



# Rochester Hills Agenda Report

1000 Rochester Hills  
Drive  
Rochester Hills, MI 48309  
(248) 656-4660  
Home Page:  
www.rochesterhills.org

**File Number: 2006-0649**

<b>File Number:</b> 2006-0649	<b>File Type:</b> Project	<b>Status:</b> To Council
<b>Version:</b> 2	<b>Reference:</b> 05-037	<b>Controlling Body:</b> City Council Regular Meeting
<b>Requester:</b> Planning/Development	<b>Cost:</b>	<b>Introduced:</b> 08/23/2006
<b>File Name:</b> Lowe's Conditional Land Use	<b>Final Action:</b>	

**Title:** Conditional Land Use Request - City File No. 05-037 - To allow an outdoor sales/garden center for Lowe's, proposed for the former Pat Moran site on the east side of Rochester Road north of M-59, as permitted per Section 138-568.1(a) of the Zoning Ordinance when developed in a planned relationship with the B-3 district, Rochester Avon Properties LLC, applicant.

**Notes:** Lowe's Home Centers, Inc.  
John Gaber  
Rochester Avon Properties, L.L.C.  
380 N. Old Woodward Ave.  
Birmingham, MI 48009

Michael Motte  
Atwell-Hicks  
50182 Schoenherr Road  
Shelby Township, MI 48315

Mr. Tom Ebels  
Lowe's Home Centeres, Inc.  
1952 McDowell Road, Suite 101  
Naperville, IL 60563

<b>Code Sections:</b>	<b>Agenda Date:</b>
<b>Indexes:</b> Conditional Land Use	<b>Agenda Number:</b>
<b>Sponsors:</b>	<b>Enactment Date:</b>
<b>Attachments:</b> Agenda Summary.pdf, Map aerial.pdf, Report Staff 09-05-06.pdf, Site Plans 1-11.pdf, Site Plans 12-22.pdf, Site Plans 23-34.pdf, Site Plans 35-51.pdf	<b>Enactment Number:</b>

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning Commission	09/05/2006	Recommended for Approval	City Council Regular Meeting			Pass
<b>Notes:</b> <i>Mr. Reece recused himself from the meeting, stating that Lowe's was a corporate client of his company. Although they did not specifically work on the subject store, he did not feel it was appropriate to participate in the discussion or vote on the requests.</i>							

*(Reference: Staff Report prepared by Derek Delacourt, dated September 5, 2006, had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were John Gaber, Williams, Williams, Ruby and Plunkett, P.C., 380 N. Old Woodward Ave., Suite 300, Birmingham, MI 48009; Michael Motte, Atwell-Hicks, 50182 Schoeherr Road, Shelby Township, MI 48315; Tom Ebels, Jr., Lowe's, 1952 McDowell Road, Suite 101, Naperville, IL 60563; and John Quinton, Jr. Boice, Raidl, and Rhea Architects, 6700 Antioch Plaza, Suite 300, Merriam, KS 66204.*

*Vice Chairperson Brnabic explained the procedure for the Public Hearing and advised that anyone wishing to speak would be required to fill out a card and turn it in to the Secretary. She asked the applicants to come forward and introduce themselves.*

*Mr. Gaber noted that they had been working on the Lowe's project for quite a long time, although it was the first official meeting before the Commission. They had worked with Staff through three or four submittals, and had met with the neighbors on various issues. He advised that in June 2005, they entered into a long-term ground lease, for about 13 acres, with the Pat Moran entity. He further advised that they entered into a purchase agreement with Meijer to buy an additional four acres to make the development work. They also acquired a 20-foot wide parcel from a tax foreclosure sale, along the southern property line, which was rezoned from R-4 to B-3 to be used for buffering.*

*Mr. Gaber indicated that the former Pat Moran's site had become rundown and blighted because they had been out of business for quite awhile. He stated that they planned to redevelop the site, hopefully with the cooperation of the neighbors, and they believed that being adjacent to the Meijer site would bring certain benefits to the Lowe's development. He explained that the reason it had taken so long to come before the Commission was because they had to deal with the road and curb cut issues. It had taken a long time working with MDOT, with the goal of improving traffic safety along the Rochester Road corridor. They proposed adding a traffic signal to the entrance that would be shared between Lowe's and Meijer, which would allow all turning movements. It was a dangerous intersection, and they believed that a light would alleviate the safety concerns. MDOT and the City's Traffic Engineer requested that they reduce the number of curb cuts along Rochester Road, and they were able to do that successfully. On the adjacent site, Meijer had a full-access drive and further north, a right-in, right-out access point. There were five drives currently, four of which were full access, which would be reduced to three drives. The other two drives would be right-in, right-out access drives. It had taken them a long time to get to this point, and MDOT also asked that they work with Verizon to see if they could get them to close a curb cut onto Rochester Road, but they would*

not agree to do that. There was an ingress/egress easement given for the Verizon parcel, so if it ever was redeveloped, the mechanisms would be in place to possibly close off the northern-most drive onto Rochester Road.

Mr. Gaber advised that they had met the City's parking requirements and offered 588 total spaces, including 22 land-banked spaces in the rear of the site. The reason for the land-banked spaces was to honor the City's proposed future right-of-way along Rochester Road, which included giving up from 36 to 54 feet. He indicated that the future right-of-way prejudiced the Lowe's site because the City decided to take it from the east side of Rochester Road. He stated that they would not have a need to build the land-banked spaces in the future because Lowe's' internal policy was to have 500 spaces in front of the store. The development met that, and with the 22 extra spaces, it met the City's requirements also.

Mr. Motte stated that he felt they had developed a plan that would work in conjunction with the City's requirements but still provide a usable Lowe's site. The two main areas of concern relative to the B-3 zoning were the R-4 zonings to the south and east. A minimum 50-foot buffer was required, and they were able to meet that on both sides. On the east side, there was an existing berm and trees between the Pat Moran site and the adjacent subdivision. They worked in the detention system adjacent to the existing berm, and they would maintain the berm and the row of trees along the easterly property line. They incorporated a six-foot high wooden fence across the back. They were introducing 38 additional Spruce trees to screen the neighbors. On the southern property line, they would add a Type A Buffer with a six-foot high fence and trees for screening.

Mr. Motte next discussed the photometrics, noting that as part of the site requirements, they zeroed out at all lot lines adjacent to residential development. They were able to maintain the lighting Lowe's wanted for safety in and around the building and to blend in with the Meijer development. Mr. Gaber asked about the proposed trees, and Mr. Motte related that they planned to plant the Spruce trees at 14 feet high, which would grow over to 20 feet high within three years.

Regarding stormwater detention, Mr. Motte noted that the Pat Moran and Meijer sites were detained in a common detention area at the easterly part of the Pat Moran site. It ultimately out-letted into the wetlands and drained into the wetland mitigation area. He explained that they expanded the proposed regional detention facility, while maintaining detention for Meijer, the new bank and the strip center, and allowing detention for Lowe's. There was an outlet point for the original detention pond that discharged through a structure and drained into the storm system in the adjacent subdivision. They wanted to make sure no additional water flowed into that area, so they would maintain the outlet rate. They calculated the original discharge from the Pat Moran site - 1.72 cfs. The discharge from the Lowe's site could be 3.22 cfs, as allowed under Oakland County design standards, but to avoid

additional impact, they proposed maintaining the discharge at the same rate Pat Moran's used into the wetland. They were also adding a pump station to go to the exact discharge point and to flow through the existing wetlands. Mr. Gaber referred to the 20-foot wide parcel from the tax sale and said he met with the Wildflower Association members to see if they would be interested in taking over the property behind their homes. Lowe's had no need for the property and felt it would be best used and protected by the property owners. The Association had decided that the applicants should talk to the individual property owners that abutted the area. He called all seven and they agreed to take a conveyance of the land. Staff asked if Lowe's would take down the dead ash trees in that strip, and he advised that they agreed to work with the City's Landscape Architect to accomplish that. Mr. Motte mentioned that the rezoning of the L-shaped strip of land left a portion behind the homes as R-4.

Mr. Quinton next brought up the building elevations. He referred to the front of the garden center and indicated that the proposed materials included a 20-foot tall, tubular steel fence, in lieu of a standard chain link fence. There would be 22-foot tall masonry piers along the front face and a knee wall, which would screen the garden center area. The piers continued down the left side of the garden center. The proposed material for the main building was Quik Brik, and the main color would be a promenade blend. He explained that Quik Brik was a four-inch high, 16-inch wide, 12-inch deep unit. It was proposed as an upgrade to the painted cmu block. Along the front elevation, there would be masonry piers to break up the expanse. He pointed out the sign at the main entrance, which had a decorative metal awning. The materials would be a pre-finished metal panel in lieu of an EFIS material. The Lowe's sign would be individually lit. He showed the exit feature, and said it would be of a similar configuration and with similar materials. The indoor lumber area and loading canopy would be a structure someone could drive underneath to pick up materials. It would contain pre-finished metal panels and decorative masonry piers with Quik Brik material. There would be a mansard roof, and a feature to help soften the edge from the building. The materials for the back of the building would be basically the same. There would be fenced areas with an opaque screen fabric, similar to a tennis mesh. The trash compactor and truck dock would be located in the back, screened with ten-foot high masonry walls matching the material of the building. The right elevation would be similar, and there would be an accent band on all four sides to provide a horizontal continuity throughout.

Mr. Gaber talked about the issue Staff raised with respect to the Lowe's signage area. A Condition of approval for the proposed motion asked for removal of the blue background and extension of the Quik Brik. He stated that Lowe's did not want to do that because the logo and color were their identity. He added that it was a trademark, and it was used in all of the promotional materials. It was how the public identified Lowe's, so the color was very significant. Since it was integral to Lowe's identity, they asked that

*the Planning Commission allow it to remain as proposed.*

*Mr. Ebels, Lowe's Site Development Manager, discussed the trademark area, requesting that if it were at all possible, they would like to retain it. He referred to the tubular steel fencing area to the rear, and said it would be for used appliances that Lowe's hauled off as a free service. The area was described as an upgrade. They would typically have empty trailers in the rear or a truck to hook up to and pull the trailer away when it was full. They felt the design was a better option for the location. Mr. Quinton advised that for the rear elevation, the parapets would be raised about six feet above the roofline, in an attempt to screen the view of the rooftop units. There would be a continuous pre-finished metal cornice along the front elevation.*

*Mr. Delacourt related that the Site Plan involved a Conditional Land Use Recommendation to City Council regarding the outdoor sales in the garden center. There was also a Wetland Use Permit and Natural Features Setback Modification required in relation to boundary changes at the rear of the site. The DEQ had approved a Permit for the State-regulated wetland, which had been included in the packet. Mr. Delacourt advised that the plans had gone through technical reviews with all applicable City departments and outside consultants, and that everyone had recommended approval. He noted that several residents had called to discuss the possibility of using different materials for the opaque screening and wood fence.*

*Vice Chairperson Brnabic noted that the Staff Report said Lowe's would lease four acres for detention but Mr. Gaber had used the word purchase, and she asked for clarification. Mr. Gaber responded that they would be purchasing them from Meijer and it would be conveyed to the current property owner of the Pat Moran site and included in the premises that they were leasing from Pat Moran. Vice Chairperson Brnabic asked if the Commissioners had general questions regarding the presentation.*

*Mr. Dettloff asked if the applicants had a rendering showing a standard Lowe's to compare with the upgrades shown. Mr. Quinton said that the building elevation would be a split face cmu on the front elevation, painted a light gray color. He did not have a picture of another store. Mr. Dettloff clarified that Lowe's management did not want the look of the store altered, other than through use of the materials. Mr. Quinton said that was correct; the building footprint would remain the same, as would the corporate identify.*

*Mr. Yukon asked if there were Lowe's stores around the country that did not use a blue façade. Mr. Quinton said he had worked as a consultant for Lowe's for about six years and had done about 260 stores, and he could not recall any that did not have a blue feature on the façade. Mr. Gaber said that the store in Canton (Michigan) did not have the blue background, but used a continuation of the Quik Brik. Mr. Motte thought there were only one or two in Ohio, and he reiterated that they would like to keep that feature.*

Mr. Yukon confirmed that the fencing on the east property line would be stockade. He asked if a wood stockade fence was proposed for the south side, which was confirmed. Mr. Yukon asked if the current chain link fence would be removed. Mr. Motte said it meandered in and out of the Lowe's property onto the neighbors'. The would like to pull the stockade fence off the property line three or four feet so it could be maintained with a mower.

Vice Chairperson Brnabic opened the Public Hearing at 8: 16 p.m.

**Richard Doherty, Bezteck Company, 31731 Northwestern Hwy., Suite 250W, Farmington Hills, MI 48334.** Mr. Doherty advised that his company owned the All Seasons Senior Congregate living to the south of the proposed development. They were in general support of the project, and were most interested in the drive along Rochester Road and the impact as far as drive access to their site. It appeared that the improvements proposed would be a benefit to their development, and he wanted to be assured of the traffic signal and the right in and out only at the southern drive. He thought those would make access easier for their site as well.

**Cindy McMillan, 422 Jonathan Drive, Rochester Hills, MI 48307** Ms. McMillan stated that she was on the board of the Wildflower Homeowner's Association. She asked about the proposed fence and if there would be houses, the stockade fence, and the new trees and old trees, in that order. Currently the homeowners there saw trees, but she wondered if they would now see a fence. She would rather see the fence put on the Lowe's side of the trees.

Mr. Motte said that the proposed stockade fence would go along the property line, but they would have no problem maneuvering the fence adjacent to the detention pond or around the berm area. He said it might be easier to work it across the top of the detention pond so the neighbors would look more at trees. Ms. McMillan said she did not see why that could not be done. It seemed that the fence should be on the commercial side. Mr. Motte said it was moved back because of a comment by one of the City's reviewers. If the City did not have a problem, they would have no problem moving the fence back.

At that point Vice Chairperson Brnabic directed that the speakers would ask questions, and that they would all be answered when the Public Hearing was completed.

Ms. McMillan asked for clarification about the Spruce trees to be added. She wondered if they would be going in at 14' high or if where they were planted in the berm would matter. She wondered the true screening height and if more trees could be added. She noted that there was a large green space between the homes and the parking lot, and that the Lowe's building would be back toward the rear of the property. She referred to the drainage for Pat Moran's being at 1.7 cfu and that Lowe's would be allowed 3.2 cfu's, to

Oakland County standards, and she was concerned because property given to the homeowners and the common area that the Homeowner's Association owned was very wet and had 2-5 inches of water in the trees. She was not clear as to whether the drainage would be better or just to standards, and if it might be worse than what they were used to. She questioned whether they would see the appliances, and said she hoped they would not see trailers or appliances. Regarding the blue identity of Lowe's, it was her opinion that everyone would know Lowe's was there. If people wanted to shop there, whether it was blue or not would not make someone go there. She thought it would be easy to make the building all brick, and she did not believe it would cause them to lose their identity. She thought the blue area could just be behind the white lettering rather than over the entire peaked area.

**Mary Beth Matera, 359 Jonathan Dr., Rochester Hills, MI 48307 Ms.**

Matera said she was a resident of Wildflower Subdivision, and was concerned how close the building would be to the subdivision. She was worried about the exhaust and the noise from trucks at the turnaround. She suggested that the building could be turned so all the truck traffic and loading docks would be away from the subdivision. She asked how many deliveries there were during the day and if they were also done at night. She would rather see a brick fence than wooden, noting that there was a lot of maintenance with wood. She did not think someone would maintain it year after year. She hoped that the Commission would make sure about the drainage. She asked if there was a pump there now and asked what would happen if there was a power failure. She was worried about noise from the trash compactor and the location of the loading dock.

Vice Chairperson Brnabic closed the Public Hearing at 8:27 p.m. and asked the applicants to address the comments.

Mr. Motte said they would be happy to move the fence to the westerly side of the trees and berm. Regarding the size of the Spruce trees, he said they would be 14 feet high when they were planted, as worked out with the City. He brought out renderings for screening, which showed projections for someone looking at the building from 15-18 feet off the ground (top of roof line of the houses). The existing trees and fencing would block a lot of the view. He advised that they could not plant additional trees in the wetland area, but they worked with the City and maintained the buffer to minimize impact to the neighbors. Mr. Ebels pointed out the area where the used appliances would be stored, noting the 12-foot high screen, and said they would accept a condition that no appliances would be stacked higher than that. He advised that there would be no trailers in the rear of the store. Mr. Motte reiterated that the tubular steel would have black opaque fabric so someone could not see inside that area.

Mr. Motte referred to stormwater drainage and the statement about standing water, and said it was understandable because of the wetland. They would reduce the amount of discharge from the Lowe's site almost in half from what

normally would be allowed, and they would maintain it at the same rate that currently came from the Pat Moran site. The residents would experience the same amount of water, and he advised that the Lowe's site had to maintain the wetland by providing water to it.

Mr. Ebels stated that with respect to the blue corporate identity, the front of the store would face Rochester Road, which was a commercial area, and that it would not have a visual impact on the residential area.

Mr. Motte referred to the truck turnaround and said that the main access point they were anticipating for deliveries would be the joint access between Meijer and the Lowe's building. The truck dock would be approximately 400 feet from the back of the residential area, and would be screened by a wall. The southern turnaround was more for fire trucks and emergency vehicles. The main access and exit point would be the drive between the Meijer and the Lowe's buildings - furthest away from the residents. The Meijer deliveries would go all the way to the back of the building. With respect to the noise from deliveries, Mr. Ebels said they would agree to no truck idling during deliveries. The number of deliveries would be a function of how busy the store was, but on average there would be two to three large deliveries a day. Special order items would come in typical FedEx-sized trucks, and the number a day would be more difficult to gauge, but they would be during normal business hours. He was not sure if Rochester Hills had a restriction about delivery hours, but if there were, they would operate within those restrictions. They did receive deliveries at night, and typically things were unloaded at night.

Mr. Ebels said that with respect to noise from the trash compactor, they could add a condition that it be operated during busy traffic hours or daytime hours only.

Vice Chairperson. Brnabic asked the hours of operations. Mr. Ebels advised that Monday through Friday it would be 6:00 a.m. to 10:00 p.m., and Saturdays and Sundays it would be 8:00 a.m. to 8:00 p.m., but that it varied from store to store. Ms. Brnabic asked if delivery times were generally set, and Mr. Ebels said there were restrictions in some municipalities, but in general, there were no restrictions for arrivals.

Mr. Motte referred to maintenance of the proposed fence, noting that Lowe's did maintain their facilities to a very high standard. All maintenance of the fence would be the responsibility of Lowe's, and if the fence was pulled back along the trees, the visibility of the fence would be minimal.

Regarding the pump drainage and allowable discharge, Mr. Motte advised that the existing Pat Moran site drained through a gravity system. To put the Lowe's stormwater into the same system, they would construct a pump station to force the water into the same discharge point. It had nothing to do with the gravity system that existed for the residential, and they would not put



additional water into the residential system. The pump system was only for their detention pond. It would be hooked up to a backup generator for Lowe's in case of a power failure. It would also be a dual pump system in case one failed.

Mr. Gaber pointed out that the rate of discharge through the current points from the Meijer and Pat Moran detention basin would not be increased, and that Lowe's would maintain them. If more impervious surfaces were created, it would seem as if there would be more drainage, but Lowe's would be enlarging the capacity of the basins, and they would be able to hold more water, but discharge at the same rate. He noted there was a Condition of approval stating that the detention discharge rates and system functions would be approved by Engineering Staff prior to Construction Plan Approval.

Mr. Motte said they looked at numerous layouts for the site and the locations for the trash compactor and truck well, and kept them furthest away from the residential.

Mr. Dettloff said they hoped that Lowe's would be very successful. He asked if the delivery schedule would be seasonal, noting the home improvement aspect of their business. Mr. Ebels said it could function that way, and the springtime would be busier. The deliveries for those areas would be concentrated more on the garden center, and the trucks would unload along the garden center fence. The appliances would be by the truck well. Mr. Dettloff asked Mr. Delacourt if there was an Ordinance restricting hours of delivery.

Mr. Delacourt did not believe the City had an Ordinance for delivery times; however, the applicants were requesting a Conditional Land Use and in the past, the Commission had attached conditions related to hours or dates. Mr. Dettloff asked if the Commission could stipulate that or if it came from City Council. Mr. Delacourt advised that the Planning Commission had made the recommendation as part of the Conditional Land Use motion, and it would be up to City Council whether to approve it or not. Mr. Dettloff thought that given the fact that there would be increased deliveries in the spring - up to 10:00 p.m. - he would be concerned for the residents. Ms. Hardenburg asked if there was a noise Ordinance, which was confirmed, and she indicated that if the noise became bothersome, the residents would be able to report it.

Mr. Dettloff said it was mentioned that the Canton store had Quik Brik rather than the blue logo. He asked if the applicants would consider doing the same thing. He asked if they would consider a masonry or brick fence rather than stockade. Mr. Motte said that by moving the fence back on the far side of the trees, the residents would not really see it. He stated that it was a huge expense to go through for something that would not be seen. Mr. Gaber said that if it was backed off the property line, both sides of the fence would be on Lowe's property and they would have the maintenance

responsibilities for the entire fence. There could be a wall at the property line, where the person who put it up would have no responsibility for the other side of the wall, so it would not get maintained typically.

Mr. Ebels advised that they were proposing Quik Brik, and he reiterated that they would like to maintain the corporate identity and keep as much of the blue as they could. They could look into reducing it as a Condition of approval, but he did not think it would have an adverse affect on the surrounding properties, and it would face a commercial corridor. Mr. Dettloff asked if the Canton store had any blue in the logo, and Mr. Ebels said he did not believe it did. Mr. Gaber added that the store in Bloomfield Hills (on Telegraph) had a blue background.

Mr. Hooper agreed that if the fence was going to be moved to where it would not be seen by the residents, it could remain a wooden material, but if it was at the property line it should be a masonry wall, similar to the one at the strip center on Auburn east of Meijer. He asked why there was no screening by the truck turnaround, and if it was because of the wetland. Mr. Motte agreed, and pointed out that there were some existing trees in the wetland area and the existing vegetation was not shown much. He suggested that they could do something in the natural features area, but Mr. Hooper advised that they would like to avoid that. Mr. Hooper asked for clarification about the filling for Wetlands A and B/C, which Mr. Motte explained, and Mr. Hooper confirmed that it had nothing to do with the existing Pat Moran pond.

Mr. Hooper brought up the banked parking, and asked what the trigger point for installation would be. Mr. Gaber said they proposed a modification to the Condition in the motion. Lowe's could determine there was a need for the parking and construct it, or the City would make a determination the parking was needed and ask Lowe's to construct it. They asked for one year to be able to construct it, and to be able to appeal it to City Council. Mr. Hooper referred to Condition 8 in the motion, which asked that MDOT and Engineering Services approve the proposed traffic light location and driveway layout, and clarified that the applicants wanted Condition 8 removed because it had been satisfied. Mr. Hooper asked if Lowe's would object to having deliveries made only during normal working hours. Mr. Ebels said it would be acceptable.

Ms. Hardenburg referred to the area for used appliances and noted there would be a fabric to screen it, and she asked how durable the fabric was. Mr. Quinton answered that the fabric would be a 70% opaque black screening fabric, comparable to a tennis mesh, and would be applied to the fencing. There would be relief holes in a semi-circular configuration that would allow wind to pass through so it would not get pulled down. The fence would be tubular steel with 1 ¼ -inch pickets spaced four inches on center so the outside would be fairly opaque, and behind that would be the opaque screen fabric. Ms. Hardenburg asked if there would be a problem putting a brick wall there instead. Mr. Quinton thought that based upon what would be

stored and the way the appliances and palettes would be maneuvered within the area, he thought the tubular steel fence, based on the footprint and profile, would allow a little more area for it to function. A masonry fence would take up more space. Ms. Hardenburg said it would look nicer for the people who had to look at it. She referred to the stockade fence and said she would not want that in her backyard. She would not want to have to look at it. She did not think they would want an ugly stockade fence associated with their building. She reminded that Lowe's sold a very nice looking vinyl fence, and using that would still block the residents' view, but would be more pleasing to the eye. It would be more decorative, would not be much more money, and the maintenance would be almost zero.

Ms. Hardenburg asked what the masonry piers would be faced with. Mr. Quinton advised that they would be the full, 12-inches deep Quik Brik material. It would be solid from the bottom of the wall to the top. Ms. Hardenburg asked if the applicants had brought any colored samples, and they had not, but Mr. Quinton said the colored renderings were quite accurate. Ms. Hardenburg said she liked the red lamps. She reiterated that they should use another type of fence. Mr. Quinton noted that based upon the access points in the fenced areas, there would be a 12-foot wide swing gate that people would have to access, and it would be a tubular steel fence material. Mr. Motte clarified that Ms. Hardenburg was suggesting a six-foot high vinyl version of the stockade fence for the whole length.

Mr. Schroeder recommended removing all the ash trees, healthy or unhealthy, because they would sooner or later become unhealthy. Mr. Motte said they would like to establish the boundaries and make sure they had identified the trees correctly. Mr. Schroeder said he would prefer a brick fence, but he would rather see a wooden fence versus an imitation vinyl fence. He acknowledged it was more of a concern for the residents. He said that if the fence was moved back, the area would have to be maintained, and if he were a resident, he would prefer to have the option to do maintenance or not. He stated that it would have to be worked out with the residents. He referred to natural features setbacks and said that they protected the natural features, and emulated the features being protected. The applicant could not arbitrarily plant things in that area. Regarding detention, he pointed out that there was a pump because the pond was enlarged for more capacity. The applicant had the right to meet a higher outlet capacity, which they chose not to do, and he lauded them for doing that. He wanted the applicants to consider a natural environmental planting on the bottom for the detention pond, which would filter the water and most of the pollution would come with the low flow. During a rainstorm, there was high flow and the rainwater would be fairly clean, but the low flow needed to be cleaned and the natural plantings would do that. He added that it would take two or three years to get it going, and then it would maintain itself.

Mr. Motte said that they were looking at using an aqua-swirl, vortex-type system to treat the initial low flow and to remove sediment before it got into

the detention system. Mr. Schroeder said the plantings would be worthwhile and would be environmentally sensitive, and would eliminate a lot of maintenance in the pond. Standing water would not become a problem and there would not be a problem with mosquitoes. Mr. Motte said they would look into it.

Mr. Schroeder next referred to parking and said they had to consider the fact that the parking was based on a standard commercial retail building, but he noted that Lowe's would not be that. They had huge shelves and storage, so they could not use the standard calculations for parking.

Aye: Brnabic, Dettloff, Hardenburg, Hooper, Schroeder and Yukon  
Abstain: Reece  
Absent: Boswell and Kaltsounis

2 Planning Commission 09/05/2006 Recommended for City Council  
Approval Regular Meeting

Notes: Mr. Delacourt said they looked at a different way of interpreting the Parking Ordinance. The normal way would have required over 700 spaces, but they realized that Lowe's did not warehouse material; the warehouse was in the racks. They counted the racks as storage and backed that square footage out.

Mr. Schroeder emphasized that traffic in the area was a disaster. He stressed that they had to have a traffic signal at the entrance and that without it, traffic would not function. The Road Commission handled the traffic signal, and he clarified that it would be SCATS controlled. Mr. Schroeder thought it was imperative that no left turns be allowed from the other two driveways. He felt that it should be part of the motion that no left turns should ever be allowed at the intersection, except at the light. Mr. Delacourt advised that the Site Plan was the record and to do anything differently, an applicant would have to get a revised approval. If the Commission felt it was necessary to have it in the motion, he did not see it as an issue, but he felt the Plan showed it very well. Mr. Schroeder confirmed there would be a dedicated excel/decel lane. He asked the applicants if they had considered green building and the Leed's Program, noting the environmental advantages to this type of building.

Mr. Schroeder asked how many jobs would be created. Mr. Motte believed it would generate 100-150 positions, and 75% would be full-time. Mr. Schroeder noted the trash and delivery areas, and asked if they had considered any contaminated stormwater that might result. Mr. Motte said they had not specifically looked into the environmental situation from those areas, but advised that the store would have spill kits available. Mr. Schroeder brought up the Lowe's standard trademark and said he did not see a problem keeping it. He suggested that they might reduce the blue a little, but it was on a commercial road and it identified the store. He confirmed that the current fence would be removed. Mr. Motte said they would like the neighbors to sign off to do that. Mr. Gaber asked whose property it was on, and Mr. Motte said it meandered. Mr. Schroeder

cautioned that the neighbors could not take it down if it was on Lowe's property. He stated that Lowe's had done an excellent job of considering all aspects of the development and the residents' concerns.

Mr. Gaber responded to Mr. Schroeder about having no left turns for two of the access points, stating he would prefer that it be taken care of with the Site Plan. They had received approval of the geometry for the corridor from MDOT and the City's Traffic Engineer. They had approval from Meijer to be able to submit the Site Plan and get it approved as it was. If they started adding conditions that affected the Meijer site, he did not believe Lowe's had the ability to speak for them, and it might cause problems in that regard. He felt that the other mechanisms were in place to take care of that concern. Mr. Schroeder asked Mr. Delacourt how he felt about that. Mr. Delacourt said that as far as Staff was concerned, what was being demonstrated was a contract. Once the Conditional Land Use was approved by City Council, they were obligated to develop in accordance with the approved Site Plan. To change something, they would have to submit a revised plan for approval. He said he was comfortable because it would have to be constructed as approved for the applicants to take occupancy. If a new Site Plan were submitted, the conditions would not apply to it anyway and the conditions would not be tied to the property in perpetuity, only to the subject Site Plan. Mr. Schroeder commented that was the concern because a new company might want left turns, and he felt that would be a disaster. Mr. Delacourt reminded that it would still have to be approved by MDOT, the Oakland County Road Commission and the City.

Mr. Dettloff asked how long the land lease would be. Mr. Gaber believed it was a 20-year primary term with several options, but he said it could last decades. Mr. Dettloff asked the general time frame for construction, from start to finish. Mr. Gaber said they would like to begin the next construction season, in early spring, and then would try to be open for the holiday season. Mr. Dettloff asked if the existing building would stay up until then. Mr. Ebels thought they would begin demolition in the early spring. Mr. Gaber noted that the Rochester Hills Fire Department had asked for permission to use the building for training purposes, and Lowe's had no objections. There was a timing issue that still had to be worked out, but they wanted to cooperate with the Fire Department.

Vice Chairperson Brnabic asked if there were any other Site Plan related issues. Mr. Schroeder asked if there would be an advantage to a cross connection at the rear of the property. Mr. Motte said they planned a cross connection there, and he pointed out the other drive access points. The one in the rear would be strictly for trucks.

Vice Chairperson Brnabic questioned why there were no handicap parking spaces allotted by the garden center. Mr. Motte said that they were put by the main entrance points to the building. He suggested that they could add one or two closer to the garden center. Ms. Brnabic clarified that there would

be an entrance to the garden center, and suggested that there would be people who only wanted to shop there. Ms. Hardenburg agreed it would be easier for someone who had a problem walking.

Vice Chairperson Brnabic asked the Commission's general consensus of the fencing, noting they had discussed several types. Mr. Motte said Lowe's would not have a problem changing to vinyl. Mr. Hooper asked what color vinyl would be proposed, suggesting that white and yellow would stick out. Mr. Motte thought they could use a natural, earth-tone color. Mr. Schroeder recommended that they specify a color so the material did not have to be painted. The Commissioners agreed upon vinyl.

Vice Chairperson Brnabic asked for opinions about the blue background versus brick material, noting that Lowe's requested to keep it blue. Mr. Hooper said he did not have a problem with the blue background. Mr. Dettloff agreed, but asked for consideration about reducing some of the blue. Mr. Schroeder agreed. Vice Chairperson Brnabic asked the applicants if they would agree to a reduction of the blue area. Mr. Quinton proposed to limit it to just behind the white lettering, with a red outline, so it looked liked their corporate logo. The remainder of the area would be Quik Brik material, which was agreed upon. He said that the material of the façade currently would be a metal panel, and their logos were generally an EFIS material. He understood that EFIS was not allowed, so the Lowe's blue logo area would be a metal panel system. Ms Hardenburg asked if the rest of the panels would stay blue, which was confirmed.

Mr. Delacourt asked that the elevation be subject to the review of the City's Planning Consultant, which has several architects on staff, to make a recommendation prior to going to City Council.

Ms. Hardenburg moved the following motion, and Mr. Hooper and Vice Chairperson Brnabic each supplied a condition to the motion in the Staff Report.

**MOTION** by Hardenburg, **seconded** by Schroeder, in the matter of City File No. 05-037 (Lowe's), the Planning Commission **Recommends to City Council Approval of the Conditional Land Use** for open-air business uses developed in a planned relationship with the B-3 district on the properties identified as Parcel Nos. 15-35-100-042, 15-35-100-035, 155-35-100-041 and 15-35-100-038, based on plans dated received by the Planning Department on August 29, 2006, with the following five (5) findings and subject to the following two (2) conditions.

**Findings:**

1. The existing development does promote the intent and purpose of the Zoning Ordinance in general, and of Section 138-568.1 in particular.

2. *The subject site will be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole, with the approval of the improved architecture.*
3. *The subject site will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.*
4. *The subject site will not be not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.*
5. *The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Conditions:

1. *No truck idling during deliveries and deliveries to be restricted to normal store operating hours.*
  2. *Trash compactor to be used only during normal store operating hours.*
- 

**Text of Legislative File 2006-0649**

..Title

Conditional Land Use Request - City File No. 05-037 - To allow an outdoor sales/garden center for Lowe's, proposed for the former Pat Moran site on the east side of Rochester Road north of M-59, as permitted per Section 138-568.1(a) of the Zoning Ordinance when developed in a planned relationship with the B-3 district, Rochester Avon Properties LLC, applicant.

..Body

Resolved, that the Rochester Hills City Council hereby approves the Conditional Land Use for Lowe's to allow an open-air sales and garden center, as developed in a planned relationship with the B-3 district, on the properties located on the east side of Rochester Road, north of M-59, identified as Parcel Nos. 15-35-100-042 and 15-35-100-038, and part of Parcel Nos. 155-35-100-041 and 15-35-100-035, based on plans dated received by the Planning Department on August 29, 2006, with the following five (5) findings and subject to the following two (2) conditions.

Findings:

1. The existing development does promote the intent and purpose of the Zoning Ordinance in general, and of Section 138-568.1 in particular.
2. The subject site will be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned

character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.

3. The subject site will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
4. The subject site will not be not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
5. The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. No truck idling during deliveries and deliveries to be restricted to normal store operating hours.
2. Trash compactor to be used only during normal store operating hours.