



Rochester Hills

Minutes

Planning Commission

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Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Kathleen Hardenburg, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, May 6, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Regular Planning Commission meeting to order at 7:30 p.m. in the Auditorium.

ROLL CALL

Present 8 - William Boswell, Deborah Brnabic, Gerard Dettloff, Kathleen Hardenburg, Greg Hooper, Nicholas Kaltsounis, C. Neall Schroeder and Emmet Yukon
Absent 1 - David Reece

APPROVAL OF MINUTES

2008-0206 April 15, 2008 Regular Meeting

A motion was made by Schroeder, seconded by Kaltsounis, that this matter be Approved as Presented.

The motion CARRIED by the following vote:

Aye 8 - Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis, Schroeder and Yukon
Absent 1 - Reece

COMMUNICATIONS

- A) Memo from J. Jenuwine, dated May 5, 2008 re: 2009 Final CIP
- B) Final 2009 Draft CIP
- C) Email and article from J. Staran, dated May 5, 2008 re: Lawsuits against Public Officials

NEW BUSINESS

2007-0221 Extension of Tentative Preliminary Plat Recommendation until April 20, 2009 - City File No. 04-011 - Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Parcel Nos. 15-34-402-035 and -057, Grace Street Development, applicant.

(Reference: Memo prepared by Ed Anzek, dated May 2, 2008 had been placed on file and by reference became part of the record thereof.)

No one was present for the applicant. Citing the State's economic conditions, Mr. Schroeder said he could understand the applicant's request, and he moved the motion provided below.

A motion was made by Schroeder, seconded by Yukon, 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, Hardenburg, Hooper, Kaltsounis, Schroeder and Yukon

Absent 1 - Reece

2008-0124

Tree Removal Permit - City File No. 07-014 - Beaumont Center for Health Improvement, a proposed 98,022 square-foot health and wellness office center on 6.5 net acres on South Boulevard, west of Dequindre, zoned O-1, Parcel No. 15-36-452-011, Rochester Hills Health and Wellness Building, LLC, applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated May 6, 2008 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Ray Ocasio and Nicholas Checota, Landmark (Rochester Hills Health & Wellness Building, LLC), 839 North Jefferson St., Suite 200, Milwaukee, WI 53202; Justin Wellman and George Ostrowski, Nowak & Fraus, 46777 Woodward Ave., Pontiac, MI 48342; Eric Hunt, Vice President of Operations for Beaumont Ambulatory, 100 E. Big Beaver, Suite 800, Troy, MI 48084; and Michael Berlin, Hobbs & Black Associates, 100 N. State St., Ann Arbor, MI 48104.

Mr. Delacourt recalled that the applicant had been before the Commission several times for discussions about the facility. The Site Plan had now been reviewed thoroughly, and was deemed technically compliant. The applicants had provided information to show how they met the parking

standard for the type of use proposed. Mr. Delacourt advised that when a proposed use was not covered in the Ordinance, the Planning Commission was allowed to review the information and make a determination about whether there was appropriate parking. He went over the three requests, and said that the project had been approved or approved with conditions. He noted the applicants' power point presentation and turned over the discussion to them.

Mr. Hunt stated that the project started in 2003, when they began to acquire the property. They tried to make it the right fit for the community, for Beaumont and for their physicians. He emphasized that health care had evolved, and that there was an emerging market for a health and wellness component to health care. Their programming included traditional areas - physical therapy, imaging services, occupational therapy and cardio services. It was their belief that they will broaden the scope of preventative medicine and wellness, because they will allow patients to continue working out after therapy. The current operations only allowed that for three months because of size constraints. The proposed operation would give them the ability and space to integrate services and accommodate longer rehabilitation. He stressed that the fitness component would be a minor part of the project, but it was the key to continued success for patients. He stated that the primary goal of the wellness center was to provide medically supported wellness and rehab for patients to utilize, under the direction of medical staff, and to continue health maintenance after completion of medical treatment. He stated that it was their hope that people would continue with physical workouts because it was so important.

Mr. Hunt advised that Dr. Easton would head up the medical portion of the building. He was a board certified

spine surgeon with patients from around the country. Mr. Hunt also advised that most sports figures went to Dr. Easton for care, and that he was turning away nine out of ten of the patients that called. By coming to this building, he would take up 20,000 square feet on the third floor for a spinal clinic. He would specialize in patients with chronic low back pain. His plan was to work with Ford, GM and Chrysler to teach people how to avoid back pain. He concluded that Beaumont was extremely pleased to partner with Dr. Easton, who had been waiting four years for the project to come to fruition.

Mr. Berlin, the project's architect, next went over the floor plans, describing each of the three floors. The first floor would be typical medical offices, with a portion of the wellness center, including areas for patients using physical therapy and integrative medicine and an area for CT and MRI imaging. There would also be an aquatics gym. The second floor would have a cardiopulmonary area and gym, a large, multi-purpose area and wellness center for cardio, strength, and a track and aerobics area. He added that patients could use the entire building. There would be an education space, such as for community education. The building would have a very integrated feel. The third floor would be for the spine center, with typical medical offices and two tenant spaces. He reported that Dr. Easton would be the leader for the spine center.

Mr. Berlin referred to the parking calculations, stating that based on other Beaumont facilities, they were comfortable providing one space for every 215 feet of useable floor area. They were required to provide 365 spaces and had provided 377. An addendum Parking County Summary was provided after the Staff Report was finished and became part of the record, but had not been thoroughly reviewed by Staff. An initial parking calculation was

submitted and reviewed, and Mr. Delacourt said that Staff was in agreement with the numbers provided.

Mr. Ostrowski, the project's Landscape Architect, discussed the landscaping, trees and requested Buffer Modification. He explained that the Buffer Modification regarded the Type D Buffer required along M-59, and they were asking for a Modification to reduce the width and a Modification to allow fewer trees in the IVO, because it was their desire for some visibility from M-59. He advised that they had concentrated materials on the eastern and western edges, and wanted the ability for signage to be seen.

Mr. Wellman, the project's Engineer, discussed road improvements the applicants were providing. He advised that they were providing a continuous center left turn lane for eastbound traffic on South Boulevard and a dedicated right-turn lane and deceleration lane across the majority of the frontage to service both entrances.

Mr. Ocasio, the applicant, ran the power point and showed some other medical office buildings, including one with 275,000 square feet, which provided 2.5 parking spaces per thousand, which he said was much lower than what they were proposing. He recalled some concern about future use of the building. In response, he noted that Mr. Hunt had talked about Beaumont's desire to be at the location because of the proximity to the hospital. The building would not transform very easily, the way it was designed, to any kind of spec office. Even if they were looking at spec office space, they were really close in the parking counts for an entire medical office. He felt they had provided more than adequate spaces based on the current use and what was expected to stay for some time.

Mr. Yukon referred to the play center for the wellness

center, and he mentioned that the September 18, 2007 Minutes stated that there would be no play center for children, but it was noted in the parking calculations. He asked for clarification.

Mr. Delacourt advised that there were play centers in many of the City's office buildings currently, regardless of whether they were wellness centers or a three-story professional office building. They could have been incorporated in the original plans or converted at a later date, but they were permitted uses in an office district. Many office buildings incorporated play centers, and Staff believed it was an accessory use to an office. Mr. Hunt said that he wished they had a play center wherever they had physical therapy. They were usually repeated sessions held during the day, which lasted about 30 minutes, and it was a great and safe place for children to go while their guardians were in therapy.

Mr. Yukon mentioned that it was also stated at the September 2007 meeting that the applicant would submit job creation projections with the Site Plan. Mr. Hunt related that they were finalizing the numbers for job creation, not including the physician office component, and they projected about 200 hospital service jobs by the second year. Those would include the x-ray techs, therapy teams, integrated medicine component and the fitness component. Mr. Checota, also on the applicant's team, added that the general contractor, subcontractors and all laborers on the job would all be local.

Mr. Yukon noted that the Environmental Impact Statement said that 70 people per hour during peak hours would use the health and wellness center. He asked how that was determined. Mr. Berlin said they used a consultant who did wellness centers all around the country. Beaumont wanted

to find out information such as how many people, how longed they stayed, and the peak hours.

Mr. Yukon referred to the geography data, which said that the elevation of the property needed to be raised approximately two feet. He asked how that would affect the floodplain in that area. Mr. Delacourt said that it would not have a negative impact. A lot of the details would come with the final grade information and with construction drawings. The City's engineers had reviewed the plans and were comfortable with the design and proposed elevations. He did not think the site was in a floodplain; there was just a drainage ditch, but the information would be taken care of at Construction Plan review. Mr. Wellman said that a survey verified that it was not within a floodplain.

Mr. Schroeder asked if there would be a sign on the M-59 side, and he was informed that was the intent. Mr. Schroeder asked if there would be special handling for medical waste. Mr. Hunt advised that there would be no laboratories or bio-hazard uses, just typical things in a doctor's office. Mr. Schroeder asked if the dumpster was in the northwest corner, which was confirmed.

Mr. Schroeder asked the applicants if they had considered green building. Mr. Checota advised that their buildings typically incorporated some aspect of green building, but it was not intended to be LEED certified or fully green building. Mr. Schroeder asked what aspects they had considered, and Mr. Checota advised that some of the carpet selections would get points for LEED certification, and that some of the materials and approaches would go toward certification, but they would not pursue full LEED certification. Mr. Schroeder asked about stormwater treatment, and Mr. Checota related that they were providing a pre-treatment device upstream of the stormwater

detention to treat the water before it went into the storm sewer.

Mr. Schroeder noted a comment in the letter from HRC, which talked about the extension of the center left turn lane to the east, and he asked if that had been addressed. Mr. Wellman said that with the original plan, there were no road improvements proposed, but the revised plan followed the City Engineer's requirements for left turns into the site. He believed they met the requirement for the easterly drive approach. They restricted left hand turns into the site on the westerly drive approach.

Mr. Schroeder asked if they had a backup plan for the parking, in case there was a shortage. Mr. Berlin said that using the basin area was an option, but they wanted more green space for the site, and using above ground detention was a better solution. Mr. Schroeder asked the hours of operation, and Mr. Hunt informed that the wellness center would be open at 6:00 a.m.; physical therapy would begin at 7:00 p.m., and he did not believe the center would be open beyond 10:00 p.m.

Mr. Schroeder referred to the M-59 buffer, and clarified that it would be narrower and lower. Mr. Berlin said that the buffer was required to be 25 feet wide, but with the physical constraints of the site, they were asking for a reduction to 16 feet, and a Modification for the spacing of the IVO plantings. Mr. Schroeder said that the plantings were probably required to block the view of the expressway from the hospitals, and he did not see a problem with that.

Ms. Hardenburg indicated that she understood Mr. Yukon's comments about the day care center. The Commission was told one thing at an earlier date, and now they were seeing something different. They were previously told that

the wellness center was not going to be open to the public, and she was concerned that it would be. She stated that things kept changing every time the applicants came forward.

Ms. Hardenburg noted that the applicant's Landscape Architect stated there were 203 trees, but according to the packet, there were 213±, which would make the number of tree credits required different. Mr. Ostrowski said that there were some discrepancies between the City's memo and what the original plan had. The current version had 203 trees. Mr. Delacourt said that the Tree Removal Permit notice listed 213 trees. He indicated that there were always discrepancies between numbers, tables, and plans; that was why there was a Condition stating that the numbers would be finalized by the City's Landscape Architect. If the Planning Commission was comfortable with the plans, Staff would sort out those types of details afterwards.

Ms. Hardenburg referred to the parking calculations, and read from the Staff Report: "Any conversion would most likely require a major renovation to the structure and site and additional parking needs could be addressed at that time." She felt that since the zoning was O-1, there should not need to be major renovations. The building should not have to be modified greatly to make it fit in the office zoning. It would put up a red flag for her if Beaumont vacated and there had to be major renovations, and she questioned whether it was the right spot for the facility. She asked if they were only going to supply one chair for every 215 square feet in the waiting areas.

Mr. Berlin said they were supplying chairs based on their meetings with the users. Ms. Hardenburg said that her parents were elderly, and she went to one of the Beaumont facilities with them. She repeatedly found parking lacking,

and she could never find a handicap spot. She had to drive them up, get the wheelchairs out, put them inside the building and go find a parking spot. There had been times where she actually had to wait for a regular parking space, and she had been tempted to park on the road. Inside, the waiting rooms were full. She cautioned them to make sure they had enough spaces because not only would they have offices; it would be open for people to come at any time to use the wellness facility. She stressed that the parking was very important, especially for the type of facility they were proposing.

Mr. Berlin said that a lot of the waiting areas had sub-waiting rooms. There was the main waiting room, but there would be a sub-waiting room in the imaging center, for example. There were locker rooms in the physical therapy area, with more space. Dr. Easton would be providing a large waiting room, and library and education spaces. He was confident there would be ample room in addition to the front waiting room. Ms. Hardenburg brought up again that they were only allowing one parking spot for every 215 square feet. Mr. Berlin said they were providing one space for every 100 square feet in the waiting rooms. Ms. Hardenburg maintained that there were times when the doctors got backed up and she had been having a hard time, personally, trying to find parking. Mr. Hunt agreed that they had parking issues at their Coolidge facility, and they wanted to avoid repeating that situation. Some of his team members were certified in lean management and process flow, similar to traffic engineers who were like space planners for medical uses. It would be the worst thing for them if they did not have parking. He indicated that if they were short, they had alternatives. They had worked with the City of Troy for years, and they currently parked staff at the park across South Boulevard and shuttled them. He stated that alternative would be the first line of defense. If that did

not work, they would look at staggering the hours of operation, or lastly, go to underground detention. The building next door (Wellpointe) would like Beaumont to open its parking lot for their people to use, which he thought was scary. He knew what Ms. Hardenburg was talking about, but if they were required to allow Wellpointe to use their lot, they could have parking problems. From their standpoint, they had all physician offices, and their turnover was not as brisk as Beaumont's would be. The total square footage and usage was less intense, and he was comfortable that Mr. Berlin and his engineers had done a nice job planning the project.

Ms. Hardenburg referred to the timing of the lighting, and said the packet showed that the hours of operation would be 8:00 a.m. to 5:00 p.m. Monday through Friday for the medical offices, and that the wellness facility would be open from 5:30 a.m. to 10:00 p.m.; Saturday would be 7:00 a.m. to 7:00 p.m. and Sunday would be 10:00 a.m. to 7:00 p.m. She asked if that was correct, and Mr. Hunt said it was about right, although he was not sure people would come at 5:30 a.m. Some employees could come that early to get ready. Ms. Hardenburg asked if the lighting in the parking lot would correspond. Mr. Hunt agreed that it would. Ms. Hardenburg pointed out that the buffer would be bare for 90 feet in two places, and she asked if there was a reason why they could not put in something lower, that would still somewhat meet the intent, but not cover the entire building. Mr. Ostrowski agreed that there was no reason they could not add some lower growing plantings; they had just not explored it. He mentioned that the area sloped down toward M-59, so the value of shrubbery would be to stabilize the slope, which the lawn would do also. They proposed a native grass seed mix along the embankment toward M-59. It would be attractive, but would not require constant maintenance and mowing. Ms. Hardenburg said

that the building would be three stories high, close to M-59, and she stated that it would be seen. She indicated that she understood reducing the width of the buffer, but she was not sure why they would leave open spaces and eliminate some of the height. Mr. Ostrowski said that starting on the western-most property line, there would be 16 evergreen trees that, at maturity, would be 50 feet high and completely obscure the building to eastbound traffic on M-59. He indicated that 90 feet sounded like a lot, but for someone traveling 65-70 miles per hour, it would not seem so much. It was a short window to try to identify the building with signage. They wanted to attract people from all over. Ms. Hardenburg said that people would already have an appointment there. Mr. Ostrowski responded that there could be some confusion because of the medical building immediately to the east. Ms. Hardenburg did not think they necessarily needed to put in 50-foot trees, but she thought they could supplement the IVO, and their sign would still be visible on top of the building. Mr. Ostrowski said that a canopy tree was required for the buffer, and there were specific guidelines for vegetation. Ms. Hardenburg reminded that the IVO was required to go all the way across, and they were asking for a Modification, and she remarked that she was trying to modify it. Mr. Hunt suggested that he would rather see trees along South Boulevard, where cars could see them. On the back, the trees would be between a roadway and a building, and it would be hard to see them going 70 miles per hour. If they had to plant more trees on the site, he would suggest planting them in front. Ms. Hardenburg noted that there would be windows in the back of the building, so someone on a treadmill would see those trees. Mr. Berlin agreed. Ms. Hardenburg said it was only her opinion about the buffer; she was not sure what the other Commissioners thought.

Mr. Kaltsounis said that he agreed with Ms. Hardenburg about the gaps in the IVO. The applicants stated that the trees at full maturity would be 50 feet high. He recalled that the Commission had granted a Modification for a Walgreen's for spacing for signage. They tried to be reasonable, but he felt they made a mistake, and that it did not work out. The execution was poor and the trees were rather slight. He agreed with Ms. Hardenburg that in 15 years, people would know the Beaumont building was there. He did not see why they could not add some type of tree that would not grow 50 feet high. He believed there were many options, and he would like to see something added. Mr. Ostrowski said they could work on it with the City.

Mr. Kaltsounis referred to the north end of the building, and pointed out the MRI pad. Mr. Berlin said it was for an MRI mobile truck. Mr. Kaltsounis asked how long the truck would stay. Mr. Hunt advised that it would be there five days a week. Mr. Kaltsounis asked if it would block a driveway, and was told no. Mr. Berlin said that the drive was meant only for the MRI. They worked with the Fire Department regarding access around the building. Mr. Kaltsounis asked if there would be an MRI in the building, and Mr. Hunt told him that there could be one potentially, but it would require a Certificate of Need, and they would have to do a certain number of studies per year to qualify for it. In his ambulatory division, there were four other sites that had mobile pads. They believed that it would be there five days a week because of the orthopedic group. Mr. Kaltsounis asked if the width of the driveway was looked at. Mr. Delacourt said that the Fire Department was quite happy with it, because the City normally did not see drives on that side of buildings along M-59. It had the appropriate gating and knox system, and the Fire Department did not have an issue with it. Mr. Kaltsounis said that the truck

would be seen from M-59 five days a week through the open area. Mr. Ostrowski remarked that they would put trees there.

Mr. Kaltsounis asked why there were no windows in the back on the bottom level. Mr. Berlin said that was where the building services and the receiving and electrical spaces would be. The imaging area would not be allowed to have windows. It made sense to keep the windowless areas on the first floor. Mr. Hunt said that it was still medical office, but it was designed for a specific long-term imaging use, which did not require windows. If it were converted to physician offices, they would want windows. Mr. Kaltsounis said that the other elevations looked great, but that view was a step back, and it would be what he saw every time he drove by. Mr. Berlin did not believe he would be able to see down to that level. Mr. Checota added that the amount of glass on the building was significantly higher than they typically did around the country. They did outpatient buildings all over, and the proposed building would have much more glass than a typical medical office building.

Mr. Kaltsounis brought up the parking counts, and that the applicants said they were very close to what they needed. They believed the required spaces were 365 and they proposed 377. He asked if the required spaces were based on the Ordinance. Mr. Delacourt answered that it was the standard the applicants submitted with their documentation based on other similar facilities. The City did not have a standard for the proposed use. Mr. Kaltsounis said that if the City required one for 150 s.f. and they proposed one for every 215, it would appear that they would need double the parking for regular medical office. Mr. Delacourt said it was much closer to the professional office standard, which was one for every 200 square feet. Staff was comfortable with

the parking provided, especially since the parking could be expanded if necessary, and because of the use. Mr. Hunt said it was different from a typical medical office building where a physician might see multiple patients. With this case, a patient might go to the spine center and then down to the imaging center, then go for rehab, so patients would be there considerably longer than was typical. Mr. Kaltsounis thought with that information that they were fairly close to where they needed to be, but he had an issue with the handicap spaces provided. He had been on crutches, and he became very aware of walking patterns. At a supermarket, all the lanes were perpendicular to the surface of the building rather than parallel to the face. If he was at this building, he could either walk on crutches down the driveways or try to make it in between the cars and hit everyone's mirrors with his crutches. He asked if they could turn the building so it was perpendicular to the parking, noting that they would be sending people into the driveways because there was not a designated walking area coming from the back.

Mr. Berlin said there was a drop-off; but Mr. Kaltsounis said he was talking about parking, not being dropped off. Mr. Berlin said that if they had to turn the building, they could not max the parking and they would be considerably short with the drives. Mr. Kaltsounis felt it was a serious issue. Mr. Berlin said he would probably have a temporary handicap parking sticker. Mr. Kaltsounis commented that they did not give them out easily. Mr. Checota said that there was a balance trying to maximize parking and the building, and he felt they had met the Ordinance. He said he appreciated the concern, but he believed that to get the parking right, it was the best layout. Mr. Kaltsounis said they technically did not meet the Ordinance, and that they were trying to decide on the hybrid option. Mr. Hunt advised that the parking was similar at a couple of other

sites, and they had not had a problem with patients. In addition to handicap, however, they had put in some reserved signs, i.e., "reserved for therapy patients only." He suggested that they could add a group of dedicated physical therapy spaces. Mr. Checota said he had seen buildings where Staff was required to park on the far end of the site when they came in. Mr. Delacourt mentioned that if they rotated the parking, they would lose 34 spaces. He stated that there really was no way to design for every possible circumstance. In this instance, the trade-off in loss of spaces was that normally, the City would require an island in between the rows of parking and pedestrian walkways to break up the parking, but they felt the design was fair, given all the pushes and pulls of the site. Mr. Kaltsounis said that at the intersection, people would be going right and left and turning in to the drop off area, and people would be coming down the driveway walking right into all that.

Mr. Hunt said they had 377 parking spaces, and they needed 365, so if they added a walkway down the middle of the parking lot there, it would eliminate 10 spaces and it might a solution for Mr. Kaltsounis.

Mr. Dettloff asked the applicants if they had crunched any numbers regarding their total investment. Mr. Hunt said that the total capital costs for the project would be approximately \$23 million dollars on the building side. For tenant improvement it was another \$8 million and the land acquisition was \$4.2, so it was a total of about \$35 million. Mr. Dettloff said that Mr. Yukon raised the issue about job creation, and he asked if they could approximate the job creation. Mr. Hunt said he believed there would be 200 from the hospital side; in addition, there would be the medical office component, which would be about eight employees for every 2,000 square feet, for a total of about

300 employees. Mr. Dettloff asked the projected timeframe for construction and completion, given that they received all the necessary approvals.

Mr. Hunt indicated that it was coinciding with the corporate approval process at Beaumont. They received corporate approval on April 14, 2008. They would go to the Capital and Facility Committee on May 17 and the Board of Directors on May 20. Hurdling the corporate approval was the biggest, and they already completed that. There were just some small nuances left, and when they got approval from the Board, they would be ready to put a shovel in the ground. He anticipated a July 2009 opening. Mr. Dettloff asked if the wellness facility was the first of its type. Mr. Hunt said it was, and Mr. Dettloff asked if Beaumont was planning more of them for growth and the future of health care. Mr. Hunt said that was his job. They were acquiring land now in Southeast Michigan for more outpatient buildings and were planning five additional medical centers over the next five years, and on the west side they were contemplating a wellness center. Mr. Dettloff asked if all financing was in place. Mr. Hunt said it was, and he reiterated that the doctor had been patiently waiting for four years for them to get to this point.

Chairperson Boswell summarized several points brought up by some of the Commissioners, beginning with the gap discussed for the Buffer Modification, and he suggested that they could modify the height of the IVO. He asked if anyone was opposed to putting some trees where the gaps were, and saw no objection. He did not see why the motion maker could not ask the applicants to fill in the gaps with trees that were agreed upon by the City's Landscape Architect. He also mentioned parking, noting they did not want too much or too little.

Mr. Hooper brought up that the City had various shopping centers in the community, all with driveways in front of the building, and that people had to cross them to get from the parking lot to the center. It was difficult, but he thought that giving up ten spaces for a dedicated walkway was not really a good solution. He was encouraged to hear that the applicants had alternatives such as offsite parking and enclosing the detention pond, which would gain about 50 spaces if necessary. Chairperson Boswell said it was suggested that they could reserve spaces for areas such as physical therapy. Mr. Hooper thought those were all reasonable alternatives, and he would rather see that than losing parking. He indicated that they would probably see migration from the building next door. He thought that they could add a Condition stating that if, within two years, the parking was deemed a problem, the applicant could put a plan into effect to close the detention pond and provide additional parking. Mr. Hunt thought that would be reasonable. Mr. Hooper recommended that additional signage giving greater accessibility to patients with limitations could be added.

Mr. Hooper asked if they should add a Condition to the Tree Removal Permit regarding a bond amount for the Tree Fund, noting that it was not referenced. Chairperson Boswell agreed that the replacement trees and landscaping were mentioned for the Site Plan motion, but there was nothing about the monies into the Tree Fund. Mr. Delacourt said that the City's Landscape Architect reviewed the numbers prior to the meeting, and he suggested leaving the Condition under the Site Plan as worded because there would be adjustments, but a cost estimate for the Tree Fund was added to Condition three. Ms. Brnabic then moved the following motion:

MOTION by Brnabic, seconded by Hardenburg, in the

matter of City File No. 07-014 (Beaumont Center for Health Improvement), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on March 27, 2008, with the following three (3) findings and subject to the following four (4) conditions.

Findings:

- 1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.*
- 2. The applicant is removing 213 regulated trees from the site.*
- 3. The applicant is proposing to locate 84.5 tree replacement credits on site and pay into the tree fund for 128.5 tree replacement credits.*

Conditions:

- 1. Tree Protective Fencing for the entire length of the adjacent east and west property lines must be installed and inspected by the City's Landscape Architect, prior to Final Approval by Staff.*
- 2. Add tree #72 to the tree survey list on Sheet S1 and adjust tree calculations to 213, prior to Final Approval by Staff.*
- 3. List Trees #19, 20, 21, 60, 61, 62, 64, 129, 130, 172, 173, 185, 189 and 219 on the plan, prior to Final Approval by Staff.*
- 4. A performance guarantee of \$21,973.50, as adjusted if*

necessary by the City's Landscape Architect, be provided to cover the cost of the replacement trees and payment into the tree fund.

A motion was made by Brnabic that this matter be Granted.

The motion CARRIED by the following vote:

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

Absent 1 - Reece

2008-0123 Buffer Modifications - City File No. 07-014 - Beaumont Center for Health Improvement

MOTION by Kaltsonis, seconded by Brnabic, in the matter of City File No. 07-014 (Beaumont Center for Health Improvement), the Planning Commission grant a Buffer Modification to reduce the buffer width along the northern property line to 16'4", based on plans dated received by the Planning and Development Department on March 27, 2008 with the following three (3) findings and subject to the following one (1) condition:

Findings:

1. *The buffer is required along M-59, and there are no adjacent residential neighbors that a Modification would impact.*
2. *The applicant would like the building to be somewhat visible from M-59.*
3. *The proposed plan meets the criteria of Section 138-1218 to allow the Planning Commission to modify or waive the buffer requirements for the proposed development.*

Condition:

1. *That the gaps in the IVO shown on the drawings received March 27, 2008, be filled in with lower*

plantings at a minimum of 15 feet; types and species to be determined by the City's Landscape Architect prior to Final Approval by Staff.

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

The motion CARRIED by the following vote:

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

Absent 1 - Reece

2008-0074

Site Plan Approval Request - City File No. 07-014 - Beaumont Center for Health Improvement.

Prior to acting on the following motion regarding the Site Plan, the Commissioners discussed at length the issue of reserving areas of parking nearer to the building for people with limited mobility, and also the applicant's alternate plans in case there were problems with a lack of parking. Mr. Schroeder asked if they informed the City of Troy that there would be a new building across from the park. Mr. Hunt said it was not in an agreement, but the park had been used for parking off and on over the years. There were times they needed it and times they did not. The City had never had an issue, and even gave Beaumont an easement to have an employee entrance and exit, and he indicated that they had been very cooperative. He added that the park was fairly empty during the day. Conditions 13 and 14 were added to the motion.

MOTION by Kaltsounis, seconded by Hardenburg, in the matter of City File No. 07-014 (Beaumont Center for Health Improvement), the Planning Commission approves the Site Plan, based on plans dated received by the Planning and Development Department on March 27, 2008, with the following six (6) findings and subject to the following fourteen (14) 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 proposed development will be accessed by ingress to and egress from South Boulevard.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
4. *There appears to be a satisfactory and harmonious relationship with existing contiguous development and adjacent neighborhoods.*
5. *The proposed development should not have an unreasonably detrimental nor an injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
6. *The applicant appeared before the Planning Commission on three occasions, and based on information provided by the applicants, the Commission determined that the proposed health and wellness center use could be an accessory use in the O-1 district.*

Conditions:

1. *The applicant shall obtain a Land Improvement Permit prior to starting any work on site.*
2. *All off site drainage easements, stormwater agreements, storm water outlet, drive approach paving and calculations regarding the underground detention*

system must be reviewed and approved by Engineering Services, prior to Construction Plan Approval.

- 3. Appropriate approvals from the Oakland County Drain Commissioner regarding the Van Maele Drain must be obtained prior to issuance of a Land Improvement Permit for this project.*
- 4. Provide a continuous center left-turn lane along South Boulevard across the entire site, tying into the existing center left turn lane to the east, per HRC letter dated April 24, 2008, prior to Construction plan approval. Also provide a note on the Site Plans indicating that the requested improvement will be provided.*
- 5. Provide a dedicated right-turn lane and deceleration lane across property frontage to service both driveways, per HRC letter dated April 24, 2008, prior to issuance of a Land Improvement Permit.*
- 6. Appropriate approvals for land improvements and drive approach locations along South Boulevard must be approved by the Road Commission for Oakland County prior to issuance of a Land Improvement Permit.*
- 7. A performance guarantee, amount to be determined after irrigation system and corrected tree survey, as adjusted if necessary by the City's Landscape Architect, shall be provided to ensure the proper installation of replacement trees and other landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.*

8. *Submission of complete irrigation system design documents, including cost estimate for installation and materials, prior to Final Approval by Staff.*
9. *Change number of accessible parking spaces indicated on Sheet SP1 in the parking information to 24, prior to Final Approval by Staff.*
10. *Address balance of conditions in Building Department memo of April 4, 2008 (#2-8), prior to Staff approval of Building Plans.*
11. *Address conditions of Fire Department memo dated April 2, 2008, prior to Final Approval by Staff.*
12. *Revise parking count to 378 stalls on Sheet L-2 and in parking information on SP-1, prior to Final Approval by Staff.*
13. *Additional signage shall be added - reserving three parking spaces per physical therapy team - to the southern parking area across from the handicap spaces, prior to Final Approval by Staff.*
14. *Any parking shortage shall be alleviated within 90 days, to the satisfaction of City Staff.*

A motion was made by Kaltsounis, seconded by Hardenburg, that this matter be Approved.

The motion CARRIED by the following vote:

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

Absent 1 - Reece

Chairperson Boswell stated for the record that the motions had passed unanimously, and he thanked the applicants for bringing this project, which he said would be a great asset, to Rochester Hills.

2008-0192 Request for Approval of a Conditional Land Use to construct outdoor seating for 18 for Crust Pizza & Wine Bar located at 2595 Rochester Road in Barclay Square, on the southeast corner of Barclay and Rochester Road, zoned B-2, General Business, Crust Pizza, applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated May 6, 2008 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Paul Weisberger, 380 Old North Woodward, Suite 175, Birmingham, MI 48009, owner of Barclay Square.

Chairperson Boswell asked if the owners from Crust Pizza would be in attendance. Mr. Weisberger said he had gotten a call that they were sick with the flu and unable to make it. He commented that the emotional and passionate plea from the tenant, which was driving the matter, could not be presented, so he would try in the tenant's stead to convey what he had been told. He pointed out that as their tenants' health went, so did theirs as a shopping center.

Mr. Weisberger referenced the retail center on Rochester and Barclay Circle. He advised that Crust's owner, Mr. Jon Sherer, had approached him and said they had a great opening, but that unfortunately, the economy was slow and the product they were offering was not bringing in the people for whatever reason. It could partly be due to the lack of visibility from the road. Mr. Weisberger maintained that it was important for the viability of the business to have outdoor seating approved. The business in question, although struggling lately, was the unique draw to the center. There were draws from Chipotle, but generally speaking, people came to the center to go to Crust. Crust brought traffic to the center and to the other tenants. He was approached with a number of things the tenant wanted to do, including modifying the space inside to put in a nicer waiting/bar area, but he really wanted to add a nice looking,

attractive patio. Mr. Weisberger mentioned that those were popping up more and more in Birmingham, and he showed photos of some of those patios.

Mr. Weisberger advised that the patio would be built on a wood platform that would be broken down and removed after the season, and it would be used from mid-May until the end of September. They proposed the location on one parking space, with a nice railing and planters around the railing. He clarified that the recommendation from the City was to center the outdoor seating on two parking spaces, because it was felt that would give more of a buffer from the adjacent cars. He had talked with a neighboring tenant, who had come to the meeting, and she was in favor of moving it because of the proximity to her learning center's front windows. The noise would be reduced also. He knew that Chipotle was allowed to have speakers outside, but he asked if there could be a condition to prohibit speakers for Crust for the benefit of the learning center.

Mr. Weisberger stated that small businesses and restaurants saw the outdoor seating as an asset. They City of Birmingham thought so also, and people were taking advantage of them. The places in Birmingham were actually taking up public parking spaces, but Crust would like to accommodate their patio within the shopping center. The center had two extra parking spaces per Ordinance on the original Site Plan, and he reiterated that they would only be using the two spaces for five months or so. He referred to a letter he had submitted, which went through the criteria for a Conditional Land Use, and said he believed they met all the conditions.

Mr. Schroeder indicated that by using only one parking space, they would lose two more. He suggested that it would be better if they used two parking spaces and left a

space on each side for people to open their doors or walk between the cars and seating area. By using two spaces, they also would probably end up with more width for the deck. He emphasized that there had to be enough room for cars to turn in. He said he would be all for the patio if it was centered on two spaces.

Mr. Weisberger agreed they could accommodate that. Mr. Delacourt said he would like to see at least three feet on each side and no increase in the proposed seating, which would allow them to spread the seating out a little more. Mr. Weisberger said that would also allow the possibility for additional landscaping planters.

Mr. Schroeder asked if there would be any lighting. Mr. Weisberger said there was none proposed. He assumed they would need something at night, and Ms. Hardenburg said she had seen umbrellas with lighting. Mr. Schroeder asked how late the deck would be open. The tenant in the audience informed that they closed around 10 or 11 p.m., but lately they were gone by 9:00 p.m., when she closed. Mr. Schroeder asked if Chipotle would want the same thing. Mr. Delacourt advised that they had outdoor seating incorporated with the original Site Plan. Rather than a wood deck, they had a raised concrete pad on the site. Mr. Weisberger hoped that Chipotle would be glad about having more traffic for the whole center, and he did not see a negative impact for Chipotle. Their goal as the landlord was the viability of each and every tenant, so they would like to see Crust approved.

Mr. Yukon clarified that there would be 18 seats, noting that the handicap accessible spot did not show a chair and was only demarked by a hatched line. Mr. Yukon asked if the structure would be permanent or if they would take it down after the season. Mr. Weisberger said it would be made of

wood and taken down. Mr. Yukon referred to the sidewalk in front of the storefronts, and he asked how the pedestrians would move around the area. He wondered if they could walk through or if they would have to go around the structure. Mr. Weisberger explained that there would still be a five-foot sidewalk. It was seven feet, six inches total, and the patio's overhang would be two and a half feet, leaving a five-foot clear walkway. There would be no planters in the way, and it would meet the ADA requirements. Mr. Yukon questioned what would be in place to make sure someone coming out of the restaurant going north to the parking lot was safe from cars. Mr. Weisberger said that the seating area would be low profile, and that most every type of car or van could be seen. The height of the railing would be about four feet, and the structure would not be opaque, so people could see any traffic through it.

Mr. Dettloff said he totally supported this type of idea, because he felt it was a great amenity for a restaurant. He thought that a lot of customers looked for that sort of thing. He asked about maintenance for the structure, noting that there would be food and beverages served, and whether Mr. Weisberger, as the property owner, would maintain the power washing or if it would be the responsibility of the restaurant owner.

Mr. Weisberger said it would be the restaurant owner. He commented that Crust was a first rate operation, and he did not think they would let someone's gum stick anywhere. Mr. Dettloff said he would agree with that, but he would like to see something done on a semi-regular basis so there were no issues. He suggested a condition that committed the owners to cleaning up the area, should the tenants not carry out the property maintenance. Mr. Dettloff asked about serving alcohol, and if he could assume they would require the owners to have the necessary insurance in

place because of the additional liability. Mr. Weisberger said it was a good point, and he would make sure that they did. Mr. Dettloff recalled that Mr. Weisberger represented that none of the other tenants - Beauty First and the Fruit Bouquet, for example - objected to the proposal. Mr. Weisberger said that as far as he knew, they had all been made aware. The owner of the learning center was supposed to sit down with the owner of Crust and discuss the proposal, but that did not happen. She was at the meeting to find more information, and he and she discussed things such as noise and location, and he felt he had addressed any concerns she might have had. Mr. Dettloff wondered if music would be allowed if, at some point, the owners decided it would be nice to have. He was not sure if that required a separate permit, but he wondered where Mr. Weisberger stood with that.

Mr. Weisberg said he would respectfully request that the Commission make it a Condition of approval, which would give him some leverage. He would do a lease amendment or say the Ordinance was being violated. Mr. Dettloff said he thought Mr. Weisberger would use good judgment, and he said he did not really object to music, as long as it was kept at a low level. Mr. Weisberger said that they had to accommodate everyone in the center. Mr. Dettloff assumed the tenants/owners would discuss it amongst themselves, and he did not think it was necessary to make it a Condition of approval. Mr. Weisberger said he might consider it after the other tenants closed for the evening. Mr. Dettloff asked if the learning center was open every night until 9:00 p.m., and was informed that they closed at 9:00 Monday through Fridays; 6:00 on Saturdays; and they were not open at all on Sundays. Mr. Dettloff asked the regular hours for Crust on the weekend, and was advised that they were usually gone by 9:00 currently because of the low patronage. Mr. Dettloff suggested that because people would be coming

out late from the nearby theatre, they might want to look at the closing time. Mr. Weisberger said that was the original plan - people would come there after the show. He remarked that if he was driving down the road and he saw an outdoor eatery, it would be somewhere he would want to stop.

Mr. Kaltsounis said he did not want to sound too pessimistic, but it bothered him that they could be setting a new precedent. There were a lot of shopping plazas where outdoor seating had been added on sidewalks, but this would be going into parking spaces. The next person might want to use a parking space across a driveway or something else. It bothered him to see parking spaces used for outdoor seating. He was concerned about it being so close to the driveway. He did not think the places in Birmingham were a good idea. He acknowledged the proposal was not on a mile road, but he did not really think he wanted to see parking spaces all over Rochester Hills used as sit down eating places. He did not think he could approve the plan as proposed, because he thought it would be setting a bad precedent. It was just his opinion, and he was not sure how the other Commissioners felt. He liked to drive by developments and be happy he approved them, and he would not be in this instance. He stated that he would have to vote no if there was a recommendation to approve.

Ms. Hardenburg was not sure that 18 spaces could fit on the patio. When they started putting in tables and chairs, she believed that the applicants would realize it might be difficult. She questioned whether the Liquor Control Commission required a special license to serve alcohol outdoors. Mr. Delacourt agreed there was a requirement. Ms. Hardenburg wondered if the applicant had looked into that. Mr. Weisberger was not sure, but he stated that they

would have to follow the laws of the State. Ms. Hardenburg thought they should have that before they put in the patio, and then discovered they needed a special license. Mr. Weisberger said he would contact the applicant after the meeting to make sure he was processing an application.

Ms. Brnabic said she was somewhere in the middle with the request. She did not have an objection to outdoor seating, noting they were at locations around the City, but she recalled that they were mostly confined to sidewalks. She stated that she did not like what Birmingham did, and she did not know why someone would want to have a meal with traffic driving by. She shared some of Mr. Kaltsounis' concerns, and said that she did not object to outdoor seating arrangements, but she did not think she liked the concept proposed.

Mr. Weisberger noted that the restaurant was a fairly boutique type of eatery, and that it was very unique. He felt it lent itself well to the food product, and he commented that the Birmingham restaurant was packed every night, although it probably had not been the best example to show. He reminded that the seating would be on a temporary basis. They only wanted to have the seating when it was appropriate and seasonal, and he believed that Crust would do it right, like they did with the interior of the restaurant. He respectfully requested a positive recommendation.

Mr. Hooper referred to Condition two, which said that the dates of operation would be from April 15 to October 31st. He asked Mr. Weisberger if he was looking at a narrower time frame. Mr. Weisberger thought that May 15 to September 15 was more realistic. Mr. Hooper asked if that was o.k. with the tenant, and Mr. Weisberger said that he had not really cleared it with him. He agreed that with an

approval they would always like something more lenient, and then they could go with the market. Mr. Hooper noted that the dates for other outdoor seating recommendations (C.J. Mahoney's, Pei Wei Asian Diner, etc.) were from April 15 to Oct. 31.

Mr. Hooper said he liked some things about the proposal, and he mentioned that it was temporary and innovative. He reiterated that the applicant might have an issue with the Liquor Control Commission, because the seating area was not enclosed or attached to the building, which could throw the whole project out the window. People could come and go because it was not totally enclosed. Other than that, with the tough economy, he felt that for anything novel they could do, within reason, to help the commercial client base and give them a fighting chance, that he would be all for it. He commented that he had eaten at Crust, and he felt that the price structure might be the reason for fewer customers. He said he would be in support of the proposal, provided that all the conditions were met. The City had no control over the Liquor Control Commission, which he stated might pre-empt the whole project.

Mr. Schroeder said that the public would determine the hours and the use. He moved the following motion, adding a third condition that the project would be subject to the Liquor Control Commission's approval, and another condition regarding moving the seating area to the west, centered on two parking spaces. Chairperson Boswell was not sure they should add a condition about the Liquor Control Commission, because if the applicant did not get approval, he would not be able to serve food outdoors, either. Mr. Schroeder said it would be hard to control not serving liquor outside. Mr. Weisberger asked if it would be subject to the Liquor Control Commission only if the tenant wanted to serve liquor. He believed the tenant would want

to go forward and utilize the patio either way, because it was an eye grabber. The restaurant did not face the main road, and it was lower topographically, and the seating area was meant for people to see the restaurant and eat outside. He felt that it would be a benefit to have tables with people outside eating for others to see, even without alcohol served, but he believed the tenant would apply for a license to serve wine outdoors. Mr. Schroeder commented that if the Liquor Control Commission did not approve a license, the tenant would have to figure out how to control it, and the Condition was not added.

Chairperson Boswell opened the Public Hearing at 9:46 p.m. Seeing no one come forward, he closed the Public Hearing.

MOTION by Schroeder, seconded by Dettloff, in the matter of City File No. 86-745.3 (Crust Pizza and Wine Bar), the Planning Commission Recommends City Council Approve the Conditional Land Use for outdoor sales and service of food and beverages for Crust Pizza and Wine Bar, located at 2595 Rochester Rd., based on the plans dated received by the Planning Department on April 24, 2008 with the following five (5) findings and subject to the following three (3) conditions:

Findings:

- 1. The subject site will utilize parking spaces for the seating, retaining the required number of parking spaces, and does not appear that it will be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.*

- 2. The existing development promotes the intent and purpose of this chapter.*

3. *The subject site has been 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.*

4. *The subject site is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.*

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. *Correct Parcel Number under legal Description on Sheets C-01 and SPA-2 to 15-26-351-019, prior to Final Approval by Staff.*

2. *Dates of operation for outdoor seating will be from April 15th until October 31st.*

3. *Move seating area to the west and center it on parking line between two parking spaces.*

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

The motion CARRIED by the following vote:

Aye 6 - Boswell, Dettloff, Hardenburg, Hooper, Schroeder and Yukon

Nay 2 - Brnabic and Kaltsounis

Absent 1 - Reece

Chairperson Boswell stated for the record that the motion had passed six to two and wished the applicant good luck.

ANY OTHER BUSINESS

Ms. Brnabic asked if a 7-11 was coming to the corner of Auburn and Livernois, indicating that she had heard something to that effect. Mr. Delacourt had not seen any plans, but he was not sure if any one had spoken with Mr. Anzek.

NEXT MEETING DATE

The Chair reminded the Commissioners that the next regular meeting was scheduled for May 20, 2008.

ADJOURNMENT

Hearing no further business to come before the Commission, and upon motion by Kaltsounis, the Chair adjourned the regular meeting at 9:50 p.m.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary
Rochester Hills Planning Commission