

**Tuesday, May 6, 2003**

**SPECIAL JOINT PLANNING COMMISSION AND CITY COUNCIL MEETING** held at a City of Rochester Hills Building, 1700 W. Hamlin Road, Rochester Hills 48309, Oakland County, Michigan.

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

**ROLL CALL:**

Present Planning  
Commission:

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

Absent: None

Present City  
Council:

President Jack Dalton, Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill

Absent: Gerald Robbins

Also Present:

Ed Anzek, Planning Director  
Deborah Millhouse, Deputy Director  
Derek Delacourt, Planner  
Mayor Pat Somerville  
Paul Davis, Engineering Services  
John Staran, City Attorney  
Maureen Gentry, Recording Secretary

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**MINUTES FOR APPROVAL:**

Regular Meeting of April 1, 2003

**MOTION** by Hooper, seconded by Ruggiero, that the Minutes dated April 1, 2003 be accepted as printed.

Ayes: All  
Nays: None  
Absent: None

**MOTION CARRIED**

Special Meeting of April 8, 2003

**MOTION** by Brnabic, seconded by Boswell, that the Minutes dated April 8, 2003 be accepted as printed.

Ayes: All  
Nays: None  
Absent: None

**MOTION CARRIED**

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**COMMUNICATIONS:**

1. Memo dated May 6, 2003 with draft PUD for Holiday Village Square
2. Agenda for May 22, 2003 Brownfield Redevelopment Authority Meeting

**NEW BUSINESS:**

**3. Preliminary Planned Unit Development Review (City File No. 02-004)**

Project: Papa Joe's Gourmet Market, Specialty Retail and Office Development, a multi-tenant commercial development with a Papa Joe's Market as the anchor on approximately 15 acres

Request: Preliminary PUD Review to recommend whether site and conceptual plan generally qualifies for PUD rezoning and to identify major issues

Location: Northwest corner of Rochester and Tienken Roads

Parcels: 15-03-477-018 to 021, 15-03-477-030, 031, 033 zoned I-1, Light Industrial, B-2 General Business, B-5 Automotive Service Business and O-1 Office Business

Applicant: Curtis Properties  
34244 Woodward Avenue  
Birmingham, MI 48009

(Reference: Staff Report prepared by Derek Delacourt, dated May 2, 2003 has been placed on file and by reference becomes part of the record hereof.)

**4. Preliminary Planned Unit Development Review (City File No. 98-047.2)**

Project: Holiday Village Square, a commercial retail development on approximately 12.4 acres

Request: Preliminary PUD Review to recommend whether site and conceptual plan generally qualifies for PUD rezoning and to identify major issues

Location: Southeast corner of Rochester and Tienken Roads

Parcels: 15-11-101-027, -029, -030, zoned ORT, Office Research Technology

Applicant: Tienken Partners L.L.C.

37020 Garfield, Suite T-1  
Clinton Township, MI 48036

(Reference: Staff Report prepared by Deborah Millhouse, dated May 2, 2003 has been placed on file and by reference becomes part of the record hereof.)

Mr. Kaiser advised that this is a preliminary PUD review meeting. He noted that one of the applicants has been working on a proposal for a greater period of time and that both applicants have been before the Planning Commission for workshop discussions. He said that only the Planning Commission would take action this evening - which would be, if anything, a resolution to City Council regarding whether or not the PUD requests should move forward. He wanted to stress that nothing at this meeting would cut anything in stone. He read the order of business and how much time the applicants and speakers from the audience would be allotted. He introduced Mayor Pat Somerville and Mr. John Staran, the City Attorney.

Mr. Anzek instructed the members about the Planned Unit Development (PUD) process as it is presented in the Ordinance. He advised that it is a lengthy, somewhat complicated process. The first proposal, Papa Joe's Market, came to the City in December, 2000 and is proposed for the northwest corner of Rochester and Tienken roads. The applicant for the southeast corner, Tienken Partners, came in about a year ago. He reiterated that both of the proposals had been before the Planning Commission for a pre-application workshop and general discussion about what they proposed to do, and for Staff to identify issues of concern. He read some requirements listed in the Ordinance and said there are three steps to the PUD review: to provide direction regarding the standards of the PUD approval; to identify issues to be resolved prior to the final approval and a final PUD review. He advised that there would be no formal action taken with the Preliminary PUD review. He noted that there has been no technical compliance of any plans and no technical review by Staff. The applicants are here this evening to get direction as to whether the PUD process is viable. There are certain qualifying conditions the applicant must meet. The site can be owned by a group or one owner and must be capable of being planned and developed as one integral unit. A proposed PUD must meet one or more of the following five items for approval by City Council after recommendation from the Planning Commission: a PUD must preserve and enhance natural features or open space; provide a complimentary mix of housing sites in a mixed use development that is harmonious to the neighborhood; provide a civic facility of public improvements; alleviate traffic congestion; and provide for appropriate redevelopment or reuse of sites historic, or parcels occupied by old or obsolete residential uses. He summarized the tasks before the Planning Commission tonight and said the objective would be to determine whether the site and the conceptual plan generally qualify for a PUD zoning, to identify major issues associated with the project and to provide the applicant with preliminary direction from the Planning Commission and City Council. He concluded that this is the intent of the preliminary PUD process.

Present for Papa Joe's were Tony and Joe Curtis, owners and applicants; Joe Galvin, Attorney, Miller, Canfield, Paddock & Stone; Michael Labadie, Traffic Engineer with Tetra Tech MPS, Jeff Roth, Finance, Jeff Raine, TCF Bank, and Matt Brown, Marathon Ashland.

Mr. Galvin stated that he and the applicants were here this evening to ask the Planning Commission for recommendation that City Council approve the PUD proposal moving forward. He said they are looking for guidance in their preparation of the PUD. He read some favorable comments from Metropolitan Detroit magazine and the Rochester Eccentric about the Papa Joe's in Birmingham, MI. He said that it was important to understand that what is proposed is a first class facility that is desired by the people of this City. The people have told the applicants that they want the development to go in the location proposed. The applicants want help to get there. There is only one way that the development would be possible and that is for the City to approve its PUD process. He emphasized that this project and the quadrant proposed were made for a PUD use. He referenced the criteria Mr. Anzek discussed and the two qualifying conditions this proposal meets specifically – that it will alleviate traffic congestion and make the site safer. Without the use of a PUD process, achieving those goals would not be possible. The applicants are also going to provide appropriate reuse of a site occupied by old and obsolete non-residential uses. He pointed to photographs of the industrial uses currently on the site and said it was important to note the entire quadrant in the evaluation of the site. There are a number of existing, viable businesses in this area that have developed on an ad hoc basis – the Marathon station, Lino's restaurant and the TCF Bank. The bank and the gas station are prepared, as a part of this PUD, to rehabilitate their land. The gas station will not be able to do that without obtaining additional property, which would be transferred as a part of the PUD. They have land the City needs in order to achieve alleviation of the traffic congestion. Similarly, the bank wishes to redevelop but needs additional property, which it would also receive as a part of the PUD. The City wants some frontage along Tienken that would come with this process. He advised that there are currently five curb cuts onto the property and with the proposal, there would be three. He believes it is truly vital to the City of Rochester Hills to approve a PUD for this property. An attractive gateway to the City would be created, and the City would have the ability to deal directly in the negotiations of the appearances of the buildings. A PUD would create a functional use of the entire quadrant, not an ad hoc development. A PUD would create attractive, functional, tax paying businesses. The City is collecting about \$22,000 at this site now and that would go up to a total of \$531,000. These taxes would not be generated from the site if developed as currently zoned. He felt they have clearly established, after being told to deal with the traffic and the Master Plan, that the current zoning is not appropriate and not economically feasible. With the PUD developed as proposed, the traffic impact would be less than with development of the site as Master Planned.

Mr. Labadie indicated that his forte is Traffic Engineering and Studies. He said that the last time he was in front of the Planning Commission, he was told to bring back a good traffic story. He pointed out that the work they have done has not been created in a vacuum – they have worked for months with Staff and City consultants. He said that

everyone knows that the traffic situation is not the greatest at the intersection of Rochester and Tienken. People wonder what will happen if development is brought in. He said that with a PUD there is a need to show public improvements and/or impact on traffic congestion. He handed out a study which evaluated the existing traffic congestion and the future traffic with improvements with the proposed PUD, and if developed as ORT. He emphasized that the development would allow different types of access to adjacent streets. If the site is developed as Master Planned, the only access that would be available is Old Orion Ct. The ability to have multiple access points allows the traffic to be dispersed better. The City would get the right-of-way for future improvements, which they would not get if built as Master Planned. They could try to require it, but it would be hard to do. He discussed A.M. peak hour and P.M. peak hour traffic as it regarded stop delay per vehicle and said there would be a significant improvement. With a PUD, they would be able to manage and control the accesses and make some sense out of it, rather than try to do so with a lot of different developments and a lot of different driveways. He advised that the cul-de-sac would remain at Old Orion Court. The traffic delays would be much better and truck traffic would be significantly reduced compared to development with ORT. He said that the improvements were a little bit on the cumbersome side, but roads would be expanded, there would be drainage associated with it, turn lanes would be added and by changing the traffic signals' timing and phasing, they can show significant improvements.

Mr. Kaiser explained that given the locations of the proposals, the City could best respond to the two applicants by having a joint meeting. He noted that there are interested parties from the property on the northeast corner of the intersection present tonight. He said that they are not ready to go forward with a presentation, but could choose to participate in the process if they wish.

Present for Holiday Village Square were Paul Aragona, Owner of Aragona Properties, Paul Henderson, partner in the proposed PUD, John Gaber, Attorney with Williams, Williams, Ruby & Plunkett and Mike Labadie, Tetra Tech, Traffic Engineer.

Mr. Aragona stated that their interest in the property came as a result of being residents in the area and driving by the intersection and seeing it deteriorate physically and otherwise. He said that this area is their home and they are embarrassed by this site. It continues to get worse, and they decided to try and find out why the deterioration was occurring. They came across numerous reasons why the existing zoning was not working for that site. The biggest problem is the corner's location as it relates to freeways and other business centers of activity. It is failing to draw high tech uses that were first envisioned when the Master Plan was written. The building they purchased is physically obsolete, energy deficient, and has environmental issues, although they are manageable. He said they are developers with extensive experience in the development of retail centers and they realized that the highest and best use for this site would be retail. They have engaged top named architects and engineers in the area to study and come up with a plan. They have come up with a lifestyle oriented, pedestrian friendly design. The design respects the limited amount of time people have these days and respects the importance of vehicles in daily shopping commutes. They have

designed the development so the parking is very accessible and it minimizes walking distances and seas of asphalt typically seen in a retail development. They engaged JPRA Architects, who also designed the Village of Rochester Hills. They were asked to incorporate a lot of the architectural elements they did in that project and to respect the architectural qualities of the downtown Rochester area. They have done a wonderful job. Many of the proposed buildings have four-sided facades, and are interesting from all angles. They are very excited about the project and are ready to get started with the help of the leadership in the community. He said he wanted to point out some problems with the current zoning of the site – the distance to freeways and business centers, the competition with larger business parks and well located, existing facilities, and the need for total redevelopment of the existing site without proper economic incentive. He said they could rebuild the building, but there are many other buildings with better economics and they could not compete with them without discounting rental rates, which would make no economic sense. The large business parks along M-59 and I-75 cannot be overcome and that is why there are third-rate uses in this intersection now. He indicated that the economic impact of ORT versus retail shows that ORT would not serve the needs of the local population. Retail would serve daily shopping and service requirements of the neighborhood residents. Commerce and investment in ORT type businesses usually comes from national sources and retail investment and commerce opportunities can and will come from within the community. As far as job opportunities for residents, it would be limited for ORT, because they draw from a regional population. The site is too far to draw employees and it is too far from the freeways. Retail provides new and varied jobs for a wide cross section of area residents. ORT buildings are typically unsightly and boxy and they tend to not improve surrounding land values. The retail design proposed is state of the art and it would definitely improve the surrounding land values – certainly beyond what exists today. Given locational factors, and rent factors, it is unfeasible to redevelop the property and the area is suffering. Competition would encourage other retailers to redevelop and remodel. Now the intersection does not provide enough retail activity to be a major draw to capture the traffic that drives by the intersection. The traffic tends to flow through the intersection to other areas where residents meet their daily shopping needs. As far as traffic, ORT generally creates peak traffic during rush hour periods in the morning and afternoon. With retail, there is more consistent traffic flow, which does not have large peaks. ORT traffic comes from great distances and retail would draw from a three to five mile radius. The type of center they are building is not a fashion-oriented center or regional shopping area like downtown Rochester. It would be a center that serves the daily needs for goods and services and would actually compliment those other areas. There would be very little overlapping. With ORT the vast majority of traffic bypasses and travels through, but retail is able to capture the existing traffic going through the intersection. He indicated that ORT is not conducive to foot traffic and retail development would encourage foot traffic from surrounding schools and neighborhoods. Referencing the property tax comparison, he noted that the current taxes generated are \$119,000, and with new retail development, the taxes would be increased by \$328,000. In addition, they would generate more property tax than a redeveloped property. If the locational factor was somehow solved by a major freeway by the site, and they were able to do a high quality ORT

development, the tax values for retail would still exceed those for ORT. He introduced his attorney, Mr. Gaber.

Mr. Gaber thanked the members for the opportunity to speak. He stated that one of the conditions for this PUD is that the underlying zoning becomes commercial and they have a simultaneous application for a rezoning. That is something permitted under the PUD section of the Ordinance. A second qualifier is that the project has direct access and frontage on a major thoroughfare. In this case they obviously meet that requirement by having access on both Rochester and Tienken Roads. A third requirement is that project is and will remain under the control of a single owner. He indicated that they would meet the requirement that the project must help alleviate traffic congestion in the area. Secondly, the project is an appropriate and beneficial redevelopment of a corner and building that has become old and obsolete. Everyone would agree that the corner is an eyesore to the City at the present time. The applicant is offering a great alternative to that. He explained that the City would benefit from a PUD process for this development because the Administration would have significant input into the site layout. The applicant is proposing something novel, a spread out development with parking fields next to them in a pedestrian friendly manner. Also, the City has significant input into the architectural design for the entire site – in terms of the facades, the streetscapes, the landscaping, awnings, front facades, etc. He recalled a meeting in January when they discussed this topic in conceptual terms and Mr. Boswell commented that he did not want to look at a typical Rite Aid or CVS. Mr. Gaber commented that a PUD could deal with issue. If they had a use like that on the corner, it could be designed in a way that was consistent with the rest of the site and would not look like a typical pharmacy. The City has the power to help them do this. Another benefit is that only what is approved could be built. If this were a straight rezoning to B-2 or B-3, the applicant would be able to put something up that met the use requirements. There is a 132,000 square foot building there now that would constitute a big box use if it were retail. The PUD process enables the City to have control over the uses of the development. In this PUD proposal, they have taken the B-2 uses and omitted some of them. They are willing to work with the City to guarantee that this proposal would happen. There is an assurance that the parcel would not be split. In a typical rezoning, there could be a strip center, outlots, multiple curb cuts, different owners, and there would not be architectural character and cohesiveness of the development. With a PUD process, that can be achieved and maintained, since this is an agreement, and the project must be built in accordance with that agreement. He turned the discussion over to Mr. Labadie to discuss traffic improvements.

Mr. Labadie passed out another table and stated that at this site there are now different accesses and different types of development. There are road improvements associated with the proposal that would be different than if developed as Master planned. As far as traffic safety, with improvements there are significant reductions in the traffic queues for left turns, and for through movements that make ingress and egress from the site improved over how it is now or how it would be under ORT.

Mr. Kaiser opened up the meeting for public comments and explained that each person would have up to three minutes to speak.

**Mrs. Joan Primo, Woodwind Dr., Bloomfield Hills, MI** Mrs. Primo stated that she is a co-owner of the North Hill shopping center, the parcel on the southwest quadrant of this intersection. They do not believe that this much development is appropriate or necessary on these two corners. North Hill Center is roughly 100,000 square feet. She said she has not seen plans for the proposals and does not know how much retail is proposed, but given the acreage alone, it is certainly conceivable they could end up, in the aggregate, with 300,000 to 500,000 square feet of retail. That is the size of two Meijers. This is proposed as convenience retail and they have been told a mall would not be built, but the population density would not support that much square feet of retail at this intersection. She is aware of Mr. Labadie's reputation and she understands that fewer curb cuts are, in some ways, a measure of reduced traffic, but she does not believe that this type of incremental development versus what is currently there would, in fact, decrease traffic. There are other issues, but she feels that the traffic and market support do not justify this type of additional development at this intersection.

**Mr. Rick Bradin, 160 Ann Maria, Rochester Hills, MI** Mr. Bradin stated that he has lived in Rochester for 42 years. His street is the only residential area affected by these developments. There are ten houses on his street and 12 kids. They believe that the developments will hurt where their children play. They play in the street in a quiet little neighborhood. Two or three years ago, the City cut the access onto Old Orion Court and moved it up the road to alleviate traffic. Now the developers are proposing to open another access off of Tienken onto Old Orion Court. If anyone travels Tienken Road eastward between four and five o'clock, they would know that traffic backs up almost all the way to Livernois. If people see a cut-through to get onto Old Orion Court and Orion or Rochester Rd., they will use it. There will be lots of cars on his road and the kids will not be safe. They do not want this traffic. The applicants have talked about increasing taxes for the City. As a 42-year resident of Rochester, he asks that the City does not sell its residents out for an increase in taxes.

**Reverend Dr. Pamela Whateley, 1600 N. Livernois, Rochester Hills, MI** Dr. Whateley said that her comments have nothing to do with how good the food is at Papa Joe's, they have to do with the impacts that would occur from having something like this at that corner. It would increase the traffic 3-5 times and it is horrible now. She has tried to get in and out at three of the four corners and it is bad. It is almost impossible sometimes. Most people are going to and from work or to the high school and it does not make any difference if you can get into the development if you cannot get out. The roads cannot handle 3-5 times the traffic.

**Mr. Greg Urbin, 224 Ann Maria, Rochester Hills, MI** Mr. Urbin said he would also be impacted by Papa Joe's as his neighbor. He said that over the weekend, Papa Joe's representatives came by and he was assured at that time that there would not be any cut-through to Tienken from their location, but now he found out there would be. He told the representatives that he understood that they want to develop that area, but what they are proposing, and the increased traffic that would occur, will be reprehensible. In the morning, when the light at Rochester and Tienken is out occasionally, the traffic



backs up and people cut through the bank. If there were a cut-through all the way to Tienken, there would be a steady flow of traffic in the morning and the afternoon. About nine years ago, the City eliminated Orion through to Rochester and moved it north, which was a godsend. It reduced the noise and traffic. With the proposed development, the magnification of traffic through to Tienken has not been addressed. He has not seen anything that says that would not happen.

**Mr. Tom Stevenson, 708 Riverbend, Rochester Hills, MI** Mr. Stevenson said he does not live near the proposals, but as a citizen of Rochester Hills, he is very much in favor of the City increasing the tax base. This proposal shows a possible increase of 4-10 times what is currently being generated. He is in favor of studying this and making sure it can be done without harming the neighborhoods, without compromising safety, and he thinks it can be done. He referenced the State of the County address given this year by L. Brooks Patterson, and said that what is coming at the residents from Oakland County, in terms of taxation, is huge increases for water, sewage, drainage, roads, etc. Either businesses will pay for that or the residents will. He added that residents will be looking at substantial increases in taxes if they do not increase the tax base in Rochester Hills.

**John Sears, 1424 Otter Drive, Rochester Hills, MI** Mr. Sears stated that he lived on the northeast corner of the area in Cross Creek Subdivision. He had a concern about cut-through traffic. He has noticed that the City has not been effective in stopping cut-through traffic going to Stony Creek High School and Cross Creek already and he suspects there would be an intense increased opportunity for people to cut through if there are more retail opportunities in the area. He asked the City to consider the lighting for the development and to make sure it does not create an orange glow.

Mr. Kaiser asked Mr. Labadie to the podium and asked if he could address the issue about cut-through traffic and his findings for traffic improvements proposed for both PUD developments. Mr. Kaiser indicated that the Staff reports noted that City Council could take action at this meeting, with a resolution or otherwise, but he said that was not the case. He advised that only the Planning Commission could take action. He said he would like the Commissioners and Council members, in the time remaining, to give the applicants some view of where they stand and whether or not they believe these proposals have viabilities.

Mr. Labadie indicated that if data were combined for both proposals, there would be a significant improvement in service overall, and major reductions in traffic queues and delays would be achieved. It would become a desirable intersection to drive through. Right now it is not. It would not be with ORT development. With ORT at the Papa Joe's site, for example, everybody would have to use Orion Court. There is no access at Tienken or Rochester Road. That is significant. Cut-through traffic occurs when it is a short cut, not necessarily because of distance, but because of time savings. A route becomes more desirable as the delay decreases, and if it is reduced, it becomes less desirable for people to find an illegal (cut-through) route when improvements are made to the public road. His study did include some traffic going through to Orion Court, but

they felt it was for people that lived there. They did not see a desire for people to want to cut through from Tienken Rd.

Ms. Hill referenced the Papa Joe's presentation and said Mr. Labadie's handouts were not included. She said she did not know the times involved in these studies. Times for traffic studies for Holiday Village Square were not specified either. Mr. Labadie said that the traffic study was a canned effort, approved by the City, and is done at the same A.M. and P.M. peak hour for each.

Ms. Hill said that all of the bottom line results from the tables show D, E and F situations and the Tienken Corridor Study showed D or F situations, so Mr. Labadie's study does not show much change. She wondered how it could show C. Mr. Labadie said he agreed it was at D or F for the P.M. peak hour. He said the Tienken Road Corridor Study also included road improvements and analyses that were not part of his study. Ms. Hill said that the Tienken Corridor Study showed a boulevard intersection and indirect left turns. She added that those improvements actually made a difference; what was suggested tonight would be just a band-aid.

Mr. Kaiser asked Mr. Labadie to summarize the improvements included in the proposal. Mr. Labadie said that for westbound movement, they would construct a westbound, shared, through right turn lane across the intersection. Across the intersection a lane would be created across the Tienken frontage and merge back into one lane. They would extend the westbound center left turn lane further east. That would continue to the middle drive of the Holiday Village development. The left turn traffic now sits in the through lane. For eastbound traffic, they would re-stripe and re-sign the eastbound approach. Currently, there is a left turn lane, through lane and short right turn lane. If another lane is created across the Holiday Village site, the right turn lane could be extended and it would become a through right like on the other side, and could allow two through lanes across the site, which would improve the capacity of the intersection. It would provide a second eastbound lane, east of Rochester Road across Holiday Village. They would construct a northbound right turn lane on Rochester Road across Holiday Village to shorten the queue.

Mr. Kaiser asked if this information was depicted in the packets. Mr. Labadie replied that it was. He said it was also incorporated in the analyses he passed out. Mr. Labadie said the southbound right turn lane would be extended across the frontage of the Papa Joe's site. There would have to be some traffic signal improvements made in order to make everything optimal. Now there is a camera operated computer signals. It looks at traffic and monitors the timing to accommodate it. He noted that these improvements would make a profound impact on the existing conditions. The Corridor Plan forecasts were much greater - for a 20-year build out. If they spend millions of dollars on an intersection, they would not get the money back for a long time. During the build out period of the proposed developments, there would be a significant improvement in traffic. If traffic grows 30% over the next ten years, with ORT there would be the existing conditions plus the new traffic, with no requirement that an ORT developer make improvements.

Mr. Kaiser asked if the improvements depicted would be provided by the applicants, meaning that there would be no costs to the taxpayers of the City of Rochester Hills. Mr. Labadie replied that was correct. He said that the results in the tables were conservative. They do not allow, for example, pass-by traffic. The trip generations, before pass-by is taken out, are also greater than accepted practice might dictate, and the picture is going to be much better than is even shown.

Mr. Delacourt clarified that as part of the PUD, the City has asked for the dedication of the right-of-way from the property owners for those improvements, instead of having to go back and try and figure a way to get it in the future.

Ms. Hill read from the Corridor Study: "Under existing conditions, the intersection of Tienken and Rochester operates at LOSF at the A.M. peak hours and LOSD at the P.M. peak hours. To achieve a LOSD or better during peak periods, a conventional intersection design would be required – two left turn lanes and two right turn lanes for all approaches." She said they spent countless workshop hours on this Study, talking about the improvements needed to make Tienken and Rochester better roads. Those improvements are far greater than anything recommended this evening and the cost of that would be basically \$12.5 million to start. People already make right turns. The study they did was much more in-depth, and showed much greater proposed improvements.

Ms. Golden agreed with Ms. Hill that showing times was necessary. She said they cannot analyze anything without that information. She said she was familiar with that intersection because she lives near there, and she knows what the people are dealing with and what happens when the traffic light goes out. Another reason they need the times is that there is a high concentration of students driving that corridor. Mr. Labadie asked what she meant by times. Ms. Golden replied that she needed to see hours used for the study and Mr. Labadie said the hours used were 7-9 A.M. and 4-6 P.M. Ms. Golden said she would like to see the dates used. She indicated that cut-through traffic would be an issue and the City does not have enough police officers to patrol that. She asked Staff if there were any discussions about the City participating in any road improvements and if there would be enough room for a potential boulevard intersection, as discussed in the Tienken Road Corridor Study. They have to think about the future and adding one would probably be the only way to make the intersection safe. She said some improvements would be great, but they need to think about the future as well.

Mr. Davis said that after listening to the comments, he wanted to touch on those about the Tienken Road Corridor Study. He felt it bore repeating that if no development occurred at these corners, traffic would still get worse. What is being proposed are improvements that are being compared to existing traffic conditions. They are not being compared to the 20-year projections that were incorporated into the Tienken Road Corridor Study. He mentioned that how the trucks access the site could be a requirement so that they would not come down Old Orion Court or they could be

required to access the site from Tienken. Staff has talked about this in prior meetings. He said that all directional movements are better with the proposed improvements, with the exception of eastbound Tienken. That is about 2-3 seconds worse. From Staff's review, what has been presented for proposed improvements are what Staff feels would be minimal improvements. He noted that there would be further negotiation with the PUD process. Mr. Labadie used two methods. One would be a little favorable for the applicant and both methods are acceptable, but he submitted the more conservative method. He said there was a third party traffic consultant that reviewed the data presented by Mr. Labadie. The final point he brought up regarded the Tienken Road Corridor Study. He advised that there are other silent partners involved in the proposed improvements. Rochester Road, south of where Old Orion Court used to intersect into Rochester is under MDOT jurisdiction and Tienken is under the Road Commission of Oakland County's jurisdiction. The Mayor has been trying to get the Road Commission to extend widening improvements along Rochester Road but has not gotten satisfaction from the Road Commission in that regard. The Road Commission is not willing to address that intersection and he doubted that MDOT would be in a position to address the intersection in the near future. For the City to fund the improvements entirely, or to do a boulevard intersection, would take years to complete. Just to do preliminary engineering design would take until the 2007 appropriations and the right of way and construction that would follow would take longer. He did not know if the corners could wait that long for re-development. As far as he was aware, the Tienken Road Corridor Study was never formally adopted through a resolution by City Council as the policy of how to treat that intersection.

Ms. Golden mentioned that Oakland Township to the north is widening. Mr. Davis replied that the County is doing a three-year project and it is not being widened except for the Mead/Rochester intersection and they are fixing the existing paving.

Mr. Duistermars referenced the plan and the proposed westbound lane and asked if there was a merge design so the extra lane merges. Mr. Labadie said that since it was a County road, they would have to permit it with a merge. Mr. Duistermars said that in envisioning the lane, it would be like the intersection for Avon and Livernois, specifically similar to the southbound Livernois lane crossing Avon. He asked if that was correct. Mr. Davis said it would be a five-lane intersection at all lights, which would end up tapering down to two lanes east of Rochester going to the round about. Mr. Duistermars asked if the proposed merge lanes would be longer than the one at southbound Avon and Livernois.

Mr. Kaiser referenced the memo from Mr. Anzek and said the three things the Commission needed to do tonight were to decide if the proposals meet the standards for development under the PUD process, identify issues that need to be resolved during the PUD final review process and to provide the applicant with preliminary direction to move the proposed project forward. He said that the Planning Commission could not redesign anything tonight, whether it was the Site Plan or roads or anything. This development has received no technical review by Staff, other than the look at the traffic issue. There is a lot of detail that has to be looked at, whether for curb cuts, the lane

issues, boulevards or something else. He did not want the members to get bogged down in the minutia tonight. Identification of issues and to give the applicant some sense of direction is their mission this evening, he added.

Mr. Rosen felt that traffic would be one of the biggest issues. He said he has not heard anything about the improvements of eastbound Tienken to northbound Rochester for P.M. peak. It is typically a 10-15 minute process to get from Livernois to northbound Rochester any time between four o'clock in the afternoon until about 6:10. He has watched this intersection and about three out of four eastbound vehicles turn north, mostly at Rochester Road. If they would now be turning north into a new, consolidated entrance to a shopping area 300-500 feet from the corner, he did not see how this traffic plan would improve or lessen that traffic congestion.

Mr. Labadie responded that P.M. peak hour for eastbound Tienken, under existing conditions, would not change for any tables he provided. That is a service level E and is in excess of what is accepted. He agreed it was a problem. With the improvements proposed, the relief would be about 14 seconds of stop delay per vehicle. It would be reduced, but is not a panacea, but the delay per vehicle is still reduced. Also, the number of driveways would be less so the spacing would be better and ingress and egress would be improved.

Mr. Rosen said a 14 second reduction is not credible. There is so much traffic and three of four people are turning left. Nothing being proposed would alleviate that. They would create a large destination for people to turn left before they get to the intersection and that would hold things up even worse. This would only last a few years anyway and would have to be redone. He does not see this, as a practical matter, doing anything.

Mr. Kaiser asked Mr. Labadie to address Mr. Rosen's question about what improvements, if any, are suggested for eastbound Tienken from Livernois. Mr. Labadie replied that there is only one through lane there now. The number of right turners is only 85. The through vehicles, during P.M. peak hour, is 329. These are numbers agreed upon by the City. The City would end up with an extension of that right turn lane, which would become a through lane. The traffic queue will be less on that approach, plus with the traffic in two lanes, the traffic signal timing can be adjusted.

Mr. Rosen asked if that data assumes that anyone in the left turn lane eastbound on Tienken will be turning into the Papa Joe's, Lino's or the bank. Mr. Labadie answered it does. Mr. Rosen asked if people stop there how other people would get around them. Mr. Rosen felt Mr. Labadie had not had a chance to really watch what happens at that intersection. The traffic backs up so far back for the left turn it covers the through lane and goes all the way up the hill. Having a longer right turn lane or through lane will help, but he did not feel it would change the fundamental circumstances.

Mr. Kaiser said that everyone probably understands the problem, as was identified at the earlier meeting. He said that this all boils down to whether or not the members think

the problems are insurmountable or solvable. If there is a majority of Commissioners who think the problems are not solvable, they should have a resolution passed which does not recommend that this request be moved forward. They are getting into reconfiguring things on paper and they are not in a position to do that without the information they need.

Ms. Holder stated that she hoped that the Planning Commission and City Council members are keeping personal issues out of this matter tonight, especially the people that might be living in this particular area and hoped that they look at this for Rochester Hills as a whole. She sees it as a workable plan with a lot of benefits for the City. It is a golden opportunity to get road improvements and right-of-ways and other benefits for those corners. She said she understands the traffic concerns, but she feels that will be worked out eventually. She said that when the Village of Rochester Hills opened it was a nightmare. The parking was a nightmare also. This is what will happen at the proposed area until the residents decide if they still want to come to the area. She sees that there would be no cost to the taxpayers and this is what the members are looking for – improvements and benefits without money out of pocket.

Mr. Kaiser said that as far as the mission for this evening, he was satisfied that the applicants would meet the standards for development under the PUD requirements. The issues have been identified and he would like to see Staff continue working with the applicant on traffic, access and curb cuts. Staff should provide information about the area if left as is, and a firm view about compatibility with the existing area if the projects are developed. He has never had a citizen come forward while he was on the Commission who said, “please raise taxes.” If the members do not find ways of bringing funds into the City, the City will have two choices – raise taxes or decrease services. There are no alternatives. If they want to keep services at the level they are at or better, as is the goal of the Administration they must find ways to bring in more money.

Mayor Somerville said that she did not think a lot of the residents had any idea of how long these corners have been vacant. No one has been interested in developing them. She asked if they should continue to let the area deteriorate and become blighted. She suggested that people park in the area and walk around the buildings. They will see windows broken out and other types of vandalism. The northeast corner has been sitting empty for 12 years and no one wants to put offices there. She felt that offices belong along expressways, not in the center of town. The applicants wish to build something that would bring the taxpayers a tax base for many years to come. She said she faces traffic every day of the week and knows it is bad, and she is working with Congressman Knollenberg, to get money to widen Tienken from Livernois to Rochester. He was very receptive at their last meeting. She indicated that the only hope is to get the federal and state representatives to bring money to the City for the roads. She cautioned that if that does not happen and good development does not go into these corners, taxes would be raised.

Mr. Barnett said that in considering whether the plan would be eligible for consideration for a PUD, he felt that the arguments about ORT versus retail were interesting.

Vacancy rates show there is some room for retail development on these corners. He feels that the PUD, with City control, is the proper way to go. However, they need to identify issues associated with the development and address traffic so the two bodies are convinced that what is proposed for the property will be adequate. He understands that they do not have detailed drawings of the proposed changes for the intersection but that will be critical to him before he will be convinced traffic has been addressed. If the bodies agree to go forward tonight, he suggested that multiple alternatives be submitted to address the traffic. He does not feel they could put in enough time addressing this issue. Regarding whether or not the PUD is appropriate, it would seem to be, given the situation in the area and the arguments in support of the process.

President Dalton said there was comment about property being dedicated for the right of way and asked if they did construct a boulevard if they would have enough property for that.

Mr. Davis said now there are two scenarios – the Master Land Use Plan and the ultimate right-of-way they want, and the Tienken Corridor Study, which requires a greater amount of right of way. President Dalton asked if they would get a greater amount of right-of-way without any cost and Mr. Davis replied that if they wanted it that would be correct. President Dalton said that after hearing the presentation, the two site plans do qualify. He did not feel it would be a slam-dunk, but he felt the traffic concerns had been identified and could be addressed. He felt the residents' concerns would also need to be addressed, as they put their trust in the Council members.

Mr. Rosen said he was not persuaded that they do require a PUD to do anything proposed. He did not think the traffic improvements would be long-lived and would be replaced in fairly short order. If the Tienken Corridor Study becomes part of the Master Thoroughfare Plan, it would obviate any of the improvements they would get. He did not think that what was proposed would improve traffic congestion. The proposals would draw more traffic and would make problems worse in the area. He did not think the PUD was necessary but was a way to get around the zoning issues. The concern is that they are being asked to amend the Master Land Use Plan without study and without much public input. They are under pressure to do it now and this way. It is not a minor tweak, it is a 5%+ change in the amount of commercial for the City. Some people would say the Plan is out of date and the planners did not anticipate growth and that there is not enough commercial. They have been through all that. He felt the way to address the potential or redevelopment of this area is to do it through the Master Plan. They cannot ignore or go against it. Because the Master Plan is so specific about how much commercial they should have and where it should be, he thinks they have to change the Plan before this can go ahead. One very important issue is that what is proposed will have a significant affect on the City of Rochester. It will hurt similar businesses in Rochester and in the area and will make more congestion in the City because that corridor will become much more highly used. The Planning Commissioners are aware that they are required, under the new Planning Act, to inform Rochester, Shelby and Oakland Township when the Master Plan is amended. The members would be making a major change without going through the process and he

does not think they can make a snap decision tonight to go ahead. He said he thought that the decision was so important it deserved more than a hip shot.

Mr. Hooper indicated that if the motion for the proposal is made, they are not committing to anything, it simply moves the matter to the next step. The proposal may not make the litmus test later on. As far as the Preliminary PUD review, he felt the projects met the basic litmus test and he would support them going forward to the next step. The City might determine that the improvements are not achievable and they might turn the projects down.

Mr. Kaiser agreed that he did not think that by approving a motion anything was carved in stone for the applicants. He asked Mr. Staran if both projects could be included in one motion. Mr. Staran did not think anything would preclude that.

Ms. Holder mentioned that she called someone from the City of Rochester and invited her group to this meeting. Mr. Kaiser encouraged that the surrounding cities be invited to any future meetings.

Ms. Hill felt that both proposals were fabulous; she just did feel they were right for this location. She said she totally agreed with Mr. Rosen and did not feel they were addressing the zoning issue or the Master Plan. They are being driven by the premise that they need to raise tax dollars, but no matter what they do it will not solve the problems. She said she is not against economic development or these types of developments. She was very concerned that the Planning Commission could give City Council a motion recommending that the PUD process go forward when they have not even touched the tip of the iceberg to deal with all of these issues for the next 20 years. They do not have the infrastructure in place here and what is proposed will not solve the infrastructure problem. She said that she has lived in this area for 16 years and drives that intersection constantly. She remarked that she was very frustrated with what she has heard this evening. She knows the matter will come to Council, but in less than three hours they are going to push people in a direction where problems have not been resolved. She received a huge amount of material to read and study over the weekend, and she knows that the Planning Commission did not formulate the Master Plan on a whim, but with a great deal of study. The attorney present for the applicant helped create what was proposed for ORT for this intersection in the current Master Plan. For the future, it makes a great deal of sense. Office might be down right now all over, but she said they had to consider that people are moving to the north. In the future they are going to want office buildings in this community. To just solve an immediate problem by putting retail in because it is easy does not solve the overall problem for the community. The planners looked very carefully at where the retail and commercial should be and they have been pretty consistent in using the Master Plan. She is very disappointed in the way they are taking it apart without doing a complete study. She felt it was being piecemealed and that it was very, very inappropriate.

Mr. Kaiser said that whichever way the vote goes tonight, there would be motivation for the Staff to invest time and the applicant to invest time and money in resolving the



issues that have been identified this evening. At this point in the process, the answers to the issues were not expected. His vote would be telling Staff and the applicant that this is worth looking at in greater detail and that is all.

**MOTION** by Hooper, seconded by Brnabic, in the matter of City File No. 02-004 (Papa Joe's Market), and City File No. 98-047.2 (Holiday Village Square), the Planning Commission **recommends** that City Council review the Preliminary PUD further, based on the premise that the projects generally qualify for PUD consideration.

**Roll Call Vote:**

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

**MOTION CARRIED**

Mr. Kaiser advised that the recommendation would be forwarded to City Council and that everyone who turned in cards tonight would be notified of that meeting. He suggested inviting adjacent communities to that meeting.

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**NEXT MEETING DATE:**

The Chair reminded Commissioners that the next special meeting is scheduled for May 13, 2003.

**ADJOURNMENT:**

Hearing no further business to come before the Planning Commission, the Chair adjourned the special joint meeting at 9:39 p.m., Michigan time.

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Eric Kaiser, Chairperson, Rochester  
Hills Planning Commission

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John L. Dalton, President  
Rochester Hills City Council

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Maureen Gentry, Recording Secretary

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