

*withdrawal or abandonment by the applicant.*

**A motion was made by Schroeder, seconded by Kaltsounis, that this matter be Recommended for Approval to the City Council Regular Meeting.**

**The motion CARRIED by the following vote:**

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

**Absent** 1 - Hardenburg

*Chairperson Boswell offered that the Commissionere were more than willing to hear from members of the audience and instructed that if anyone wished to speak, they should fill out a card and hand it to the Secretary.*

**2008-0411**

Wetland Use Permit Recommendation - City File No. 08-002 - Rayconnect, Inc. Industrial Building, a 51,800 s.f. industrial building and 9,330 s.f. office on 9.8 vacant acres (two parcels) located at Austin and Devondale, zoned I-1, Light Industrial, Parcel Nos. 15-29-452-027 and -028, Kirco Development, applicant.

*(Reference: Staff Report prepared by Derek Delacourt, dated August 19, 2008, and accompanying plans and reviews had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Lloyd Sova and Mike Piette, Kirco Development, 101 W. Big Beaver Rd., Suite 200, Troy, MI 48084; Terry Bilovus, Mandell, Bilovus, Lenderman & Associates, P.C., 4082 John R. Road, Troy, MI 48085; and Dave Hunter, Professional Engineering Associates, 2430 Rochester Ct., Suite 100, Troy, MI 48083-1872.*

*Mr. Piette advised that Kirco had been hired by Rayconnect as the developer for the project. He stated that they appreciated the Commission's time, and that their agenda was fairly straightforward. They began working with Rayconnect, a European company, about two years ago to find a new facility. Several weeks ago it was announced that they would stay in Michigan and expand, and they had been working diligently with Rochester Hills on their Site Plans. There were a couple of issues, and he said that they*

*were ready to answer questions, and that Mr. Sova would outline the plans.*

*Mr. Sova pointed out Austin Ave., which was currently a dead-end, and said it would be brought westward to intersect with Devondale. He advised that the proposal was for a 61,881 square-foot facility, in which 9,330 was office. The front door would face Austin Ave. He noted that Rayconnect produced fluid connectors. He referred to parking, and said that they were required to provide 113 spaces, but they were providing 122, including 35 landbanked spaces. He advised that all truck traffic would come from Austin, and he pointed out the two loading docks. He showed the wetland boundaries and 25-foot wetland buffer. The corner of the building would infringe slightly on the wetland, and there was a wetland in a portion of the proposed Austin. Rayconnect had submitted an application to the MDEQ, and had received a Permit for Austin Ave. Kirco had also applied for an MDEQ Permit and had been working with ASTI, who recommended mitigation. They had already designed the mitigation area and submitted it to ASTI, who gave approval. Regarding on-site detention, there would be two dry ponds with sedimentation basins to cleanse the water before it was outletted. The system was being coordinated with HRC, the City's engineering consultant, who was designing the Austin Ave. extension. Regarding landscaping, he noted that the site was excluded from the Tree Conservation Ordinance, but they were planting 96 trees as if they were required to conform.*

*Mr. Delacourt recalled that the Planning Commission had previously been informed of the project, which came about rather quickly. It had been a combined effort between the City, Rayconnect, Kirco, the MDEQ, the Oakland County Road Commission and other agencies. The extension of*

*Austin Ave. had been in the City's Master Thoroughfare Plan, the Master Plan, the Local Development Finance Authority Plan and the CIP for about ten years. The City had looked at it from many angles, and had sought to provide the connection to Devondale to create a separate entrance for the industrial zoned property and keep it away from the residential area. There had been many reasons why it had not previously been brought to fruition, but over the last year, the viable Rayconnect project came along, which would make the connection possible. There were wetlands involved because of the alignment of the road and the space necessary for fire access and retention area. He stated that the project had been reviewed for conformance to the Ordinances, but the engineering would not be completed until the project moved forward. As mentioned, the applicant agreed to meet the requirements of the TCO even though the site was not regulated by it. Another issue was the use of Devondale for construction traffic, until Austin was constructed, and the applicant had discussed safety extensively with the City's Engineering Department. Mr. Delacourt advised that normally, a Site Plan did not require notice to the surrounding property owners, but at the applicant's request, a letter was sent to all the residents on Devondale, notifying them of the project and date of the meeting. Subsequent to the letter from ASTI, the applicants had submitted a revised plan, addressing mitigation and other conditions. He concluded that the site met all the zoning requirements of the Light Industrial district, and that the motions in the packet addressed outstanding conditions.*

