met with Mr. Kalejian, he understood that there would be options, and if there were options, it would become an apartment building. Mr. Kalejian said there were no options. Mr. Pregler asked why the entrance could not be moved slightly to the east, thereby causing the safety road to be placed on the western border. The current entrance was not updated and was situated with a plywood sign. He wanted to make sure that the Commission required performance bonds for landscaping and construction so they did not end up with a situation like Bloomfield Park, should the developer run out of financing. They would not want their children running around in half filled foundations. Bloomfield Park on Telegraph was just standing there with red iron, and that was not what the City needed. He asked if the Commission could require some method of cleaning the roads and dust control, if the Site Plan was approved.

Janet Simon, 3944 Greenwood Ave., Rochester Hills, MI 48309 Ms. Simon said that she lived in the fourth house from South Boulevard and that she would be significantly impacted by the development, especially with the access road. She agreed with the concerns expressed, but she wanted to mention that the Parisian development looked to be below grade. They had wondered about the possibility of that for the proposed development. She was very familiar with assisted living, as she was a Registered Nurse. She was a director of assisted living, and there were buildings constructed below grade. She stated that the three-story building would be so obtrusive that the end of the congregate building would look onto her patio. She stated that it was a grave concern for her and for her property values. She appreciated that the Landscape Architect was willing to work with them individually. She had a very major concern with drainage and the trees that were going to be removed. She had the largest and densest area of undergrowth and trees. Her landscaping and yard had been designed around that, and while she understood it was the purview and it was owned by the developer, she would really like the developer to work with her so that all the underbrush and trees did not have to be removed. The access road curved at her property. If it curved four feet west, she wondered if they could also curve the landscape so the trees went around and the natural growth could be left, as opposed to a straight line. She had worked with Landscape Architects, and they preferred curves aesthetically. She asked for consideration for that. She was very concerned about the size and the impact on her property.

Chairperson Boswell closed the Public Hearing and called a recess at

9:47 p.m. He called the meeting back to order at 9:57 p.m.

Chairperson Boswell agreed with Mr. Hooper, having moved his mother from her home through to the dementia ward in the last couple of years. Congregate care was one step along the way. He could understand some of the reasons people called it an apartment building, however, as Mr. Kalejian said, there were services people had to pay for in this building, and he believed that certainly precluded it from being an apartment building. He agreed with Mr. Hooper that it was a senior facility.

Chairperson Boswell recalled that there was talk of moving the entrance, and he asked whether that was looked at. Mr. Delacourt said that Staff met about it several times with the Fire and Engineering Departments. The problem was the width/length/density issue with the Fire Code. A secondary access point was required on site. The Planning Staff looked to the Fire Department for a recommendation, as always. The Fire Department had a little bit of wiggle room to work with, but at no time did they imply that anywhere west of the detention pond would be an acceptable location for the access road.

Chairperson Boswell asked if the access road could be located to the west if the existing entranceway was moved to the east. Mr. Delacourt said it was investigated, but there would be a considerable impact on the detention volumes and stormwater issues. The final recommendation was to move it four feet further west to allow more plantings. All the departments had reviewed it against all the Ordinances and Codes.

Mr. Hooper said that the issue was raised about City Council previously approving a Conditional Land Use for these types of projects, and that the Ordinance had been revised. He asked Mr. Delacourt about the history behind that change. Mr. Delacourt said that the previous Zoning Ordinance had all uses in an SP district as Conditional Uses - that is, there were standards that had to be approved by City Council, after a recommendation from the Planning Commission. The new Zoning Ordinance restricted some uses further than they had been. Senior housing used to be able to go to five stories, in some cases previously, with minimal impacts in setbacks. The previous Ordinance had a lot more flexibility. It was decided to take that flexibility out and increase the restrictions and make it a Permitted Use. The allowances were reduced from five stories to a maximum of 40 feet and the setbacks were more than doubled. That was to simplify the Ordinance. The City had approved several congregate facilities in SP districts, and the Code was written to represent those approvals. There were examples given in the

packet, and those were placed on file in the Planning and Development Department.

Mr. Hooper clarified that it was a conscious decision. Mr. Hooper said that a question was raised about a Type D versus a Type B Buffer. Mr. Delacourt said that the old Ordinance referred to it as a Type B and the new referred to it as a Type D, and he believed that the standards were the same. What was being proposed exceeded the requirements for both.

