

The owner to the north did not appear willing to work with the applicants, but Mr. Delacourt stressed that they had made every effort.

2008-0651

Tree Removal Permit - City File No. 94-426.8 - Rochester College Health and Life Science Center, a 90,600 square-foot center on 1.5 acres on Avon, east of Livernois, zoned PUD, Planned Unit Development, Parcel No. 15-15-451-008, French Associates, applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated January 20, 2009 and accompanying Site Plans and correspondence had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Paul Corneliussen, French Associates, 1600 Parkdale, Rochester, MI 48307; Dave Hunter, Professional Engineering Associates, 2430 Rochester Ct., Troy, MI 48083-1872; and Mark Johnson, Facilities Director, Rochester College, 800 W. Avon Rd., Rochester Hills, MI 48307.

Mr. Delacourt advised that Rochester College was proposing an approximately 90,000 square-foot Health and Life Science Center on Avon Road, east of the Library on campus. The site was governed by a Planned Unit Development Agreement, which had been negotiated several years ago with the College based on the Planning Commission's request. The Planning Commission wanted to have some idea of the future Master Plan for the College. A 40-acre Historic District used to exist on the campus and, as part of the PUD Agreement, the District was reduced in size, and the College agreed to keep and maintain the buildings associated with it and move them in association with construction of the new building.

Mr. Delacourt continued that the proposed Center complied with the PUD and the applicable codes for parking, setbacks and other requirements related to the site. There

were 272 parking spaces proposed, and the Site Plan showed the total parking requirements for the College. He noted that there was a Wetland Use Permit (WUP) being requested, which had been considered extensively through the PUD process and the Site Plan. The mitigation related to the WUP was not an acre-for-acre creation of new wetland on site, and the applicants supplied a streambank stabilization and enhancement plan for portions of the Clinton River that ran through the campus. He said he was not going to go through the entire plan, as it was very detailed. The plan had been reviewed by ASTI, the City's Wetland Consultant, but before the applicants showed every detail about the streambank enhancement on the Site Plans, they hoped to get project approval by the Planning Commission and City Council.

Mr. Delacourt noted that there would be a pedestrian walkway that circled the building on the east and north sides that would double as a fire access. The Fire Department had reviewed the access and the bollard details and recommended approval, and the Plan had been recommended for approval by all applicable reviewers as well.

Chairperson Boswell asked Mr. Corneliussen if he had anything to add. Mr. Corneliussen introduced Mr. Johnson, who spoke about the project on behalf of the College. Mr. Johnson related that he was filling in for the Vice President, Clint Pleasant. He explained that the project was initiated about five years ago, but because of funding, it never came forward. They now had a partner who had breathed new life into the project, and he commented that it was extremely dear to their hearts. The College had a National Championship basketball team, and a student body who was in desperate need of a Health and Life Sciences Center, classroom space and a gym. They were very

excited about it.

Mr. Yukon asked if there was currently a Health and Life Sciences program at the College. Mr. Johnson advised that they had an Interdisciplinary Studies course, partnered with Oakland University, and they were looking to add Health and Life Sciences in partnership with a hospital. Mr. Yukon clarified that they needed a new building because they needed to expand. Mr. Johnson said they were at capacity with classroom space, and they did not currently have a gym. Mr. Yukon asked how many classrooms they currently had. Mr. Johnson said they had about 20, and a lot of those were smaller. Mr. Yukon asked if the current enrollment projection supported the building, which Mr. Johnson confirmed. Mr. Yukon questioned how far out the projection was, and Mr. Johnson was not exactly sure. They had a slight decrease in enrollment, but he did not know if they had put a number of years to the projection. Mr. Yukon asked if they would definitely occupy the building rather than build it and have empty classrooms. Mr. Johnson said they definitely had enough students. Mr. Yukon asked what the old gym would be used for, and Mr. Johnson said that they planned to use it as a practice court, as it currently was. They now played home games at Rochester or Stony Creek High. Mr. Yukon commented that he felt that what they were doing with the Clinton River was very important, and he was glad they were taking it into consideration. He stated that it was a very important natural resource, not only to the community of Rochester Hills but also to the surrounding communities.

Mr. Klomp agreed that Rochester College was a true gem for the community, and he indicated that it was a pleasure to be working with the College on the project. It seemed to him to be a very good building for the school and the basketball team, which he realized must have experienced

a lot of difficulty practicing. He expressed that it was exciting, and that he looked forward to seeing a good team come out of it.

Mr. Dettloff asked the projected timeframe for project start and completion. Mr. Johnson relayed that they were still in communication with the partner regarding funding. There had been a fund raising effort under way since they began, and those were the pacing factors for when they would actually break ground and complete the project. Mr. Dettloff clarified that the funding was not all in place, even though it looked hopeful. Mr. Corneliussen said that it was a huge benchmark in any project's development that came close three years ago, but they felt that this would invigorate the continued fundraising efforts, especially by illustrating approval for the wetland issues.

Mr. Schroeder referred to drainage on page 6.1, and said it showed a storm sewer outlet that discharged into retention Basin A. He said he could not locate Basin A, and he asked if that was the wetland area on the right. Mr. Hunter explained that the stormwater would discharge in two spots. The next page showed a drainage plan, and he noted that the additional stormwater from the impervious area would be drained to Wetland D, which was the pond behind the existing facilities on campus. There would be additional drainage from the soccer field and baseball field, and the drain area would be through Wetland B, which was north of the two fields.

Mr. Kaltsounis recalled that Rochester College had been in front of the Planning Commission many times, and at one time, there had been a question about parking. There was a concern, and he could not quite remember what it was, but they were considering adding something to the new Ordinance to address colleges. He asked about the current

parking situation at the beginning of the semester and if people were parking on the fields.

Mr. Johnson said that two years ago, the College added 99 spaces in two spots on campus - along the frontage and in the back. Mr. Kaltounis asked how many spots they would lose to construct the building, and was told that 115 were proposed to be removed, and that they were adding 272. The parking calculations were on the cover sheet. Mr. Kaltsounis remembered a parking issue they were trying to work through, but he was not quite sure about it since it was four or five years ago. Mr. Schroeder recalled that they needed additional parking, and there was something about it in the Agreement.

Mr. Kaltsounis noted the last page of the Photometric Plan, and said that the footcandles were not at zero at the lot line. Mr. Delacourt advised that the Ordinance required that not more than one footcandle should project across a residential lot line. The numbers that were higher were not at the lot line. He maintained that they could be reduced, but he felt that what was proposed was consistent with the rest of the campus, and he thought it should be consistent.

Mr. Reece asked Mr. Corneliussen if they had considered adding pervious surface parking in lieu of traditional asphalt. Mr. Corneliussen said that would be a great idea. He said they were so early in the project that those kinds of details had not been worked out. He commented that the previous presentation was exciting, and that LEED certification was certainly a worthy cause. He noted that sustainable design was a part of most design firm projects. There were a lot of great products, and he said they would be willing to investigate them. Mr. Hunter agreed that they had used them on certain sites. He cautioned that there were challenges with the College site, and he could not

really commit until they had looked at it from all angles. Without the sub-face materials being somewhat pervious, it might be difficult, but he agreed that it was certainly worth looking at. Mr. Reece mentioned that the price had come down significantly. Mr. Schroeder pointed out that with poor soils, they would have to have a 4-6 foot paving section. Mr. Delacourt said that the applicant had agreed to investigate best practices for stormwater management as part of their construction plan submittal. They had already walked the site with the City Engineer, especially as it pertained to the wetland areas. They had agreed to work with the City to improve those situations over the entire site.

Mr. Dettloff brought up the partnership with a hospital the applicants referenced, and he asked if that hospital was Crittenton. Mr. Johnson said they were in the middle of talks, so he was not personally at liberty to say. Mr. Dettloff asked if there might be an opportunity for part of the facility to be used as a teaching facility if the relationship went the way they anticipated. Mr. Johnson agreed that there definitely could be.

Mr. Kaltsounis said that when he first looked at the elevations, he wondered how red would red be and how brown would brown be, or how the bricks would really look. He asked if they brought any samples. Mr. Corneliussen apologized that he had not. He said that it was pretty obvious that they were being respectful of the existing campus. Their goal was to introduce another complimentary brick color. The intent was not for it to be a stark contrast. It would have a darker tone with a little bit of red so it had a little pizzazz being on Avon Road. Mr. Kaltsounis wondered if it was a concern for anyone, and said he was all right with it. Mr. Corneliussen said they would be happy to review the colors with Staff if the Planning Commission felt it was appropriate.

Mr. Reece thought the building looked great, but he suggested that it would be nice to see a color palette.

Mr. Schroeder asked if there was anything to discuss regarding the Tree Removal, and hearing no further comments, he moved the following motion:

MOTION by Schroeder, seconded by Yukon, in the matter of City File No. 94-426.8 (Rochester College Health and Life Science Center), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning and Development Department on December 4, 2008, with the following two (2) findings and subject to the following one (1) condition.

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 121 regulated trees with 121 tree replacement credits (61 trees) on site, as required by the Tree Conservation Ordinance.*

Condition:

- 1. Tree protective fencing, as reviewed and approved by the City's Landscape Architect, shall be installed prior to issuance of the Land Improvement Permit.*

A motion was made by Schroeder, seconded by Yukon, that this matter be Granted.

The motion CARRIED by the following vote:

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Klomp, Reece, Schroeder and Yukon

Absent 1 - Hooper

2008-0652 Wetland Use Permit Recommendation - City File No. 94-426.8 - Rochester College Health and Life Science Center

MOTION by Schroeder, seconded by Kaltsounis, in the matter of City File No. 94-426.8 (Rochester College Health and Life Sciences Center), the Planning Commission recommends to City Council a Wetland Use Permit for 20,000 square-feet of permanent wetland impacts to Wetland B from the construction of a softball diamond and associated grading in its northern portion and from the placement of two rip-rap outlet structures in Wetland B; for 100 square-feet of permanent wetland impacts from the construction of a rip-rap end section in a storm water ditch beneath Avon Road and the proposed bike path along Avon Road; for approximately 100 square feet of temporary impacts from the construction of a catch basin and the placement of 45 lineal feet of storm water pipe associated with the bike path and for 20 square-feet of temporary impacts from the tapping of an existing sanitary sewer line north of the existing baseball diamond, based on plans dated received by the Planning Department on December 4 2008, with the following six (6) findings and subject to the following eight (8) conditions.

Findings:

1. *The Wetland and Watercourse Protection Ordinance is applicable to the subject site because it is not included within a site plan or preliminary subdivision plat which has received final approval prior to January 17, 1990.*
2. *Of the approximately three acres of City-regulated wetlands on the project site, the applicant is proposing to impact approximately .5 acre.*
3. *The applicant will use best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted and that impacts to the aquatic environment are minimized.*
4. *The storm water ditch beneath Avon Road appears to be hydrologically connected to the Clinton River, making it City regulated.*
5. *The temporary wetland impacts associated with the catch basin and*

storm sewer appear to be unavoidable.

6. *Development of long-term measures planned to enhance and improve the Clinton River banks, such as vegetating slopes, stabilizing the banks and cleaning up debris can be considered as sufficient out-of-kind mitigation for the wetland losses connected with the development of the Health and Life Science Center.*

Conditions:

1. *Impacted areas must be shown on revised plans in square footage and approved by the City's Wetland Consultant, prior to Final Approval by Staff.*
2. *All temporarily impacted areas must be seeded with a seed mix, and be noted on the revised plans, as approved by the City's Wetland Consultant prior to Final Approval by Staff.*
3. *Note on plans the application of best management practices, including appropriate plant ground cover, to the soils around Wetland D and areas as detailed in ASTI's letter dated January 15, 2009, to minimize soil erosion and avoid poor water quality, prior to Final Approval by Staff.*
4. *Submit plan to remedy situation caused by building downspouts located near and around Wetland D that discharge into the wetland, prior to Final Approval by Staff.*
5. *Remove landscaping waste around the area of Wetland B and near the weir structure and consider replacing the structure because of its poor condition, prior to Final Approval by Staff.*
6. *Show plan to stabilize bluff and banks of the Clinton River northeast of the northern portion of Wetland D, as shown on the Mitigation Plans and approved by ASTI, prior to Final Approval by Staff.*
7. *Revise plans to show no wetland impact associated with the sanitary sewer tap, prior to Final Approval by Staff.*
8. *Devise long-term measures to enhance and improve the areas along the banks of the Clinton River, such as vegetating slopes, stabilizing the banks and cleaning up debris, which can be considered as sufficient out-of-kind mitigation for the wetland*

losses to develop the Health and Life Sciences Center.

Chairperson Boswell asked if they had everything they needed from the MDEQ. Mr. Hunter reported that the State granted a Wetland Permit about three years ago, and the Permit was extended, so they were still in compliance.

A motion was made by Schroeder, seconded by Kaltsounis, that this matter be Recommended for Approval.

The motion CARRIED by the following vote:

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Klomp, Reece, Schroeder and Yukon

Absent 1 - Hooper

2008-0650

Site Plan Approval Request - City File No. 94-426.8 - Rochester College Health and Life Science Center.

MOTION by Schroeder, seconded by Yukon, in the matter of City File No. 94-426.8 (Rochester College Health & Life Sciences Center), the Planning Commission approves the Site Plan, based on plans dated received by the Planning Department on December 4, 2008 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 all remaining engineering issues, including appropriate permits and requirements of the revised Engineering Stormwater Management Standards, be addressed and approved by the City's Engineering Services Department prior to approval of Construction Plans.*
2. *Address comments from the Building Department memo dated December 16, 2008, prior to issuance of Building Permits.*
3. *Tree protective fencing, as reviewed and approved by the City's Landscape Architect, shall be installed prior to issuance of the Land Improvement Permit.*
4. *Provide a landscape bond for replacement trees, buffer trees and landscaping in the amount of \$152,062.50, as adjusted if necessary by the City's Landscape Architect, prior to issuance of a Land Improvement Permit for this development.*
5. *Submit complete irrigation system design documents, as approved by the City's Landscape Architect, prior to Final Approval by Staff.*
6. *That the applicant receives appropriate sanitary sewer and soil erosion permits from the Oakland County Drain Commissioner prior to issuance of a Land Improvement Permit.*
7. *That the applicant receives a Permit for all work in the right-of-way for Avon from the Road Commission for Oakland County, prior to issuance of a Land Improvement Permit.*
8. *Address comments from the Parks and Forestry memo dated November 10, 2008, prior to Final Approval by Staff.*
9. *City Council approval of the Wetland Use Permit, prior to Final Approval by Staff.*

Mr. Reece asked if the existing house would be deconstructed and reconstructed or just moved. Mr. Corneliussen said it would be placed on a slab and moved over. Mr. Reece asked if there was a specific reason for the gravel drive in the new area around the house, and whether it was to match what was there previously. Mr. Hunter agreed it was to match.

Mr. Reece asked if the house was occupied, and Mr. Johnson explained that it was used as coal storage. Mr. Reece asked if it would be used for that same purpose when it was moved, which was confirmed. Mr. Reece asked if it would have heat. Mr. Corneliusen said that the relocation of the house was to satisfy the PUD Agreement, but there was no programmatic need for the house, and he said that the current use would continue. Mr. Reece asked if the house was on the Historic Districts Designated list. Mr. Delacourt said that the house was not, but it was part of the original 40-acre farmstead that was a Designated District. When the PUD was entered into, Council agreed to reduce the size of the District if the College agreed to relocate the house onto the re-established District. Mr. Reece confirmed that they would not be relocating the house if it had not been in the Agreement. He indicated that he had not been on the Commission when that was discussed, and he was questioning the logic behind it. Chairperson Boswell did not believe that the house was the issue back then, and Mr. Delacourt agreed that it was the size of the District. The outbuildings contributed as to why the property met the criteria, although it was possible that people might not agree with the criteria.

Mr. Klomp asked if the overall historic value of the house was appreciated or if there was signage to showcase the historical significance so it could not be easily overlooked. Mr. Johnson said there was not currently signage. The student body and employees appreciated the barn and the nostalgia. He mentioned that the bookstore had shirts for sale that said, "Rochester College - We Have a Barn." As far as the house was concerned, they were not necessarily that interested. The President lived there, and Mr. Johnson did not believe it was more than 50 or 60 years old.

Mr. Klomp wondered if there was a way to tackle that issue, indicating that it appeared to be awfully bureaucratic. Mr. Anzek said that at the time the historic issues were discussed, Rochester College was in the midst of a very aggressive growth program. There were valid reasons for the argument, because of the barn and its history. There was some perceived negligence on the part of the College, and they were after a decision on the barn. They tried to go through the Historic Districts Study Committee, but the City did not have the staff capable of dealing with it at the time. As the Master Plan went forward for the College, both parties negotiated an Agreement to reduce the Historic District area and to keep the house and move it when it was necessary. It seemed fair, and everyone was on board.

Hearing no further discussion, Chairperson Boswell re-read the motion and called for a vote.

A motion was made by Schroeder, seconded by Yukon, that this matter be Approved.

The motion CARRIED by the following vote:

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Klomp, Reece, Schroeder and Yukon

Absent 1 - Hooper

Chairperson Boswell stated for the record that the motions had passed unanimously, and he wished the applicants well with their funding campaign.

ANY OTHER BUSINESS

2008-0581 Zoning Ordinance Re-write - Proposed Zoning Map outline; to be discussed at the January 27, 2009 Public Hearing.

(Memo prepared by Mr. Anzek, dated January 20, 2009, Zoning Map Amendments and associated correspondence were placed on file with the Planning and Development Department and by reference became part of the record thereof).

Mr. Anzek noted the 11 area maps showing proposed rezonings as part of the Zoning Ordinance and Zoning Map update and adoption process. He recalled that in December, there was a Public Hearing, but no one was in the audience. Subsequently, they prepared letters and sent a mass mailing to all the affected property owners, and it was a very successful program. He and Mr. Delacourt held a public open forum from 4:30 p.m. to 6:30 p.m. in the Auditorium before the Planning Commission meeting to answer any questions. There were about 20 people, and there was a lot of support across the board for the new Residential Estate district. He noted that there were some challenges regarding the change to Office on Rochester Road, north of Wabash, and that the residents to the south had concerns. He also noted a letter in the packet from Jamie Jacob, who owned Ajax Materials, asking that consideration of his site be deferred until he could be at a meeting. Mr. Anzek said that he spoke with Mr. Jacob several times about his property, which was proposed to be changed from I-2, Heavy Industrial to I, Industrial, and asked him to send a letter.

Mr. Anzek referred to map amendment five, and advised that a portion of Bloomer Park was being rezoned to R-1 to match the rest of the park. There was an Office designation being proposed on Crooks, north of