



# Rochester Hills

## Minutes - Draft

### Planning Commission

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*Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper*  
*Members: Ed Anzek, Gerard Dettloff, Nicholas O. Kaltsounis,*  
*Stephanie Morita, David A. Reece, C. Neall Schroeder, Ryan Schultz*

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Tuesday, June 12, 2018

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Chairperson Deborah Brnabic called the Special Meeting to order at 7:00 p.m. in the Auditorium.

## ROLL CALL

**Present** 9 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Ryan Schultz

Quorum present.

Also present: Sara Roediger, Director of Planning & Economic Dev.  
Kristen Kapelanski, Manager of Planning  
John Staran, City Attorney  
Maureen Gentry, Recording Secretary

## APPROVAL OF MINUTES

Correction to Minutes: Add "and single-story style homes" after reference to ranch homes in the Brookland Park discussion.

[2018-0233](#) May 15, 2018 Regular Meeting

**A motion was made by Hooper, seconded by Schroeder, that this matter be Approved as Amended. The motion carried by the following vote:**

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

## COMMUNICATIONS

- A) *Planning & Zoning News dated May 2015*
- B) *2019-2024 Capital Improvement Plan*
- C) *Letter from City of Auburn Hills re: Master Plan Amendment*

## UNFINISHED BUSINESS

2017-0064

Request for Revised Site Plan Approval - City File No. 16-018 - Cedar Valley Apartments, a proposed two-story apartment complex totaling 99 units on approximately six acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel No. 15-23-15-025, Bret Russell, Michigan Income Fund, LLC, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated June 8, 2018 and site plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jeffrey Cuthbertson, Cuthbertson Law, PLC, 345 Diversion St., Suite 410, Rochester, MI 48307; Paul Tulikangas, Nowak & Fraus, 46777 Woodward Ave., Pontiac, MI 48342; and Mark Schovers, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307.*

*Ms. Kapelanski recapped that the item had been postponed at the previous meeting. The project had previously received approval of a Revised Site Plan, Natural Features Setback Modification and Tree Removal in September 2017. The proposal was for 99 units on 5.5 acres, and Building A was currently under construction. The property was being developed under the FB-2 standards. The proposed site changes now included: Building B had been shifted 102 feet to the east; parking spaces had been relocated in between Buildings A and B; parking facing the north property had been eliminated; and carports had been added to the parking areas in between the buildings and along the southern property line. At the last meeting, elevation changes had been proposed, which were excluded from the current application. The Planning Commission had requested some cross sections to show how the proposed Building B shift would interact with the adjacent residential, and they had been provided. She advised that there were no other changes to the plan, and that the proposed elevations were the same as those approved in September 2017.*

*Mr. Cuthbertson thanked the Commissioners for advancing their regularly scheduled meeting by a week to help them address the changes to the project a little sooner for the construction season. He explained that part of the change had been a result of acquiring two parcels nine months apart. Originally, the parcel closest to Rochester Road was acquired in October 2016 and in July 2017, the second parcel was acquired, and three parcels were combined into one in December 2017. Based on the acquisition of parcel two, the applicants filed documentation for an amended site plan approval for the expansion of*

*Building B in August 2017. They were given approval subject to some conditions. They recently filed an application to be able to shift Building B to the east. Acquiring parcel two had allowed a more parklike setting for the development and would be an improvement to the project as a whole. He claimed that there were some benefits to shifting Building B, and he noted that the number of parking spaces on the east end of the site had been reduced and moved away from the northerly property line. They felt that would reduce the concerns of the neighbors about the impact of parking there.*

*Mr. Tulikangas noted that with the shift of Building B further to the east, they could put parking between the two buildings. They felt that would provide a safer way for pedestrian circulation and the future residents of the buildings. Parking would be less concentrated on the east end. Although the building would be shifted further east toward the residential parcels to the east and the northeast, the elevation of the building would be two feet lower than previously proposed. It would allow for better phasing during construction where residents might be moving into Building A. They could construct a portion of the parking and commence work on Building B. He showed some 3-D aerial views. The first was from the northwest, showing the Cavaliere Office Building and the Fifth Third Bank, and it showed how Building B stepped down. There would be a large mass of green and trees that would remain in place to shield the residential parcels. He showed a view from the south and the large greenbelt area between the east limit of Building B and Mystic Park. That was platted as a private park, and it could not be developed. He showed some cross sections in relation to Grosvenor to the north. There was about 250 feet of wooded area and wetlands to screen between Building B and Mystic Valley's closest residential parcels. Toward Grosvenor, there would be 150 feet of wooded underbrush area.*

*Mr. Cuthbertson added that the rendering did not depict the landscape plan. In addition to what was shown, there would be a landscape plan showing all of the locations and materials. He mentioned that the Planner's report stated that the site was in compliance with all area, setback and building requirements of the FB-2 district. He said that with respect to the general site circulation, Mr. Anzek had pointed out at the last meeting that the addition of 28 feet of paved area would allow for enhanced emergency vehicle access to both buildings and enhance public safety. Regarding the covered parking, he thought that the Commission might have brought it up previously as being a good idea for the site. Listening to potential tenants, covered parking was becoming a requirement for the level of product they were offering. It was based on a*