Mr. Hooper said that someone raised the question about lowering the grade. He asked the opportunity to lower the existing topography and still maintain adequate drainage. Mr. Blascik advised that they were bound by the existing road, which was higher on the west side and which set the grade of the building, to allow drainage away from the building. Mr. Hooper asked if they could lower the building site and add a swale on the west side. Mr. Blascik said that with the proximity of the building to the road, it would be very difficult to maintain a swale without having flooding. Mr. Hooper suggested that he would like that explored rather than dismissed. It looked like they had at least 30 feet from the road to the building. Mr. Hooper asked if carports were proposed, and he was told they were not. Mr. Hooper said that one speaker lived on a court on the north side of the building. He said he looked at the site, and he agreed that the buffering was inadequate on the north side of the property line where the cars parked for the existing Boulevard Hills. He believed that a condition should be placed to add arbor vitae or other evergreen screening at an appropriate height to shield the parking there. He brought up the issue of the viability of the developer, and he advised that the developer was required to post a landscape bond. Regarding dust control, there were engineering requirements, and the developer had to control dust and soil erosion. If the developer chose not to do that, the City could shut down a project until appropriate measures were taken. The developer was aware they had to comply with the City's standards, and that they could not create a nuisance for the neighbors. Regarding the buffering to the east, if there was an approval, the developer offered to work with the first five or six homes to have appropriate buffering. The plans showed a double row of ten-foot high evergreen trees, but he saw an opportunity at the bend of the road to supplement it. The trees should be planned, and if there was still an opening, it would be appropriate to supplement the screening and maintain the homeowners' quality of life.

Chairperson Boswell said he believed that one of the biggest issues was the architecture of the building, and he asked if anyone had comments

concerning it, remarking that Mr. Reece would have been handy.

Mr. Yukon clarified that there would be a brick façade around the whole building. Mr. Tosch said it was not 100% brick. There were panels of siding on the elevations, but the owner increased the amount of brick on the three-story building. There were areas on the balconies and on the projections that would have siding. Mr. Delacourt asked Mr. Tosch to show each side of the building and tell how much brick there would be. Mr. Tosch showed an end elevation, which would be 100% brick. Turning the corner, it showed brick on the first floor, a panel of siding and siding and railings on the balconies. There would be brick in between the balconies. He added that there would be a hip roof. They were trying to reduce the apparent height of the building by utilizing a hip roof at the end of the building, as opposed to putting in gable fronts, which would be just a wall. Mr. Tosch showed the one-story building, which would be all brick except for some treatments with gable ends. It would be the same as the three-story building. There was a horizontal stone band, which was representative of the existing building. There was uniformity of the treatments and colors and it would give it a homogenous look. They did not want the building to be 100% brick because of the nature of the building. The building had a lot of ins and outs.

Mr. Hooper asked Mr. Tosch to show the black and white rendering. Mr. Hooper said it showed more brick and he stated that if the balconies were not brick, everywhere else had to be. The picture showed that the balconies were not brick. He thought that a reasonable compromise would be to have brick everywhere except for the balconies - all around the building. Mr. Tosch agreed that it was possible to do that.

Chairperson Boswell referred to the front entry elevation for the black and white drawing, and he noted that on either side of the front entry on the second and third stories there were windows, and he asked if there were shingles in between the two stories. Mr. Tosch said that the fiber cement was made in a shingle pattern, but it was still a fiber cement material.

Mr. Schroeder said that during the break, he spoke with one of the residents who talked about an incinerator in the building. He clarified that there would not be one in the new building. He also talked about a slight shift of the emergency roadway to the southwest. He was not sure if the Fire Department would allow it, but he asked if that could be looked at, because it would relieve concerns from one of the residents.

Mr. Schroeder asked Mr. Staran if he was satisfied with the legal

questions and answers raised, and he agreed he was. Mr. Delacourt asked if two conditions could be added to the Site Plan motion: That the applicant provides a cross access easement agreement to the west and that the location of such access shall be approved by the City if the property to the west was developed. Also, if the cross access easement was ever connected and satisfactory to the Fire Department, that the existing secondary access road be removed and replaced with landscaping, as approved by the City. Mr. Schroeder asked the zoning of the adjacent property, and Mr. Delacourt advised that it was currently single-family. Hearing no further comments, Mr. Schroeder moved the following motion. The Commissioners discussed and supplemented the motion with added conditions regarding the cross access agreement, evaluating drainage and parking issues, how the access gate would look, controlling dust during construction, adding landscaping and screening to the east and north property lines and putting in the buffers first, reducing the access road to 16 feet and adding brick to the three-story building

MOTION by Schroeder, seconded by Dettloff, in the matter of City File No. 09-002 (Oakmont/Boulevard Hills Senior Congregate/Assisted Living), the Planning Commission approves the Site Plan based on plans dated received by the Planning Department on November 6, 2009 with the following 11 findings and subject to the following 18 conditions.