*Chairperson Boswell asked if the engineering had been done for the extension of Austin. Mr. Delacourt said that it was currently in process and was about 80% completed. The documents would be ready for bids in mid-September. Chairperson Boswell recalled that Rayconnect indicated*

*that they would like to be in their building by the middle of May 2009, which he pointed out was very aggressive, and he asked if Austin would be completed by that time. Mr. Delacourt said he was not sure. Chairperson Boswell stated that it was very likely that Devondale would have to be used by the employees and for normal truck traffic. Mr. Delacourt said that it certainly was not the City's desire, but he could not rule that out as a possibility. Chairperson Boswell said that almost certainly, all the construction traffic would use Devondale. Mr. Delacourt assumed that a good portion would.*

*Mr. Schroeder asked if Austin would be concrete or asphalt, and Mr. Sova said that the existing Austin was asphalt, and that was the route they would take for the extension. Mr. Schroeder suggested that it would expedite it a little bit. He asked if the Devondale and Austin connection would remain open. Mr. Delacourt said it was still being looked at, but he believed a limited or emergency connection was being proposed. Truck traffic and traffic from Rayconnect would be restricted. Mr. Schroeder said that just signing "no trucks" would be hard to enforce. In his past experience, they had put up barricades that a fire truck could go through, but kept the road closed. If the City did that, it would give the residents a dual benefit - having the road closed and having an additional safety access point.*

*Mr. Schroeder asked the applicants if they were considering a green building and the LEED program. Mr. Sova said they were currently researching the guidelines for a LEED certified building, and Rayconnect was definitely positive about it. Mr. Schroeder asked if they had considered a rain garden or an environmentally planted basin for the detention. Mr. Sova said they had not really gotten into those details, but he felt it would absolutely be something they would consider. Mr. Schroeder said he appreciated*

*that they notified the neighbors.*

*Chairperson Boswell opened the public comments at 7:57 p.m.*

**Mariano DiGiovanni, 2397 Devondale, Rochester Hills, MI 48309.** *Mr. DiGiovanni noted that he lived north of the proposed facility. He asked if they would discuss the elevations. He wondered if Kirco could display them, and Chairperson Boswell confirmed that they would be part of the Site Plan. Mr. DiGiovanni advised that he was the person who donated the property (1 ½ acres) for the easement for the road. He talked with Mr. Piette, prior to making an agreement, about Kirco not putting a tin can on the property. He was pretty much assured they would not, and he was working with the applicants to be able to see what he had first envisioned for the area, and he implored them to consider a building with upper scale elevations. It was becoming a high tech corridor, and it was master-planned ORT (Office, Research and Technology). There were about 30 acres left that were underdeveloped. He asked the Commissioners to consider that, so the City could attract companies by having a better atmosphere.*

**James Doughty, 2735 Devondale, Rochester Hills, MI 48309** *Mr. Doughty said he was concerned about traffic and speeding. The employees raced down his road at 40 m.p.h. and with more construction, he hoped that the City could control the speed. He cautioned that there were kids on the road.*

**Michael Pfund, 2596 Devondale, Rochester Hills, MI 48309** *Mr. Pfund said that he lived at the end of Devondale, and that he had some other investments in the area. He asked what Rayconnect produced, and Mr. Piette replied that they made quick connectors for fuel systems in*

*automobiles. Mr. Pfund clarified that there would not be any pollutions or emission problems. He asked what the Tee-connect was that Mr. Delacourt had referred to. Mr. Delacourt said that Austin would end at a Tee and someone could back up and out. Mr. Pfund asked if there was any thought about adding a cul-de-sac on Devondale to divide the residential from the industrial. Mr. Delacourt said it was being looked at. Mr. Pfund said he had three children, and he mentioned that there were about a dozen children on the street. He wondered how much extra traffic from Rayconnect there would be every day. Mr. Delacourt stressed that once Austin was connected, the intent was that there would no Rayconnect traffic using Devondale. Mr. Pfund asked if Devondale would ever be paved. Chairperson Boswell did not think it could be answered at that point.*

*Mr. DiGiovanni advised that a couple of years ago, the City wanted to pave Devondale, and they elected not to because of the commercial traffic. It would have had to be a Class A road, and it would have been too costly. He presumed that if they cut off Devondale from the industrial, that it would be a residentially paved road.*

*Mr. Pfund asked how many employees Rayconnect would have, and Mr. Piette believed there would be about 40-60. Chairperson Boswell said the packet showed 80 currently, with a plan to grow to 15-20 additional. Mr. Sova added that the total included all shifts, so it would be less than that at one time. Mr. Pfund asked if they would do strictly manufacturing - that is, if it would not be open to the public - which was confirmed.*

*Chairperson Boswell clarified that when Austin was completed, something would be done to close off Devondale. He assumed that, as Mr. Schroeder had*

*discussed, the Fire Department would want some way to get through. Mr. Delacourt said that there were a number of different alignments looked at, and the stubbing of Devondale would ultimately be approved by Council as a road project. The Engineering Department's intent was to separate the residential from the industrial and any future development, because there were multiple acres of underdeveloped property in that area. All of the issues had not been worked out, and there would be some construction traffic, but the applicants had agreed to do everything they could to provide safety. He encouraged the residents to continue checking with the City.*

*Ms. Brnabic asked whether, assuming that all approvals were in place, a joint effort would be involved with paving Austin and completing the project, and whether Rayconnect would be reimbursed for the paving. Mr. Delacourt said he was not sure about the financial aspect, but the property was being provided, and the City's Engineers were doing the design. He believed Kirco would construct the road, but the LDFA would actually pay for it. Ms. Brnabic questioned why there was not a timeframe for the road, and whether it really was a priority. She said it seemed rather up in the air as to when it would get done. Mr. Delacourt verified that it would start being constructed as part of the project. He did not believe it would be completed prior to commencement of construction of the building. There would be some work remaining when Rayconnect opened up for business, but it was not being put off until a separate time.*

*Mr. Piette added that there was a little history. The original plan was to have the LDFA fund the project next year, but because of the scheduling requirements for Rayconnect, it forced commencement of construction to this year. Kirco had a very high priority to get as much of the road done this year as possible because as the builder, they would like to*

*use Austin rather than Devondale. If HRC was completed with the plans for Austin by September 26, there was a real possibility that adequate utilities would be in place and a temporary road would be in place so that by April 15 they would have about four weeks to get the topping done.*

*Mr. Kaltsounis asked where the Tee-connect would go, and Mr. Delacourt advised that it had not been decided. The determination for Devondale was not completed, so he could not give details. Mr. Kaltsounis asked if they would completely disconnect the residential from the industrial, which was confirmed. Mr. Kaltsounis asked about the colors and textures for the building.*

*Mr. Bilovus showed a drawing of the elevations, and said that the materials would include brick. The office would be two-stories - brick and glass. The shop portion would be an integral-colored, textured masonry with metal siding above that. The metal siding would be a sandwich panel that would be fully insulated with thermal breaks, and it would have a 20-year finish warranty. The colors were Rayconnect's choices, and he felt they would be an attractive finish for the building.*

*Mr. Piette responded to Mr. DiGivonni's reference to putting up a tin can, and indicated that the metal siding for the shop was an architectural material. In the past, there had been the use of a pre-engineered metal siding with deep ridges and exposed fasteners, and that was not the product he was talking about. There would not be standing seams, and the textured material would look like a brick surface and be low maintenance. It would be a 28-foot high building, and that was the reason for adding 96 additional trees along Devondale. He noted that the hope was to have a 30,000 square-foot expansion on the west side in the future, so the intent was to not over-engineer the west wall.*



*Mr. Schroeder asked which side of the material board was the exterior surface, and Mr. Bilovus said he was not sure, but he did not think it really mattered because the ribs would give it extra strength so there would not be any oil canning. Mr. Schroeder noted that one side was more flat.*

*Mr. Dettloff substantiated that the color schemes would match. He asked if the manufacturing portion of the building would be a combination of masonry and metal, which was confirmed. Mr. Sova added that there would be an eight-foot band all the way around. Mr. Piette suggested that if someone drove up and down Austin Drive, they could see that some of the side and rear walls of the existing buildings had a painted masonry product. That product required a higher degree of maintenance. Mr. Kaltsounis said he was a little concerned about the west side of the building because of the residents, and he wondered if some of the dirt from excavation could be used for a berm under the trees, to raise them and screen the building further from the road. Mr. Bilovus explained that the property at Devondale was quite a bit higher than it was moving easterly on the site. Mr. Sova said that the finish floor elevation was actually five feet below Devondale, and that the whole site was low, and they were using the dirt to bring up the pad.*

*Mr. Reece asked when they anticipated starting construction of the building. Mr. Sova thought it would be the first week of October. Mr. Reece said that the HRC drawings of the road would not be complete for bidding until September 22, and he assumed they would go out for public bids. Mr. Sova agreed, and said they had to detail the funding and process, and they had not gotten the exact requirements. Mr. Reece said that even in a perfect world, if the plans were put on the street the first week of October, there would be a two-week bid cycle, which was a little*

*aggressive, and then they had to award the contract. The earliest the roadwork would start would be the middle of October, and asphalt plants historically closed the middle of November, so they would have only a month or so to get the road built. He did not think that would realistically happen. Mr. Sova reminded that the critical path for the road involved the utilities, which could be worked on in the winter. Mr. Reece agreed, but he wondered if they could get the utilities in and do the stoning to the entranceway, so the construction traffic would not have to use Devondale in the winter. Mr. Sova agreed that even if it were only a single lane, temporary construction road, it would be the ultimate win-win for everyone.*

*Mr. Reece referred to the elevations and the appearance of the building, and said that the south elevation office area was fine, but he asked if they would consider continuing the brick veneer rather than metal siding and wainscot on the westerly 80 feet of the south elevation. He thought it would dress up the southern-facing elevation and lend credence to the earlier comment about the building. He said he could appreciate the fact that it would be an industrial building and in 99% of the applications, metal siding and masonry wainscot was the norm. However, since it would face the residents on Devondale, he felt it would be appropriate to consider the westerly part of the south elevation in brick. He thought it was great that they were going to have an integral concrete block product from a maintenance standpoint, and he assumed it would be a high performance panel that would last. The fact that it would be a foam panel with ridges would not cause oil canning, and he felt that it would be a decent panel to look at.*

*Chairperson Boswell pointed out the electrical pad to Mr. Reece and asked him to clarify the area he was referring to. Mr. Reece located the south elevation, the left hand edge*

*from column line g through column line e, and said it showed metal siding with textured concrete block. He was suggesting that the masonry be continued along the entire south face of the building. He realized that it stepped back a bay, but he thought from a continuity standpoint, that it would really give the facing elevation a very nice appearance for the entire building.*

*Mr. Piette offered that if they could put brick on the entire building it would be an awesome accomplishment. He advised that there had been a significant cost analysis done over the last couple of years to keep Rayconnect in the State. They were under a lot of pressure to create an architecturally pleasant enhancement while managing costs. There was no question that for Rayconnect to stay in Michigan they were paying a premium for project costs, employee costs and cost of doing business. He stated that they had spent a lot of money for the southeast corner of the building. He proposed that the importance of the other side of the building was not as significant as the southeast corner with all the brick.*

*Mr. Yukon brought up the company's projected growth, and noted the packet stated that the anticipated timing and magnitude of the planned expansion was five to seven years and approximately 30,000 square feet. He asked if Rayconnect knew what the expansion would include or could indicate what would go on the site.*

*Mr. Piette stated that the anticipated expansion, time-wise, was hard to say. The company was automotive based, and the good news was that it did 15% over last year. He projected a three to five-year horizon. The building would move westerly by 120 feet, and there would be three 40-foot bays. Mr. Yukon asked if the expansion would go over the proposed detention basin. Mr. Piette said that the basin*

would be relocated. Mr. Yukon noted that there would be three shifts: 7 a.m., 3 p.m. and 11 p.m., five days with occasional weekends, and he clarified that it would not be a 24-hour operation. He said they discussed reducing the traffic on Devondale as much as possible and using Austin instead, but he questioned whether Staff had discussed the possibility of using Devondale as a construction access and who would be responsible if it was damaged.

Mr. Delacourt said that the applicant would be responsible for it as a construction access, which was a normal procedure of the City. Mr. Schroeder suggested that the road could be videoed before they started.

Mr. Schroeder stated that he could understand the concern about the south elevation. He asked if it would be possible for the siding to be in a color other than white, such as tan, to be more compatible with the brick. Mr. Bilovus noted that the panel he had passed around was of a different color, and he agreed it could be matched with the brick. He added that it was hard to depict on the colored rendering, but said it came in an assortment of colors, which could be matched.

Hearing no further discussion, Mr. Kaltsounis moved the following motion:

**MOTION** by Kaltsounis, seconded by Brnabic, in the matter of City File No. 08-002 (Rayconnect, Inc. Industrial Building), the Planning Commission recommends City Council approve a Wetland Use Permit to impact approximately .30 acre for the industrial use construction (parking, loading, fire lane) and a detention basin, based on plans dated received by the Planning Department on August 13, 2008, with the following four (4) findings and subject to the following six (6) conditions.

Findings:

1. *Of the approximately 2.4 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately .30 acre.*
2. *The impact of .04 acre is located in a low-quality wetland, but it will improve water quality to be discharged into another wetland.*
3. *The applicant has reduced potential wetland impact by incorporating a retaining wall in the area of impact for the required vehicle parking.*
4. *No prudent alternatives exist for constructing the parking, fire lane and detention basin for the development.*

Conditions:

1. *That the applicant receive all applicable DEQ permits and Oakland County Drain Permits Prior to issuance of a Land Improvement Permit.*
2. *That the applicant provide a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to Construction Plan Approval.*
3. *Investigate the possibility with Staff regarding further reduction of wetland impact by means of steeper slopes, prior to Final Approval by Staff.*
4. *Indicate on revised plans installation of plantings, such as shrubs and canopy trees, to create an upland-wetland transition and ecotone on the wetland side of wall as mitigation for the wetland impact, to be approved by the City's Wetland Consultant, prior to*

*Final Approval by Staff.*

5. *Evaluate with Staff proposed impact beyond the retaining wall to determine if it can be further reduced, prior to Final Approval by Staff.*
  
6. *Verification by ASTI that conditions from the August 11, 2008 were addressed on the current plans, prior to Final Approval by Staff.*

*Chairperson Boswell clarified that the .30-acre included the banked parking spaces, and he confirmed that the applicants were familiar with the conditions of approval.*

**A motion was made by Kaltsounis, seconded by Brnabic, that this matter be Recommended for Approval to the City Council Regular Meeting.**

**The motion CARRIED by the following vote:**

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

**Absent** 1 - Hardenburg

**2008-0423**

Natural Features Setback Modification Request - City File No. 08-002 - Rayconnect, Inc. Industrial Building

***MOTION*** by Kaltsounis, seconded by Dettloff, in the matter of City File No. 08-002 (Rayconnect, Inc. Industrial Building), the Planning Commission grants Natural Features Setback Modifications for the permanent impact to as much as 730 linear feet and a temporary impact of 28 linear feet of natural features setback associated with the required stormwater detention basin and the industrial development, based on plans dated received by the Planning Department on August 13, 2008, with the following two (2) findings and subject to the following four (4) conditions.

**Findings:**

1. *A Natural Features Setback Modification is needed to construct the detention basin, fire lane and parking*

area.

2. *Impacts associated with the stormwater system, parking fire lane appear to be unavoidable.*

Conditions:

1. *All restoration to natural features areas will utilize native seed and vegetation, to be reviewed and approved by the City's Wetland Consultant prior to Final Approval by Staff.*
2. *Add a note to the plans that natural features areas will be permanently marked prior to construction, to be reviewed and approved by staff prior to issuance of a Land Improvement Permit.*
3. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setback.*
4. *That ASTI verifies that conditions from the August 11, 2008 were addressed on the current plans, prior to Final Approval by Staff.*

**A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Granted.**

**The motion CARRIED by the following vote:**

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

**Absent** 1 - Hardenburg

**2008-0412** Site Plan Approval Request - City File No. 08-002 - Rayconnect, Inc. Industrial Building

***MOTION by Schroeder, seconded by Brnabic, in the matter of City File No. 08-002 (Rayconnect, Inc. Industrial Building), the Planning Commission approves the Site Plan, based on plans dated received by the Planning***

*Department on August 13, 2008, with the following five (5) findings and subject to the following ten (10) conditions.*

*Findings:*

- 1. The revised site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.*
- 2. The proposed improvement will promote safety and convenience of vehicular traffic both within the site and on the adjoining street.*
- 3. Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
- 4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
- 5. The proposed development will not have an unreasonably detrimental nor an injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

*Conditions:*

- 1. Tree Protection Fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.*
- 2. Address any outstanding comments from the City's Landscape Architect, including from the memo dated*



*July 28, 2008, prior to Final Approval by Staff.*

- 3. Provide a landscape bond for replacement trees and landscaping, in an amount to be determined by the City's Landscape Architect from revised plans, prior to issuance of a Land Improvement Permit for this development.*
- 4. Appropriate approvals from the Oakland County Drain Commissioner must be obtained prior to issuance of a Land Improvement Permit for this project.*
- 5. Fire Department to verify that comments from memo dated July 30, 2008 have been addressed, prior to Final Approval by Staff.*
- 6. Storm water detention must be provided conforming to the current City of Rochester Hills Engineering Design Standards. Additional information and calculations will be required on the construction plans to demonstrate conformance.*
- 7. Address conditions of approval from the HRC letter dated August 4, 2008, prior to Construction Plan Approval.*
- 8. Correct street labeling to read Austin Ave. rather than Austin Dr.*
- 9. Parcel combination to be completed and legal description to be corrected, prior to construction.*
- 10. That a temporary road for construction traffic be built as soon as possible to allow Austin Ave. to alleviate traffic on Devondale. The proviso for the construction road shall be incorporated into the construction plans, to be available if necessary, in the event that Austin*

*Road is not opened timely.*

*Mr. Reece asked the applicants if they did not agree with the comment about extending the masonry for the south elevation. Mr. Piette said he did not realize he was being asked to agree or disagree; he was just offering another perspective. He was not familiar with where the ultimate decision would be made regarding the materials (Mr. Delacourt advised that the Planning Commissioners were the decision makers, and if they conditioned something, it would be a requirement of the approval). Mr. Piette said that there would be a significant cost impact. Mr. Reece said it would be less than \$1.00 per square foot. Mr. Piette assured that if they could accomplish it, they would certainly try, and if it were a mandate, they would have to follow it.*

*Mr. Reece indicated that the Commissioners were very happy that Rayconnect, Inc. was staying. They were very thankful that Rayconnect was building in the City of Rochester Hills, but they also had a responsibility to the citizens who had been in the area and who would have to look at the building everyday. They had to balance the residents' requests with Rayconnect's desire to build a cost efficient building.*

*Chairperson Boswell suggested that if they were to brick the entire south elevation and in three years expand another 120 feet, it would be that much more elevation which would have to be bricked. Mr. Reece commented that it could be that much more metal siding added. Chairperson Boswell said he understood that. Mr. Schroeder suggested that it could be reviewed during the Construction Plan stage for the road and kept as an option that the Commission strongly recommended it, but they would not "hold their feet to the fire."*

*Mr. Piette thought that Mr. Reece had pointed out a valid and reasonable concern. The cost for the south face would not be cost prohibitive, and he proposed requesting an exploration of the matter. He mentioned that they always created the best buildings they could. They would be very willing to make the investment towards exploring that option. Mr. Reece agreed that Kirco built first class buildings, and that they had an outstanding track record in that regard. He indicated that if the rest of the Commissioners were comfortable with the elevations as they were, he would be willing to let the matter lie. He thought it was a good-looking building; he just thought it could be taken that extra half a step. He did not think they were at risk of not getting approved; he was just bringing it forward as a point of discussion.*

*Mr. Delacourt stated that Kirco had always been willing to look at anything Staff had asked. He pointed out that there would be 14 trees between two I-beams that would be planted at 10 and 14 feet tall. That would mitigate the situation over the course of time. He suggested that if they did not add the brick, that they could perhaps supplement the area with additional deciduous trees if it could be worked out, to provide more of a screen. He reminded that any expansion of the building would require Planning Commission approval, and that the final elevations for the western portion of the southern side and the complete western wall would be reviewed at that time.*

*Chairperson Boswell asked Mr. Schroeder if, as the motion maker, he wished to add something about the southern elevation. Mr. Schroeder felt that the Commissioners had Kirco's word that they would look at it, and he was satisfied having worked with them, and he reminded that the Commission would see it again. He did not think it was*

*necessary to add a condition about exploring it. He felt assured that they would look at it during the Construction Plan phase.*

*Mr. Piette clarified that with Condition 10, the Commission was proposing that if all the stars lined up and they could get the temporary road in, which was what they wanted to do, that they would. However, if there was something completely outside of their control - unique rain for two weeks whereby they could not get the peat bog out soon enough, for example - which would at that time prohibit construction of the temporary road, they would otherwise be required do the road as soon as possible when available. Chairperson Boswell agreed that was correct.*

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

**The motion CARRIED by the following vote:**

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

**Absent** 1 - Hardenburg

*Chairperson Boswell stated for the record that the motions had passed unanimously, and he thanked the applicants. Mr. Hooper welcomed Rayconnect, Inc. and thanked them for investing in the City.*

*Mr. Piette commented that Mr. DiGiovanni was somewhat humble when he mentioned that he had donated land for the road. He thanked Mr. DiGiovanni, and said he facilitated their acquisition of land. He also remarked that the City of Rochester Hills had done back flips. There were still a couple of small bumps in the road, but they had watched the southern states try to recruit the company away from Michigan, so everything the City and State had done was extremely appreciated.*

## **ANY OTHER BUSINESS**