*market demand.*

*Mr. Tulikangas said that regarding the parking on the east side, they reduced spaces, but he wanted to point out that there were no longer any spaces facing directly north. That would eliminate the neighbors' concerns about headlights shining into their homes.*

*Mr. Hooper said that he read Mr. Cuthbertson's letter of May 25th, and he wondered what Mr. Cuthbertson meant with the last two paragraphs. It stated, "In relation to condition 1, CVA does not waive its objection to the City's attempt to regulate architectural form changes previously proposed by the applicant." "However," it "makes it clear that it would be futile to continue to pursue this matter further before the Planning Commission." He asked what Mr. Cuthbertson was driving at.*

*Mr. Cuthbertson responded that they were not presenting any architectural changes. They understood what the Planning Commission had said, and they were not proposing changes. Mr. Hooper asked why he would make the statement at all. Mr. Cuthbertson stated that it was a matter of notice to the City that they did not intend to pursue that matter.*

*Mr. Hooper said that as far as setbacks, the one due east was similar to what the Commissioners faced 12 years ago with the Chrysler dealership. The homes were about a football field away, and the subject homes to the east were about 300 feet away, and he had no issue with that. The residents would barely be able to see the building through the trees. The one that might be an issue, if at all, was to the northeast. It was 185 feet away, relying on the existing vegetation on the property to shield the building, along with some additional landscaping as part of the project. He did not really think it would be an issue. He agreed with putting the parking in the middle between the two buildings. He felt that made sense, and if he lived there, he would want that. He also felt that covered parking was an amenity he would want if he lived there.*

*Mr. Reece asked Ms. Kapelanski if she had gone through the elevations submitted and compared them to the approved elevations. Ms. Kapelanski said that she did, and they matched. Mr. Reece asked if she had done that relative to the balconies. Ms. Kapelanski agreed that she compared the two for the size of the balconies - the Juliette versus the standard. She said that it was a little hard to tell with the flat elevations, but they looked the same, and they were dated to match the approved elevations. Unless the applicants changed the previously approved elevations, the balconies matched exactly.*

*Mr. Reece asked if they would be approving the submitted site plan, which would include the originally approved elevations for materials, colors and all the balconies. Mr. Cuthbertson stated that there were no changes proposed to what had been approved. Mr. Reece asked how far along Building A was in construction. He did not see any balconies on Building A. Mr. Tulikangas responded that all the mechanical was done, and he advised that the balconies would be surface-mounted. It was not done with the framing. They would be pre-finished aluminum, surface-mounted balconies. Mr. Reece asked how far they would project from the face of the building. Mr. Tulikangas believed they would go three or four feet out. Mr. Reece asked if their terminology for a Juliette was a balcony that projected three or four feet from the face of the building. Mr. Tulikangas said that was correct; it was surface applied versus a wood, structural frame projection.*

*Ms. Morita asked them to look at sheet A201 at the bottom elevation on the far right side. She saw the cover for the balcony projecting out four feet, but she did not see the balcony itself projecting out at all. Mr. Schovers believed that was a graphical drafting error. He claimed that they would project out just like the canopy awning. Ms. Morita referred to the top elevation and asked if there was the same problem on the left side. Mr. Schovers agreed that was correct. He said that any elevation around the side was not represented properly as to the projection of the balconies.*

*Mr. Reece said that was why he asked the question. What was graphically drawn was not what they were told. Ms. Morita considered that if they were to approve, they would have to include a condition that revised elevations must be provided to staff that showed the correct balconies. Mr. Reece noted that they did not show up on the floor plans, and the elevations were not drawn correctly, and that was the genesis of his question. It showed a canopy of four feet, but no balconies projecting out. Ms. Morita remarked that they were in agreement. Ms. Kapelanski pointed out that it was shown incorrectly on the first elevations that were approved as well.*

*Mr. Kaltsounis asked to have a sheet shown that he was viewing on the overhead to show what the Commissioners were talking about. He outlined the condition to be added and moved the following motion, seconded by Mr. Hooper.*

**MOTION** by Kaltsounis, seconded by Hooper, in the matter of City File No. 16-018 (Cedar Valley Apartments), the Planning Commission **approves the Revised Site Plan** based on plans dated received May 25, 2018 with the following six (6) findings and subject to the following six (6) conditions.

**Findings**

1. The 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 requested front yard setback was modified by the Planning Commission in the original site plan approval in February 21, 2017 with a determination that the proposed project is set back appropriately for a unique site located behind another parcel; the building is located appropriately on the site and is set back from the property line to accommodate adequate buffering and fire access around the building; the building is sited as close as possible to the front lot line while meeting other competing ordinance requirements; and the site is designed with the buildings as close to the front of the property as feasible to minimize views to the residential neighborhoods near the western portion of the property.
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 or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
6. The proposed development will provide an alternate housing option, as outlined in the City's Master Plan.