Findings:

1. *The Site Plan and supporting documents demonstrate that all applicable requirements of the Rochester Hills Zoning Ordinance can be met, subject to the conditions noted below.*
2. *The location and design of the existing driveway providing vehicular ingress to and egress from the site and within the site has been designed to promote safety and convenience of both vehicular and pedestrian traffic.*
3. *Parking areas have been designed to avoid common traffic problems and promote safety.*
4. *The residential uses and building materials will not be detrimental to the adjacent properties.*
5. *Phase 1 and Phase II will share common storm water detention facilities.*

6. *Cross easements will be granted for vehicular and pedestrian access between the developments.*
7. *The tallest building is a maximum of three stories in height, as allowed under Section 138-4.423 B. of the Zoning Ordinance.*
8. *The smallest one-bedroom living unit contains 400 square feet, and the smallest two-bedroom unit has a minimum floor area of 550 square feet.*
9. *168 parking spaces are required and 219 are being proposed.*
10. *The buildings are set back 100+ feet from the adjacent one-family residential zoning.*
11. *Common areas are a minimum of 50 square feet per dwelling unit or bed.*

Conditions:

1. *That the applicant obtains a Soil Erosion Permit from the Water Resources Commissioner prior to Construction Plan Approval.*
2. *A sanitary sewer permit will be required from the MDEQ and the Water Resources Commission prior to the issuance of a Land Improvement Permit for this development.*
3. *Complete irrigation design documents must be submitted for review and approval by City Staff, prior to issuance of a Land Improvement Permit.*
4. *Add note to Sheet ASP under Fire Department Notes: "The Senior Congregate Building will be provided with a NFPA 14 compliant, fully automatic wet standpipe system." per Fire Department letter dated October 28, 2009, prior to Final Site Plan Approval by Staff.*
5. *A Land Improvement Permit shall be required from the City's Engineering Services Department prior to work on the site.*
6. *A Permit from the Road Commission for Oakland County will be required for all work in the South Boulevard right-of-way.*

7. *Landscape Bond to be posted in an amount determined by Staff, to ensure completion of landscape improvements and a two-year warranty prior to issuance of a Land Improvement Permit.*
8. *The required eastern buffer area shall be in planted prior to the start of construction.*
9. *The applicant shall provide a Cross Access Agreement allowing future access to the western abutting property; the location of such access shall be determined at the time a proposed development is submitted for the western property. The Agreement shall be provided to the City for approval by the City's Attorney, prior to Issuance of a Land Improvement Permit.*
10. *Add a note to the plan that indicates that when viable cross access is constructed between the subject parcel and the underdeveloped property to the West, in a location approved by the City's Fire Department as acceptable for a secondary emergency access location, Oakmont, or its future owners, agree to remove the approved secondary access point and return it to a landscaped state.*
11. *That the applicant's Landscape Architect meets with the City to enhance the proposed buffering along the eastern property line, prior to Final Site Plan Approval by Staff.*
12. *That additional plantings will be installed along the northern property line of the existing Boulevard Hills facility to reduce headlight spray, prior to Final Site Plan Approval by Staff.*
13. *The elevations shall be revised to indicate the three-story congregate care building as brick on all sides, with the exception of balcony areas, consistent with the renderings provided to the Planning Commission by the applicant. The revised elevations shall be approved by Staff prior to Final Site Plan Approval.*
14. *The applicant works with City Staff to eliminate existing drainage issues along the eastern property line, prior to Construction Plan Approval.*
15. *The proposed emergency access drive shall be reduced to 16-feet*

wide on revised plans and it shall be evaluated to see if it could be moved slightly southwest, prior to Final Site Plan Approval by Staff.

- 16. The proposed access drive gate(s) shall be decorative in nature; provide a detail on revised plans to be approved by Staff, prior to Final Site Plan Approval.*
- 17. The applicant is to make every effort to maintain control of dust and clean roads during construction.*
- 18. Evaluate the potential to reduce/eliminate or reorient existing parking along the eastern property line to reduce impact on abutting property owners, prior to Final Site Plan Approval by Staff.*

Mr. Dettloff clarified that South Boulevard was a County-controlled road, and that they had looked at changes to the traffic situation. Mr. Schroeder added that there had been several, recent studies done for South Boulevard.

Mr. Dettloff did not think it could be added as a condition, but he suggested that they encourage the applicant to continue ongoing dialogue with all the parties. Mr. Staran believed that it could be urged, but he did not think it could be a condition. Mr. Schroeder also suggested that there be a contact name and number for someone during construction because no matter how hard they tried, something would come up.

Ms. Brnabic asked the applicant when they planned to start the project. Mr. Kalejian answered that they planned to do the assisted living building first in the summer of 2010. Ms. Brnabic clarified that none of the tree removal would be done until the project was under construction. Mr. Kalejian said they would prefer to install the buffer before they started and right after grading for privacy for the neighbors. Mr. Yukon asked how long the construction would take. Mr. Kalejian said that the one-story building would take a year to fifteen months. The congregate building would take approximately 18 months. Mr. Yukon asked if they planned to build both and open them at the same time. Mr. Kalejian said they would open the assisted living first. Mr. Yukon asked the anticipated occupancy. He asked if they had done any studies or if any applicants were interested. Mr. Kalejian said it was a need-driven market, and usually their marketing people worked with discharge agents from various hospitals or physical therapy facilities, from where they moved people to

assisted living. Mr. Yukon asked if they were looking at immediate occupancy, and Mr. Kalejian agreed. They would begin to work on marketing four or five months prior to occupancy beginning.

Mr. Dettloff asked if they believed they would have 100% occupancy for the assisted living before they started the second building. Mr. Kalejian said that people came and went with the assisted living. The average stay was about a year or less. It would not dictate when they started the second building.

Mr. Schroeder noted that Heartland at South Boulevard and Livernois was expanding. Mr. Kalejian said they worked with Heartland quite a bit. Mr. Schroeder also noted that American House on Adams Road, around the corner from Oakmont, had plans to build a senior living development. He asked if there was a market for all these facilities. Mr. Kalejian said there was a market for assisted living. One thing that would be different with this facility was that it would be a continuing care campus. It would give them an advantage. He agreed that for some of the areas, the market was saturated. Their facilities did not really compete with American House-type facilities.

A motion was made by Schroeder, seconded by Dettloff, that this matter be Approved. The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

Chairperson Boswell stated for the record that the motion had passed unanimously. Mr. Schroeder moved the motion for the Tree Removal Permit:

2009-0230

Request for Tree Removal Permit - City File No. 09-002 - Oakmont/Boulevard Hills, a proposed 149,500 square-foot senior congregate care facility and a 65,700 square-foot assisted living center on 12.8 acres located on South Boulevard, east of Adams, zoned SP, Special Purpose, Parcel No. 15-31-326-032, POMKAL Rochester LLC, applicant.

MOTION by Schroeder, seconded by Yukon, in the matter of City File No. 09-002 (Oakmont/Boulevard Hills Senior Congregate/Assisted Living), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning and Development Department on

November 6, 2009 with the following two findings and subject to the following three 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 63 regulated trees with 107 tree replacement credits, which exceeds the requirements of the Tree Conservation Ordinance.*

Conditions:

1. *Address conditions regarding Landscape Design Documents per the City's Landscape Architect's memo dated October 6, 2009, prior to Final Site Plan Approval by Staff.*
2. *Tree Protective Fencing must be installed, inspected and approved by the City's Staff, prior to issuance of a Land Improvement Permit.*
3. *That grading, trimming and replacement of trees in the buffer areas be done prior to the start of construction.*

A motion was made by Schroeder, seconded by Yukon, that this matter be Granted. The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

Chairperson Boswell stated again for the record that the motion had passed unanimously. He thanked the applicants for choosing Rochester Hills and for talking with the residents. He said he appreciated everything they did, and that he felt it would be an outstanding development of which they could all be proud. Mr. Schroeder reminded them to maintain contact with the neighbors, and Mr. Kalejian agreed that they wanted to be nice neighbors.

ANY OTHER BUSINESS

2009-0520 Request for Approval of the 2010 Planning Commission

Schedule

Chairperson Boswell referred to the submitted 2010 Planning Commission meeting schedule, and explained that it had to be approved by the Commissioners. Seeing no changes, Mr. Schroeder moved the following motion:

MOTION by Schroeder, seconded by Dettloff, the Planning Commission hereby approves the 2010 meeting schedule as provided at the November 17, 2009 meeting.

A motion was made by Schroeder, seconded by Dettloff, that this matter be Approved. The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

Mr. Schroeder noted that the development at South Boulevard and Livernois was adding a 40-bed unit and maintaining the surface floor level. They dug out the parking lot, which would be below grade. He forwarded the plans to the Secretary for anyone interested in viewing them.

NEXT MEETING DATE

The Chair reminded the Commissioners that the next Regular Meeting was scheduled for December 15, 2009.

ADJOURNMENT

Hearing no further business to come before the Commission, and upon motion by Brnabic, the Chair adjourned the Regular Meeting at 10:43 p.m., Michigan time.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary

