

Tuesday, February 3, 2004

REGULAR PLANNING COMMISSION MEETING held at the City of Rochester Hills Municipal Building, 1000 Rochester Hills Drive, Rochester Hills 48309, Oakland County, Michigan.

Chairperson Eric Kaiser called the meeting to order at 7:30 p.m. in the auditorium.

ROLL CALL:

Present: Chairperson Eric Kaiser; Members William Boswell, Deborah Brnabic, Melinda Hill, Greg Hooper, Nicholas Kaltsounis, Kristen Myers, James Rosen, Audrey Ruggiero
Quorum Present.

Absent: None

Also Present: Derek Delacourt, City Planner
Maureen Gentry, Recording Secretary

MINUTES FOR APPROVAL:

Regular Meeting of January 20, 2004:

Correction to Minutes: Deborah Brnabic voted no in the motion on page two.

MOTION by Brnabic, seconded by Kaltsounis, that the Minutes dated January 20, 2004 be accepted as corrected.

Voice Vote:

Ayes: All
Nays: None
Absent: None

MOTION CARRIED

COMMUNICATIONS:

- A. SEMCOG Regional updated January 19, 2004
 - B. Michigan Historic Preservation Network Conference for April 22-23, 2004
-

NEW BUSINESS:

2. Site Plan Approval - City File No. 02-026

Project: Executive Place Office Building, a proposed 45,000 square foot office building on approximately 3.5 acres.

Requests: Site Plan Approval
Tree Removal Permit
Natural Features Setback Modification
Wetland Use Permit Recommendation

Location: East of John R, North of South Boulevard

Parcels: 15-36-352-018 & 019, zoned O-1, Office Business

Applicant: Executive Place Office
42500 Hayes Road, Suite 100
Clinton Twp., MI 48038

(Reference: Staff Report prepared by Derek Delacourt, dated January 30, 2004 has been placed on file and by reference becomes part of the record hereof.)

The applicant was not present at 7:30 p.m. so Mr. Kaiser moved to other business.

OTHER BUSINESS:

Mr. Rosen advised that he was asked by Mr. Anzek to give an update on the process and progress of the Capital Improvement Plan (CIP). The Policy Team (which also includes Ms. Hill and Mr. Boswell) had its first meeting on January 8, 2004 and it was determined that the process would stay the same. Mr. Rosen explained that submitted projects are rated by the Policy Team, the results are combined, and recommendations are made. After the results are verified, there will be a workshop on April 6, 2004 to provide a detailed draft summary and to get additional input. The final Draft would be presented during a Public Hearing to the Planning Commission on May 11, 2004. Either at that meeting or a week after, the CIP would be presented to the Planning Commission for adoption. He noted that the dollar values for the projects did not change and the criteria for judging and evaluating the projects did not change. He added that everything is essentially as it was last year, because last year was very successful.

Ms. Myers asked if the Commissioners had received the Paint Creek Trailways Master Plan. Mr. Rosen said that they recently received the Clinton River Trail Master Plan also. He wondered why the Planning Commissions of the four surrounding cities could not adopt these Plans, and noted that this Planning Commission approves the City's Master Recreation Plan and formally adopts the Master Thoroughfare Plan. He was not suggesting making changes, but rather that they formally consider an adoption, such as the City Council does with the Master Plan.

Ms. Hill responded that the Paint Creek Trailways Commission is an authority unto itself that adopts its Plan. She was not sure it would be appropriate for the Planning Commission to adopt it, but suggested they might make a resolution acknowledging receipt of the Paint Creek Plan. She thought a presentation in front of the Planning Commission from the other bodies would be appropriate, from the standpoint that the Planning Commission does master planning and those tools would be very important pieces of the Master Plan.

Ms. Myers agreed, and said that the DNR has stated that the Trailways Plan must be approved by the highest governing body. Since they consider the Trailways Commission to be the highest governing body, it does not go through another process through the community.

Mr. Rosen said he was not suggesting approval, just something like Council does, which is to accept and adopt it. The concept would be that it was looked at and would be considered as the Planning Commission goes forward. Ms. Myers felt that would be a good idea.

The applicant entered at 7:36 p.m. and Mr. Kaiser returned to **NEW BUSINESS**. Present for the applicant was Frank D'Anna, Executive Place L.L.C.

Mr. Delacourt summarized that the applicant was requesting approval of a 45,000 square foot office building. He noted that the property was properly master planned and zoned. The applicant has met the City's requirements of the Zoning Ordinance with regards to tree replacement, parking, and landscaping. He noted that the only issue raised by Staff was the conflict between the MDEQ and the Oakland County Road Commission (OCRC) regarding how the open road ditch along South Boulevard would be classified. The MDEQ considers this area a regulated, linear stream feature. The OCRC has pushed hard to get that entire structure enclosed and that is how it was shown on the plans. Further into the process, the DEQ insisted that only the portion needed for the road crossing should be enclosed and that the applicant would require a Wetland Use Permit. He noted that the condition in the Staff Report asks for a Permit for 255 feet for a drive crossing onto South Boulevard, rather than the 435 feet shown

on the plan. There would also need to be a Natural Features Setback Modification for the 25 feet by the crossing. The entire natural features setback area is maintained by the OCRC as mowed lawn. There is no natural vegetation in the setback, but the OCRC would mow that down or ask the applicant to mow it down. The City's environmental consultant would not require any mitigation for the enclosure, or any natural features restoration, because no one would have control over its maintenance.

Mr. Kasier asked the applicant if he had seen the Staff Report, which he confirmed.

Mr. Kaiser asked if there should be a guarantee regarding the survival of trees on the property. Mr. Delacourt replied that the City's Landscape Architect included a bond amount for both landscaping and the replacement trees. Mr. Kaiser confirmed that the bond would include a two-year growing season. Mr. Kaiser confirmed that a condition would not be needed with the Tree Removal Permit.

Mr. Kaltsounis asked if there would be a basement. Mr. D'Anna replied that there would be one directly under the lobby area, which would serve as the elevator pit and hold some mechanical equipment. It would travel the length between the two wings of the building. He said the basement was not shown on the plan because it would just be an open space for mechanical. Mr. Kaltsounis asked if he planned to rent that area out and Mr. D'Anna replied no.

Mr. D'Anna clarified that the gross square footage would be 40,453. Mr. Kaiser asked if that would affect the parking. Mr. Delacourt explained it was stated as 45,000 in the Staff Report, but was correct on the plan.

Ms. Hill asked if there was a box turtle problem in this area, noting there had been a problem for a site developed nearby. Mr. Delacourt advised that the habitat that was a concern with the last site had ceased to exist.

Ms. Ruggiero noted that there was a banquet proposed for this corner several years ago and that the Planning Commission discussed the ingress and egress at length. She wondered if that was the same for this site. Mr. Delacourt said he was not at the City during that time, but said it was Staff's intent to get the building as far away from the intersection as possible.

Mr. Kaiser asked about the handicap parking and Mr. Rosen asked how many parking spots they would have over what was required in the Ordinance. Mr. Delacourt replied that they would have the number required. Mr. Kaiser noted that number was predicated on the anticipated medical office use. Mr. Rosen asked what would happen if they ended up needing a lot more handicap spots because of the clientele. Mr. Delacourt replied that the parking was set up to show the worst-case scenario for total spaces required for speculative medical office use. The client is in conformance now, but he was not sure about potential medical use and what would be needed and deferred to the applicant. Mr. Rosen asked if they had space anywhere they could add handicap parking and still meet the requirements.

Mr. D'Anna replied that they provided the required amount of handicap spaces, but they did not make provisions for additional spaces. Mr. Rosen said he understood that, but he wondered what would happen if Mr. D'Anna's tenants happened to need more handicap spaces because of their client's needs. Mr. D'Anna replied that they could provide additional parking in the barrier-free parking area closer to the building. Mr. Rosen said they would lose parking places then.

Mr. Delacourt said they could take existing spaces and stripe them as handicap spaces. They would still be within the total spaces required and still have required ADA spaces. Mr. Rosen clarified that there would be a strategy to mark handicap spaces and still stay compliant and Mr. Delacourt answered that was possible.

Mr. Kaiser asked if the lighting plan was acceptable and noted that there would be sixteen 20-foot light poles in the parking lot.

Mr. Rosen asked what the wattage of the fixtures would be. Mr. D'Anna replied it would be 250 or 400 watts; he was not sure. Mr. Delacourt commented that the print reviewed during the technical review was easier to read, but that this was the exact duplicate. The largest hotspot on site would be 5.1 and the average across the site about 2 ½, which is close to the standards previously imposed by the Planning Commission. He suggested they could add a condition to re-verify that, but he said the plan was in compliance, but just hard to read.

Mr. Hooper noted that for the dumpster pad screening, the plan referenced a six-foot high brick enclosure to match the masonry of the building. It was not noted in the detail drawing, and he asked if he could assume there would be a brick veneer finish around the dumpster pad.

Mr. D'Anna replied it was written in the notes on the Plan. Mr. Hooper said applicants usually show a block detail and a separate line about the brick finish. He would like that added as a condition.

Ms. Ruggiero asked Mr. D'Anna what additional plantings, other than trees, would be installed on the John R and South Boulevard frontages. She noted that this area would be an entranceway to the City. Mr. D'Anna apologized and said he forgot his glasses and could not read the Landscaping Plan. Mr. Kaiser asked Mr. Delacourt for assistance.

Mr. Delacourt confirmed that no additional shrubs or flowers were shown on the Landscape Plan. The applicant only showed the replacement trees and interior landscaped island. Ms. Ruggiero asked the applicant if he planned to do more on the road frontages. Mr. D'Anna said they were not required by the City's Landscape Architect to do that.

Mr. Kaiser observed that Mr. D'Anna had answered a number of the Commissioner's concerns by saying they had done "what was required." Mr. Kaiser commented that if that was all an applicant had to do, there would be no need for a Planning Commission. The Commission's mission is to make sure the project would be something the applicant, the City, residents and users know was done right. He added that after going through a technical review, an applicant has to appear before the Planning Commission for approval. Mr. D'Anna said he understood.

Mr. Kaiser asked Ms. Ruggiero what she would like to see for those frontages. Ms. Ruggiero stated that she would like to see additional plantings across the frontages on John R and South Boulevard – continuous low shrubbery, species compatible with the trees to be planted, perennials, and flowers. She clarified that the species should be appropriate and able to grow under the canopies and beautify the corner. Mr. D'Anna said he would be happy to satisfy that.

Ms. Ruggiero asked if, at this point, they should discuss a Gateway sign for the entryway. Mr. Delacourt said he did not believe this was a corner where a Gateway was proposed, but he said it could be looked into and possibly added as a condition. Ms. Hill said she would like a condition added about potential Gateway signage, whether at the corner or along John R. She suggested it could be the third level, which is a smaller monument type or a pole sign. Mr. Delacourt asked if it should be there regardless of whether it was included in the City's Gateway Plan. Ms. Hill said she felt the intent of the Gateway Committee was to include all entryways, even though all thoroughfares into the City were not designated. She believed this entrance should be considered if there is a potential to add something there.

Mr. Kaiser said he hoped the signage they were discussing would not be just a green metal sign. Ms. Hill replied that they would not use green metal signs, and advised that there were specific design criteria, and different levels of signs, depending on the roadway size and ranking as an entryway.

Mr. Kaltsounis asked what the applicant proposed for signage for the building, and noted it was not included in the submittal. Mr. D'Anna said he would have to come

back for that approval, but his intention was to add a lawn sign. Mr. Kaltosunis asked if it would be of the same brick as the building, which Mr. D'Anna confirmed. Mr. Kaltosunis asked about lighting and lettering. Mr. D'Anna said it would not be internally lit, but it would have a spotlight. Mr. Kaltosunis asked if the sign should be approved by Staff. Mr. Delacourt said signs could not be approved without a Permit from the Building Department. Mr. Kaltosunis said he meant the basic concept of having brick, versus wooden slats and other details. Mr. Delacourt said the Sign Ordinance did not really control sign design, it just controlled area and height. Mr. Kaiser suggested that if the Planning Commission wanted a certain type of sign with brick, they had to note it this evening. Mr. D'Anna said it was intention to make the brick match the building, with concrete across the top.

Ms. Hill said she was not opposed to anything she was hearing; she would like Staff to work with the applicant in conjunction with the signage because of the location, and would not want to tie down the requirement so there was not enough flexibility. She would like the applicant to work with Staff so there is an appropriate entrance sign.

MOTION by Ruggiero, seconded by Myers, in the matter of City File No. 02-026 (Executive Place Office), the Planning Commission **Grants a Tree Removal Permit**, based on plans dated received by the Planning Department on December 15, 2003 with the following three (3) findings.

FINDINGS:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. The applicant is removing 44 regulated trees on the subject site.
3. The applicant is replacing 44 regulated tree removals with 44 tree credits on the subject site.

Voice Vote:

Ayes: Boswell, Brnabic, Hill, Hooper, Kaiser, Kaltsounis, Myers, Rosen, Ruggiero

Nays: None

Absent: None

MOTION CARRIED

Mr. Rosen asked where, along South Boulevard, the 255 feet was referenced for the crossing, and clarified that it was under the decel and excel lanes. Mr. Delacourt replied that was correct, and said it would be east to west where the road would impact the ditch. It would run approximately an equal distance on both sides of the drive access.

MOTION by Rosen, seconded by Brnabic, in the matter of City File No. 02-026 (Executive Place Office), the Planning Commission **Recommends Approval of a Wetland Use Permit**, based on plans dated received by the Planning Department on December 15, 2003 with the following four (4) findings and subject to the following two (2) conditions.

FINDINGS:

1. The impacted wetlands are of a low quality (road ditch along South Blvd).
2. The proposed plans minimize the impact to regulated wetlands.
3. The wetlands are impacted only for the proposed drive crossing on South Blvd.
4. No mitigation is requested for the proposed impact.

CONDITIONS:

1. Reduce the enclosure of the regulated drain from 435 feet to 255 feet on revised plans, to be reviewed and approved by the City Staff prior to final approval, to minimize adverse impacts.
2. Obtain all applicable MDEQ wetland permits prior to issuance of a Land Improvement Permit.

Voice Vote:

Ayes: Boswell, Brnabic, Hill, Hooper, Kaiser, Kaltsounis, Myers, Rosen,
Ruggiero
Nays: None
Absent: None

MOTION CARRIED

MOTION by Rosen, seconded by Ruggiero, in the matter of City File No. 02-026 (Executive Place Office), the Planning Commission **Approves a Natural Features Setback Modification** based on plans dated received by the Planning Department on December 15, 2003 with the following three (3) findings and subject to the following one (1) condition.

FINDINGS:

1. The proposed road crossing will impact 255 linear feet of natural features setback.
2. The setback currently is and will continue to be maintained as a mowed road ditch.
3. The wetland and natural feature area are within the Oakland County Road Commission right-of-way and subject to its control and maintenance.

CONDITIONS:

1. The Natural Features Setback Area is shown on revised plans to be reviewed and approved by Staff prior to Final approval.

Voice Vote:

Ayes: Boswell, Brnabic, Hill, Hooper, Kaiser, Kaltsounis, Myers, Rosen,
Ruggiero
Nays: None
Absent: None

MOTION CARRIED

MOTION by Hooper, seconded by Kaltsounis, in the matter of City File No. 02-026 (Executive Place Office), the Planning Commission **Approves the Site Plan**, based on plans dated received by the Planning Department on December 15, 2003 with the following five (5) findings and subject to the following nine (9) conditions.

FINDINGS:

1. All requirements of the Zoning Ordinance, other City ordinances, standards, and requirements can be met.
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 access and adjoining streets.
3. Automobile parking areas are designed to avoid common traffic problems and

promote safety.

4. There can be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
5. The proposed development will not have an unreasonably detrimental, nor an injurious effect upon the natural characteristics and features of the parcel being developed and the larger area of which the parcel is a part.

CONDITIONS:

1. That the applicant receive a Land Improvement Permit from the City's Engineering Services Department prior to any construction.
2. That the applicant receive a Wetland Use Permit from City Council prior to issuance of a Land Improvement Permit
3. All White Ash indicated on the site plans be replaced with October Glory Red Maples subject to review and approval of Staff prior to final approval.
4. That the applicant receives a right-of-way permit from the Oakland County Road Commission for the installation of the proposed drive prior to the issuance of a Land Improvement Permit.
5. Submission of a performance and maintenance guarantee in the amount of \$38,720 as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit. Upon approval of the installation by City Staff, a maintenance guarantee shall be retained for a minimum of two full growing seasons.
6. That the applicant prepare an amended plan showing a detail for the dumpster screening, clearly showing that the screening around the dumpster pad will match the building brick.
7. That the applicant install and provide the appropriate performance and maintenance guarantees for additional landscape that would include continuous, low shrub perennial plantings, to be installed and approved by Staff on the south and westerly sides of the property, from line to line between the parking area and the pathway.
8. That the applicant install Rochester Hills Gateway signage on the site, as approved by Staff.
9. That any signage for the building and Gateway is to match the building appearance and must be of a monument or lawn-mounted sign only, not pole, as approved by Staff.

Voice Vote:

Ayes: Boswell, Brnabic, Hill, Hooper, Kaiser, Kaltsounis, Myers, Rosen,
Ruggiero
Nays: None
Absent: None

MOTION CARRIED

ANY OTHER BUSINESS:

Mr. Kasier asked why the sign for the Rochester Hills Golf Club was still in place because it looked like a big eyesore, especially being near a gateway to the City. Mr. Delacourt said he was not sure why it was still there, but assumed that they had not

gotten around to taking it down. Mr. Kaiser said they were able to take down a lot of trees and other things, so it should be suggested that they take down this sign.

Mr. Kaltsounis asked why the Centex Home sign that was on Rochester Road was removed. Mr. Delacourt said he was not familiar with the sign and Mr. Kaltsounis said it could be seen when turning onto Nawakwa. Mr. Rosen explained that was an old sign that pre-dated the Sign Ordinance. Once the ownership changed, they could not have that sign anymore.

Ms. Ruggiero said there was a sign in front of the Korean Church on Livernois Road that really bothered her. It is a little wooden temporary sign and they should replace it with a nice permanent, monument sign. Mr. Kaiser said he did not believe they had even finished the landscaping from five years ago. Ms. Ruggiero asked if there was anything that could be done about that sign. Mr. Delacourt said he would check with the Building Department and noted that he speaks with the Pastor frequently and would ask him about it. He thought that if the City could have done something about it because it was violating an Ordinance, that they already would have.

Mr. Rosen said there was an off-premise sign near the southeast corner of Crooks Road and Starbatt by the Collision shop. He thought it was a temporary sign that got overlooked and asked Mr. Delacourt to look into it.

NEXT MEETING DATE:

The Chair reminded Commissioners that the next regular meeting was scheduled for February 17, 2004.

ADJOURNMENT:

Hearing no further business to come before the Planning Commission, the Chair adjourned the regular meeting at 8:25 p.m., Michigan time, noting that he would not be in attendance.

Eric Kaiser, Chairperson

Maureen Gentry, Recording Secretary

Distribution:
Planning Commission
City Attorney
City Council
File

I:\Pla\MINUTES\PC\2004\020304minutes.doc