**Conditions**

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Coordinate with DTE Energy to obtain an access easement to construct a continuous north-south road that will connect to an intersection with a traffic signal at the realigned Eddington Boulevard on the DTE property.
3. Provide a landscape bond for landscaping, irrigation and replacement trees in the amount of \$125,825, plus inspection fees, as adjusted by

- staff if necessary, and an irrigation plan and cost estimate prior to temporary grade certification issued by Engineering.
4. Payment into the City's Tree Fund of \$16,690 for trees that cannot be replaced on site, prior to temporary grade certification issued by Engineering.
  5. Compliance with applicable department memo comments, prior to final approval by staff.
  6. Provide revised elevations and revised plan view showing the previously approved depths of the balconies, to be approved by staff.

Mr. Schroeder stated that the plan he approved showed a five or six-foot, usable balcony, and the plan submitted was not that. He wondered if there would be any advantages or disadvantages of connecting the bike path to the roadway to have a circular pattern all the way around. It currently ended in a loop at the northeast end of the site.

Mr. Tulikangas said that the Fifth Third Bank parcel was directly to the west. Mr. Schroeder agreed, but he asked if there would be any pros or cons to making a connection to the roadway there. Mr. Cuthbertson said that they could explore the question with Fifth Third, but it would largely be up to them to permit it. There appeared to be a retaining wall there, and he was not familiar enough with the grade. Mr. Tulikangas believed that there might be challenge with the grade. The intent of the loop was mostly for residents for circulation, and there would be a connection to Rochester Rd. Mr. Cuthbertson thought that if and when the offsite road improvements were made and/or a portion of the intersection was realigned, looking at pedestrian circulation and connectivity in that setting would be a good idea and something they would welcome. Mr. Schroeder said that he agreed.

**A motion was made by Kaltsounis, seconded by Hooper, that this matter be Approved. The motion carried by the following vote:**

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicants.

## **ANY OTHER BUSINESS**

Ms. Roediger noted the email the Commissioners had received from the Mayor's office. She explained that the City was in a lawsuit regarding a billboard case, and there was a requirement for all City Council, Planning

*Commission and Zoning Board of Appeals' members to forward any emails or hard copies they might have associated with the lawsuit or the recently amended Sign Ordinance.*

*Mr. Staran advised that the Planning Commission had not been directly involved in the lawsuit. It resulted from an applicant who wished to put up three billboards along M-59 in Rochester Hills. It was denied by staff and the Sign Board of Appeals, and the case was now in Federal Court. There were some deadlines and some fairly extensive discovery requests to deal with. The request asked the Commissioners to take a deep dive into their emails. He did not believe Planning Commissioners had City emails, so it would be personal emails for any information they might have regarding the lawsuit as well as the development of the Sign Ordinance. It was important that they researched and let the law firm know whether they found anything or not. He needed to be able to explain to the court in good faith that they looked under every stone. He apologized for the inconvenience, but he indicated that it had to be done. With technology, they would not just look at paper files any more.*

*Ms. Morita asked about the Commissioners having nothing beyond their packets. Mr. Staran said that would be their answer. Ms. Morita asked if they had to respond and say that all they had was the packet, or if they could assume the City would turn over the packet. Mr. Staran said that he would like responses from each of the Commissioners indicating that they did not have anything beyond what was provided in the packet, if that was the case. He needed to be able to say in good faith that they had honestly made all inquiries to all appropriate individuals asking them to look. The problem was that the City knew what it sent out, but the way things were saved and purged, he had to ask individually. Ms. Morita asked how far they would have to go back; she thought she saw 2005 in the email. Mr. Staran agreed, but said that anything about the lawsuit would not go past last June or July. The Sign Ordinance had gone through various amendments back to 2005. Ms. Morita asked where the information should be sent. Mr. Staran said that it would go to Tim Wilhelm with the law firm of Johnson, Rosati, including emails stating that there was nothing beyond the packet. Mr. Staran said that he could be copied. He did not expect the Commissioners to have much beyond what was received in the packet, but he needed them to look.*

*Mr. Schroeder mentioned that he had attended a gathering over the weekend at a condo development in Macomb County. They were having extreme problems with the cheap siding that was installed on the condos. It was costing the Association a lot for repairs and painting, and the*

*answer was to replace all the siding, but the cost was prohibitive. He indicated that the Commission's request for a decent siding was a good practice.*

## **NEXT MEETING DATE**

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for July 17, 2018 beginning at 6:00 p.m. with a Master Plan Work Session.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and upon motion by Ms. Morita, seconded by Mr. Kaltsounis, Chairperson Brnabic adjourned the Special Meeting at 7:41 p.m.

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Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary