



Rochester Hills
Minutes
Planning Commission

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

Tuesday, January 22, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Special Meeting to order at 7:30 p.m. in the auditorium.

ROLL CALL

Present 7 - Boswell, Brnabic, Hardenburg, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

Quorum present.

Also present: Derek Delacourt, Deputy Director, Planning and Development

Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2008-0005 December 18, 2007 Regular Meeting

A motion was made by Yukon, seconded by Hardenburg, that this matter be Approved as Presented.

The motion CARRIED by the following vote:

Aye 7 - Boswell, Brnabic, Hardenburg, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

COMMUNICATIONS

- A) Letter from N. S. Silver, dated January 11, 2008 re: Kato Companies (Sunoco Rezoning)
- B) Notice of Leadership Academy Seminar February 8-10, 2008
- C) Planning & Zoning News dated December 2007

Chairperson Boswell related that the CIP Policy Team met, and they were accepting any projects citizens wished to submit until the deadline of February 18, 2008.

Chairperson Boswell announced that the first item on the Agenda was a Public Hearing, and that anyone who wished to speak should fill out a card and hand it in to the Secretary. This would help prepare for the length of the Public Hearing.

NEW BUSINESS

2008-0006 Conditional Land Use Recommendation - City File No. 02-028 - Senior Living Center, a proposed 72,270 square-foot senior residence on six vacant parcels located near the northeast corner of Crooks and South Boulevard, Parcel Nos. 15-33-351-003, -004, -005, -006, -007, and part of -019, zoned SP, Special Purpose, MJMS, LLC, applicant

(Reference: Staff Report and packet information prepared by Derek Delacourt, dated January 22, 2008, had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Darrin Pionk, Atwell-Hicks, 50182 Schoenherr Rd., Shelby Township, MI 48315; John Gaber, Williams, Williams, Rattner and Plunkett, PC, 380 N. Old Woodward, Bloomfield Hills, MI 48009; Joseph Paluzzi, MJMS, LLC, 13400 Canal Road, Sterling Heights, MI 48313; Ralph Nunez, Design Team Limited, 17255 W. 10 Mile Rd., Southfield, MI 48075; and Al Tuomaala, Siegel and Tuomaala Associates, 31731 Northwestern Hwy., Suite 261, Farmington Hills, MI 48334.

Mr. Delacourt recapped that the Planning Commission had seen the project several times previously. The applicant was proposing a Final Site Plan for a 78-unit low rise housing for the elderly, along with a bank, for the northeast

corner of Crooks and South Boulevard. He deferred to Mr. Gaber, noting that the applicants were going to show a virtual presentation. He stated that the Site Plan had been reviewed by all applicable City departments and outside agencies, and that the plans were in compliance with the conditions of the previous Conditional Rezoning.

Mr. Gaber introduced the applicants, including the owner, the landscape architect, the civil engineer, the architect for the senior center, and a representative of Chase Bank. He recalled that about a year ago, the property was granted Conditional Rezoning to O-1, Office Business and SP, Special Purpose. They had researched the Master Plan, and in working with the City, noted that the corner was designated for Flex Business Use 1. The balance of the property was designated for Mixed Residential. They felt they could be successful with a bank project for the corner and a senior housing facility for the parcels to the north of the corner. They had to next go through the technical issues with the Site Plan, and to apply for a Conditional Land Use (CLU) Approval for the senior housing project. They felt that the reason the project was approved for a Rezoning was because it was at a busy intersection, with a new boulevard for Crooks; that the area was consistent with the Master Plan, and that single-family was deemed inappropriate for the corner. They believed that the bank would be complimentary to the other three commercial corners at the intersection, and that both of the structures would provide a buffer and transition from the commercial corners to the neighboring residential homes. The City agreed it would be a good place for a bank and to have a gateway entrance into the City. It would also be a good location for senior housing because there were close accessory uses - the shopping centers, the gas station and the pharmacies. The CLU process would give the City the ability to control the buffering and other elements that had

been raised during discussions. Another benefit for the City would be from an economic development standpoint. It was a vacant, unused corner, and the uses would be viable economic developments for the City to improve and enhance tax revenues.

Mr. Gaber noted that the new Zoning Ordinance had not been approved, and that there had been a concern about meeting the design standards of the Master Plan if the corner was Rezoned to O-1. They proposed conditions that were attached to the Rezoning. The reason for going through that process was because of the joint planning effort with the two facilities. There was a single developer and single Site Plan, with interconnectivity between the sites, shared utilities, access points, and complimentary architecture, design features and landscaping between the sites. Those features were important to the Commission and to City Council. He went through the conditions to show that they had been satisfied: The size of the bank building was not to exceed 10,000 square-feet and it was 4,300 square-feet; they agreed that the property should comply with floor area ratio requirements of the Flex Business Use 1 category of the Master Plan - .75 was allowed and they proposed .07; the building orientation would be at a 45-degree angle to the corner, which they showed; the building height would be between 16 and 30 feet, and they proposed 23.5 feet; the building materials were to substantially consist of brick and stone, and they proposed a primarily brick building with stone accents; the architecture and building materials would be compatible for both buildings, with which they complied (Mr. Nunez passed around a sample of the brick and stone materials and colors); the perimeter street frontage was to match the Type C frontage (setback between 70 and 90 feet and they showed 72 feet from South Boulevard and 90 feet from Crooks; no more than one row of parking in front of the

buildings and include a 10-foot landscaped buffer from the street right-of-way in the Master Plan for Flex Use 1, and they met those requirements for Crooks and South Boulevard; single, shared access drive from South Boulevard, which was shown; cross access drives between the bank and the senior facility - they complied with that and added circulation all the way around the development; installation of a Level 1 gateway entrance sign; simultaneous Site Plan submittals - they submitted one Site Plan for both developments; landscaping for both sites was to be complimentary and compatible, and they showed consistent use of landscape materials throughout; shared stormwater detention, and they have a detention pond and independent drainage component for both parking lots; and the use of best stormwater management practices - they proposed bio-swales and a rain garden feature.

Mr. Gaber stated that they felt they had met the conditions, and the applicants hoped that the Commissioners agreed. He recalled that there were some issues brought up at the last meeting, primarily the height and the buffering, which were difficult to work with. They proposed a three-story building, and some of the Commissioners were concerned about the height for the location. He pointed out that the SP district allowed three stories for a senior living facility, if the City Council agreed. He deferred to the applicant to next show the presentation, and advised that the Site Plan, with conditions, had been reviewed by all internal and external agencies and was determined to be in compliance. He noted that there were other facilities in the City that were similar. Some were as tall, but were only two-stories. He pointed out the American House Senior Living building on Adams Road and Mercy Bellbrook, which was a senior facility close to Avon Road, and said that they were approved by the Planning Commission, and that they worked and looked attractive.

Mr. Gaber mentioned that at the last meeting, Mr. Hooper had asked them to try and lower the height by dealing with the grade and the finished floor elevation. They looked into that and into enhancing the screening along the northern border. Ms. Hardenburg had been concerned about the neighbors and getting feedback from them. Mr. Gaber advised that Mr. Paluzzi had spoken with the neighbors on Grace and on South Boulevard, and he asked Mr. Paluzzi to discuss his efforts in that regard.

Mr. Paluzzi indicated that they had identified seven contiguous neighbors, five to the north and two to the east on South Boulevard. He spoke with each of the neighbors, and they currently had some neighbors with questions and perhaps some opposition to the development, but he felt confident that he had provided the information requested. He had given the neighbors explanations, and he respected their positions. He referred to the map and to the first neighbor on Grace, a long-time resident, whom he said was very neutral. Neighbor two, going east, who was the closest in proximity to the proposed senior building, was on board and supported the project, and he had a letter to that effect. Neighbor three had some concerns about the height, light pollution and the view he would have from his rear yard, and Mr. Paluzzi spent time addressing those concerns to the best of his ability. Neighbors four had questions, and he provided answers, but he did not know where they stood. Neighbor five addressed concerns, and Mr. Paluzzi provided images so he could see how the building would appear. He believed the greatest concerns were the height, light pollution and the property line being shared. On South Boulevard, the neighbors were in support, and he had letters to that effect. He said he was confident he had represented the project to the neighbors to the best of his ability and that he had nothing to hide. He told them

exactly what was on paper and he tried to answer all the concerns.

Mr. Nunez spoke next about the technical issues, screening, height, and the Buffer Modifications being requested, and he showed a virtual tour to the Commissioners. He thanked the Commission and the Staff, and said they had given a lot of direction. He stated that it was an exciting project that was designed to be developed as one project. He indicated that the architecture was compatible, and that the architects had done a great job. The neighbors questioned what the project would look like from the backs of their homes, so they created an auto cad virtual tour of a three-story model to show what it would look like from the ground level. They had added 50% more plant material than previously proposed. The first issue for the site regarded safety. They proposed a 26-foot paved road around the facility, as requested by the Fire Department. Staff suggested increasing the buffer on the north, so they were able to reduce the road to 24-feet, but they would still need Buffer Modifications. There was a 28-foot buffer width where the rain garden would be, and on the east, the buffer was reduced to gain space for the surface detention and other water quality issues to meet stormwater requirements. They proposed a double row of arbor vitae evergreens that would be planted six feet on center for the east and north property lines to buffer the residential. In front of those, 3-½" deciduous trees would be planted 15 feet on center, which would be fairly large trees. He explained that the rain garden would gather stormwater from the senior parking lot and it would help filter the water. The water would then go through a pipe to the detention basin, which would be planted with a mix of native plant material with deep roots for infiltration to clean a lot of the water. The small wetland on site did not have the capability to do that anymore. It

was impacted greatly by the expansion of Crooks, and was not functioning as something for water quality storage. He felt they met and exceeded the design standards regarding the plantings along the front. The trees along the roads would be placed 20 feet on center, and would be deciduous, pear, oak and honey locust trees. There would be a hedgerow of plant materials to screen the view for the cars. They would still have views of the building, but because they had exceeded the setbacks, the senior building would be 92 feet from the Crooks right-of-way and over 156 feet from the rear of the property.

Mr. Nunez next pointed out grade differences between the senior center and the houses to the north. The closest house would have a 3-½' differentiation between the grades. There would be 132 feet between the house and the senior building. There were existing telephone poles, a problem they had inherited along the north property line. They had a height restriction for the trees under the poles and the power company would cut the trees if they exceeded it. He noted that one of the Commissioners had a concern about the building being too close to the neighbors. He reminded that if single-family residential development came, there could be a 50-foot wide structure, 35-feet tall, which was how high the senior living building would be. The difference would be that the developer would only be required to have a 35-foot rear yard, versus the 62 feet they were showing for the senior building. Another difference was that a single-family rear yard would be open; there were no Ordinance requirements for screening or landscaping. He felt that the activity for single-family homes would be a lot more intrusive than that of a senior care facility, with no lawns or yards.

Mr. Nunez advised that neighbor three's home would be 156 feet from the senior building and 5.9 feet higher in

elevation. Neighbor four would be 222 feet away and 7.1 feet higher. Neighbor five, the furthest home away, would be 304 feet away and 6.3 feet higher. He showed drawings in relation to that, and the views the neighbors would have with the buffering. He ran the virtual tour, which showed the view as if someone were driving west down Grace and south and north on Crooks. He pointed out the building and landscaping, and noted that the deciduous trees would eventually be 20 feet high and the evergreens would be eight feet high. Mr. Nunez also noted that the homes on Crooks had lost some of their front yards due to the widening of Crooks. He indicated that people driving by should be looking at the car in front of them, so the tour showed peripheral views from Crooks.

Mr. Yukon asked if the tour showed an eastern view down South Boulevard from the intersection, but it did not have that angle. They had created a loop on Crooks for the tour. Mr. Yukon asked if they could continue north on Crooks and turn to see the massing of the building. Mr. Nunez said he could not, but he showed some fixed elevations of that view. Mr. Yukon asked to see the view going south on Crooks and looking across the boulevard, which Mr. Nunez showed and discussed. Mr. Yukon asked if he had a shot of a person standing in front of the senior care facility, which was not available. Mr. Yukon asked if the 20-foot height of the trees would be maintained. Mr. Nunez advised that the trees along Crooks would continue to grow to about 35 feet. The trees on the north side were designed to stay within the 20-foot range because of the power lines.

Mr. Yukon said the applicant stated that the facility would lessen noise impacts. He asked if they meant that the massing of the building and trees would help. Mr. Nunez said that his interpretation regarded the use. If it were a high commercial property with traffic in and out all day, it

would be more of an impact. The proposed facility would have senior residents who were active, but they did not have to go to work and they tended to have activities within the facility. Mr. Yukon asked if the traffic studies were computer generated or calculated manually.

Mr. Pionk responded that the study was taken from a trip generation manual that gave an indication in regards to the amount of traffic generated by a bank facility, as well as a senior housing facility. They got peak flow time periods and information from the manual, and it was not computer generated.

Mr. Schroeder asked if the study was reviewed by the City and the Road Commission, which was confirmed. He asked the applicants if they had considered green construction and the LEEDs program. Mr. Paluzzi said they had talked about it with the Chase facility. If they were able to implement it, they would consider it. Mr. Schroeder referred to HVAC and asked if it would be concealed. Mr. Paluzzi stated that it would be for both facilities. Mr. Schroeder asked if it would be in back by the parking lot. Mr. Paluzzi pointed out the locations in the senior building, and he said it would not be visual on the Chase building. Mr. Schroeder noted that there would be some salt in the parking lot, and that they would have to use the right plants for that for the bio-swale. Mr. Nunez agreed, and said they had to also consider it for the plant material along the roads because of the salt. Mr. Schroeder asked about the drainage fence on the development. Mr. Nunez thought it would be removed, because that issue had to go away. The drainage would be reworked during Engineering's review to be underground. Mr. Schroeder said he liked the character of the building and the architectural features. He noted the new facility on South Boulevard (near Livernois) in Troy and said that it was a typical big box. He

commented that the proposed facility would be a lot easier on the eyes.

Ms. Hardenburg referred to the plantings for the rain garden, and asked if they would grow or if it would look swampy-looking. Mr. Nunez said that the whole key to water quality was plant diversity. They did not want it to look like cattails. They were promoting a number of different species that would thrive together, and the same concept would be used for the detention basin. They wanted it to look attractive, but it would not be a lawn. He reminded that the facility would be home to the seniors, and they would be able to walk around, so they wanted to make sure the areas were attractive.

Ms. Hardenburg noted that if someone was going eastbound on South Boulevard, they could not turn into the facility, and she wondered why that was decided.

Mr. Nunez said that someone would have to do a Michigan u-turn. It was a safety issue so South Boulevard did not have traffic crossing over at that juncture. They hoped people used Crooks to get into the development.

Mr. Pionk explained that the meetings with the Road Commission dictated what type of entrance configuration they could have on both roads. One of the concerns was the amount of stacking from heading east on South Boulevard and trying to make a left turn into the site, as well as westbound traffic coming into the intersection causing a major conflict point. Eliminating the left turn movement would improve the traffic flow.

Chairperson Boswell opened the Public Hearing at 8:37 p.m., and asked the speakers to address their comments to him. He advised that any questions would be addressed

after the Public Hearing.

David Crowe, 1909 Grace Ave., Rochester Hills, MI

48309 *Mr. Crowe said that he lived with his wife and was neighbor five. He stated that he shared a 300-foot border along the eastern side of the proposed site. He spoke with neighbors three and four a few days ago and he was chosen to bring up some concerns. He wanted it made clear that the three of them did not want the development, and that they had expressed concerns to Mr. Paluzzi. He believed that neighbor one had the same concerns but he could not be present. The three neighbors had concerns about the buffering and the size and height of the building. For neighbors three and four, even though the trees would be in place, there would be balconies on the senior building with people looking out, and he felt there would be a privacy issue. There were power lines going through the middle of the property, starting from South Boulevard, but Mr. Paluzzi had a different plan regarding them. They would be shifted and would now border the back 300 feet of his property. He currently had power lines through the middle of the property and along the first 200 feet, and he would like to make sure that something else was done with the power lines. He asked Mr. Paluzzi about it, and was informed that it was up to Detroit Edison, but he did not believe that was true. He believed that they could be buried, or that something else could be done with them. He had expressed to Mr. Paluzzi that there were some very large trees. He realized there would be a 28-foot buffer from his property to the parking lot, but there were 7 or 8 30-foot trees in that area, and they would very much like to see them remain. Because of the power lines, he did not think that was in the plans, and they saw that the first things to go would be all the trees on the property. He had been provided a copy of the plan, and he took pictures of some of the trees, which he passed out to the Commissioners. He*

pointed out that the trees would be in the 28-foot buffer and would provide more of a buffer. They realized that if power lines were to go there, the trees would have to come down, and they would be left with shorter trees. There were two large trees in one of the neighbors' yard that were normally cut by Edison, but both of those were now dead. The neighbors wondered if the trees cut by Edison died if they would be replaced by the developer. Regarding the parking lot lighting, he was not provided a plan, but he stated that the lights would shine on the northern backyards. They were concerned about parking. They were told there would be 78 parking lots for 78 units, staff and visitors. He questioned whether people would park on their street if there were not enough parking at the senior center. Another concern was the construction. They understood that everything would be cut down initially. The large trees were providing a buffer now, and he wondered if the backyards would be barren for several years. The bio-swale and retention was a concern. There were issues now with the property, and he questioned whether the water would flow back to the properties and be even wetter or a swamp in the springtime. He suggested that if there was extra standing water, that there could be mosquitoes. He agreed the property looked good from the front on the virtual tour, but he wondered how the back would look. He thought that with the concerns he mentioned, that their property values could drop. He stated that if the development passed, he hoped Mr. Paluzzi would take into consideration the parking issues, the power lines being buried, and the existing trees within the buffers. He asked The Commissioners to consider how they would feel if this was their backyards and thanked them.

Melinda Hill, 1481 Mill Race, Rochester Hills, MI 48306

Ms. Hill apologized that she was not in attendance for the entire presentation, and she hoped that some of her

comments had not yet been addressed. She said she realized that the proposed property was unregulated regarding the Tree Conservation Ordinance, but she was concerned that the applicants only planned to plant six-foot tall arbor vitae on the north and east side as the buffer to eliminate the wall requirement. She agreed she would like to see green there, but she thought they could have a lot better plantings than 6-foot arbor vitae. She read the Environmental Impact Statement and understood that the applicant would strip the property of all the trees; she stated, however, that the City did a Natural Features Inventory in 2005 and spent a great deal of money for it. She was surprised that there was not a report within the packet regarding the natural features because the property was at a priority three level for some of the woodlands. The EIS indicated that there were 20-25 large, mixed hardwoods on the property, and she did not see where they would be replaced when they were taken down. She remarked that the applicants had included pretty pictures, and that the development looked nice from the street, but she stated that what was being shown was different from what was going to be planted, which would take many years to grow to the visual shown. She was concerned about that. She was concerned about the statement that the development would reduce noise pollution. It was not zoned commercial; it was zoned SP and it was in a residential area. She had some concern about three stories. Three stories to the surrounding residential community would be very, very tall, and she was not sure that was an appropriate height in that location. She reiterated that she was concerned there was no discussion about the Natural Features Inventory, which she advised was done in conjunction with the City's Master Land Use Plan. It was a tool to use when reviewing proposed developments, to help make a determination about whether a certain type of facility was really appropriate for the land that existed. She stated that she

was not against the development, she just wanted to caution about what was being proposed.

Craig Humphries, 1578 South Boulevard, Rochester Hills, MI 48309 *Mr. Humphries said that he lived two houses from the proposed development. He commented that it was a nice field, but said that they could not stop development. He thought it would be nicer than the strip mall across South Boulevard, which brought in a lot of light. Traffic was heavier than what it used to be, and when he first moved to Rochester Hills, the west side of Crooks was farmland, but it was not anymore. He thought the proposed development would be nicer-looking and cleaner than a strip mall, and he said he did not have any problems with it. He had been living with the Troy center for 10 or 15 years and they just slapped up something with no thought about the quality or how it looked. He felt sorry for the neighbors to the north, but they could not stop development.*

Mr. Crowe came up to the microphone and mentioned that there would be a lot of garbage coming from 78 units. He wondered where the garbage dumpster would be placed. Mr. Nunez pointed it out, and Mr. Crowe remarked that it would be right next to his backyard, and that it would be a problem in the summertime.

Chairperson Boswell closed the Public Hearing at 8:54 p.m. He asked the applicants if they would address the comments.

Mr. Gaber reviewed that Mr. Crowe was concerned about the size of the buffering, the size of the building and privacy, and he asked Mr. Nunez to comment. Mr. Nunez said that neighbor three had asked them to sit on his back porch and look at his view, but he was not home when they went there and they did not want to trespass. The trees in

his yard had been hit by Edison. At the request of the homeowners, they showed the view with the proposed and existing trees. Mr. Nunez said that the patios would not be large, and people could not have a party of 20 people out there. He added that the building elevations would not just be nice on the front façade; the same materials would be used all around the building.

Mr. Nunez referred to the bio-swale. He said that without having a wall, the grade of that portion of the property would be higher on the neighbors' sides. The natural water flow would be from their properties onto the applicant's, and continue to the lowest point of their site. Whatever water that ran from neighbor five's property would have a natural place to collect. There would be some water left for the rain garden to work and to allow the plant material to survive, but the plant material would be a foot or so of topsoil, which would allow the water to percolate into the ground, feed the plants and go into the system. Any excess water (above 12 inches) would go into the detention system and into the underground system, so there would not be a swampy situation. Regarding lighting, a photometric was submitted and reviewed by Staff. The light levels at the property line showed .01, and the lights would shine toward the parking area. He stated that there should not be headlights or floodlights flowing onto the adjacent properties.

Chairperson Boswell asked if the light poles would be 20 feet, and Mr. Paluzzi said they would be 18 feet on top of a two-foot base. Mr. Gaber asked about relocating the power lines. Mr. Nunez showed the current locations, and said they could not build a structure with an electrical line running through it - it had to be relocated. Edison looked at a new connection across the eastern property line. They had to make sure they did not plant underneath those lines, and that was why they proposed the setbacks and planting

spacing the way they did. If they buried the lines, there would have to be a ground easement for the electrical lines, and they would not be able to plant on them.

Mr. Nunez referred to the existing trees, and suggested that since the development was being done in two phases, with the bank first, perhaps they could do the joint stormwater detention facility and the road connections, but leave the grading and balancing of the senior center undone until they were ready to construct.

Mr. Pionk said they were doing the construction drawings in two phases - one for the bank and one for the senior housing complex. He pointed out the phase line on the Site Plan behind the pond area, and said that once they got approval to proceed with the Chase bank, everything from the pond southerly to South Boulevard would be constructed with phase one. The topography ran from east to west and it was hard to balance the site to get the slopes for ADA requirements. Chase would be somewhat of a fill site and the senior housing complex would be an excavation site. They did not think they would have to touch the northern portion of the site until they were ready to start construction on the senior housing complex. He advised that there was an additional power line that ran east/west, which tied into the line running north/south, and trying to wrap it around through Crooks Road was not a possibility, and DTE wanted it wrapped around the eastern property lines.

Ms. Hardenburg clarified that for the northern portion, they would not have to take the trees down or do the land balancing yet. Mr. Pionk said that was how they would like to proceed. Mr. Paluzzi agreed that was a correct statement.

Mr. Schroeder asked about the timeframe for doing the second phase, and Mr. Paluzzi said he really did not know. He had not been able to bring the senior facility to market because he had nothing to bring, and he really did not have the right to do it. He anticipated that it would be well received because of its size and unique location. It was a great City in Oakland County, but he had not brought it to market. Mr. Schroeder asked if, when they did construct, they could put the buffer in first. Mr. Paluzzi said that because they could not mass balance the site as one, and because the buffers would be very intense and costly, he would be concerned about trying to keep them maintained and irrigated diligently.

Mr. Schroeder said that there was more perception than reality about a lot of the issues. He recommended shields that they could put on the back of the lights that would not affect the spillage but would diminish the view of the light. Mr. Paluzzi agreed they did not want any light pollution towards the abutting neighbors.

Ms. Barbara Smith, 1951 Grace Ave., Rochester Hills, MI 48309 came to the mike, and noted that the Staff Report mentioned that the applicant could consider a timer system for the lighting. Mr. Paluzzi said that would not be a problem, and that it was fairly standard for them.

Mr. Gaber asked about the possibility of the trees in the buffer dying and how the warranty period worked. Mr. Paluzzi reminded that it would be a substantial investment for them and it would be in their best interest to maintain the buffers and keep them in an impeccable condition. They were established developers who liked to do a great job, so it would be their intent through duration that everything would be maintained in a first class manner. They were pleased to have Chase on board, and he indicated that their

banks were always impeccably maintained.

Mr. Nunez advised that the plant material had to be warranted according to the Ordinance. The landscaping would be reviewed by the City's Landscape Architect before any of the bonds were released, to make sure the plant materials were healthy. He had submitted an irrigation system for the trees. He noted that there had been a comment about the mix of materials. He explained that there were 140 trees proposed for the site. He referred to three stories, and said that no one length of a building could be longer than 180 feet and no two sides could be longer than 250, which they complied with. He stated that if they put in single-family homes on the site, although they would not promote residential because of the location and the traffic, the Ordinance would allow a road adjacent to the easterly property line, and the setbacks would be 15 feet in between the buildings, and for 50 feet of building width for four homes, there could be 200 feet of building frontage, even though the buildings would be separated. The rear yard setback would be 35 feet. If it was a residential community, they would not do the land balancing like they would for the senior facility because of the size, and the drainage would be along the rear of the properties to the road.

They would be allowed to have three-story homes closer to the lot lines with no provisions for any screening. They were proposing a heavy buffer and the building would be much farther away.

Mr. Paluzzi clarified some points about the grade elevations. He recalled that at the last meeting, Mr. Hooper made a great recommendation to look at the natural contour of the land and to get creative with the finished floor elevation. That meant to create "drop" in elevation so that their finished floor would be lower than the abutting

northerly neighbors. There was a difference from 3-½ feet to 6-½ feet heading east down Grace.

Mr. Gaber noted that Mr. Crowe brought up the number of parking spaces (78) and asked whether that was sufficient for the project. Mr. Pionk agreed they were at the minimum according to the Ordinance. He mentioned that they were looking into LEED certification, and one of the ways to get points would be to minimize the amount of hard surface and parking areas. He did not think there would be a great deal of traffic in the site because of the close proximity to the shopping areas.

Mr. Tuomaala, the architect for the senior housing project, stated that they had designed over 4,000 senior housing units in the metro area. In their experience, the actual need for parking for a development of that nature would be anywhere from ½ car to ¾ car per unit. He thought that with one car per unit, that they exceeded the practical requirements. In most cases, a project of this type provided an on-site van, so residents had less need for a car. He felt the parking was more than adequate.

Mr. Gaber asked about the dumpster location, and Mr. Nunez said that it was approximately 360 feet from the rear of neighbor five. Mr. Gaber asked why they were choosing to use six-foot arbor vitae for the screening rather than another type of planting. Mr. Nunez replied that they had to provide an evergreen screen, and they specified that they would grow rapidly higher than eight feet, so over time, less and less of the building would be seen by the residents.

Mr. Paluzzi reminded that there would be a double hedgerow, or zipper-type of planting. They would be planted three feet on center, every other tree. Mr. Nunez said it was questioned why there would not be a wall

around the perimeter, and he advised that based on the existing grades of the backyards of the homes, drainage would come from the homes across the subject property. If they placed a wall along there, it would create a drainage issue for the neighbors. The wall would not grow - it would always be six feet tall - and they felt the greenery would give a softer effect for the neighbors and the residents of the senior facility. They did not want it to look like a compound or a commercial strip center.

Mr. Gaber stated that Mr. Paluzzi was very sensitive to the concerns of the neighbors, as evidenced by the amount of time he spent with them. He tried to make the screening more dense and added more trees. He understood the neighbors had to live in proximity to the development. He wanted to make it as palatable as possible and to be a good neighbor. He understood Mr. Crowe's feelings, and he had asked how the Planning Commission would feel if the development was in their backyards. Mr. Gaber reminded that the site was not his backyard and he had no ownership interest in the site. It would be great for someone to have a park in his backyard on someone else's property at another's expense, but the Zoning Ordinance allowed development of the property and it was private property. They were trying to be as considerate and conscientious as possible toward the neighbors. It was unfortunate that some of the existing trees had to come down, but given the layout of the site, the design and the requirements of the conditions, there were difficult site constraints. They had been through many iterations of the Site Plan, to try to balance all of the concerns. That was why it had taken so long to come back for Site Plan Approval after getting the Rezoning.

Chairperson Boswell asked Mr. Delacourt if he had researched any history of parking requirements for senior

citizen housing. There were 78 units, and he wondered if that was a proper number, considering there would be staff and visitors.

Mr. Delacourt said they were a little concerned about the proposed minimum number of spaces. He thought that other senior centers had proposed slightly above the minimum of one space per unit. He had contacted McKenna Associates, the City's planning consultant, and they agreed that a ½ to ¾ space per unit was within the accepted standard for this type of facility. Not every unit would need a space. McKenna identified issues in other communities when standards were not met, and in those instances, units that were rented were not given a parking space. The owner was responsible for assigning spaces after accounting for staff and non-residents.

Mr. Yukon stated that earlier in the evening, the Commission was provided an aerial rendering by one of the residents. He asked for that to be put on the overhead, and said that when he saw it, it brought everything back. In October, he had been concerned about the building height and the massing. The virtual tour helped with the height concern, however, when he saw the aerial, the massing compared with the houses showed a very big building. He liked the concept and he liked the bank, but the senior facility with three stories really concerned him. When he saw the aerial, it helped solidify his opinion from October.

Mr. Nunez explained that the aerial showed the first iteration of the plan, and was not what the plan currently showed regarding the plantings. Mr. Yukon said he was talking about the size of the building. Mr. Nunez said he understood, but he pointed out that it would be very rare someone would have an aerial view of the building, unless they were flying in a helicopter. That was why the ground

elevation shots were shown. He said there was no way around it, and based on the City's Ordinance requirements for the building, there had to be a certain critical mass for it to work. They had been doing 78 units on a fairly regular basis. In order to do that with two stories, they would have to make the building even further into the parking lot and more landmass than if it went vertical. Smart growth was to go vertical, and to try and reduce the hard surface area. He noted that a lot of the single-family homes in the area were being rebuilt as two-story because they were so close to Crooks Road now.

Mr. Paluzzi said he understood Mr. Yukon's concern as he looked at the aerial shot. He said that from day one, they tried to do one contiguous, consistent, architecturally-controlled, landscape-controlled, unified plan. So the site would work from a numbers standpoint; it was the least amount of units they could put on the site and still accomplish everything. It was their opinion that by sprawling out the building and staying at two-and-a-half stories and putting a flat roof on the structure that it would not be as aesthetically pleasing from the curb, and they would be occupying more mass of land. They had been sensitive to all of the conditions of the Rezoning requests granted, and they had a lot of work they did not realize they had to do once they agreed to the conditions. Those really restricted them, but he felt for the betterment for the project. He was very pleased about what was before the Commissioners. He believed that if the Commission recommended approval of the project to City Council, that they would be very proud of it also.

Ms. Hardenburg said that the last time they met, she was very much opposed to the three-story height. She recalled Mr. Hooper's comment about the possibility of a subdivision going in there and that they could have homes as high as

the senior building, with no buffering. The neighbors would lose so much more privacy, versus having elderly people who went to bed early. They would possibly be the ones complaining that the neighbors were too noisy for them. She felt that the applicants worked on lowering the height of the building with the topography, and she was happy with what they had done. She looked at it much differently than she had the last time.

Ms. Brnabic asked Mr. Delacourt if he had looked into why there was a code issue with the 180-250 foot requirement for senior housing building lengths and how that came to be.

Mr. Delacourt said he looked into it and could find no formal reason why it was there in any previous Minutes or Ordinance discussions. He speculated that it was put in place to prevent large, one-mass buildings and to break up the buildings rather than allow square, block-type buildings three stories tall.

Ms. Brnabic suggested that it was setting a maximum dimension for "boxy" type buildings, although they could be three stories. Mr. Delacourt asked them to imagine the proposed building as one solid, square, three-story structure. The requirements were there to prevent that.

Ms. Brnabic said she liked and approved the changes the applicants took into consideration. She was still a little concerned about three stories for the area, and she felt all the Commissioners were. She said she liked the time and research they put in. She was concerned when they started with only a concept plan, because they were not supposed to depend on the concept. They did not have the opportunity to express concerns with the three stories because of how the process went. She understood why

they were proposing what they were, and she did not doubt that it would be a nice development. She was still not totally happy with three stories in that area, and she thought their indications about the homes on Crooks were really just speculations. They heard from the residents and the Commission at previous meetings about the height and the mass. They did buffer the site well, and they made changes and she was happy with that, but she still was not happy about the height because it could be considered massive in that area. She wished there had been another way to work it out and lower the building. She went through past Minutes, and noted that seven out of nine Commissioners expressed concerns about the height and mass.

Mr. Paluzzi recalled when they came before the Commission with the request for Rezonings and they were asked to prepare Site Plan images. He thought it was kind of putting the cart before the horse, but they were willing to do it because they understood the concerns. The massiveness presented on those Site Plans compared with what they now showed was much different. The first drawings showed a boxy building, bigger and closer to the homes. The original building was also closer to the easterly lot lines and all the parking was up front. He asked them to understand that they had done the best of their ability to create non-boxy, attractive, eye-appealing buildings.

Ms. Brnabic agreed that they had made changes, and she was glad they worked with the neighbors. She agreed with Mr. Yukon, and she realized they had code issues to work with. Mr. Paluzzi said he felt that some of the codes they had to work with were not up to today's standards and they might need to be looked at. Mr. Nunez said that the 180-250 building length requirement originated in Florida

from a long time ago. They did not want a warehouse box for seniors. It was an old Ordinance, and a lot of municipalities did not have that. He also said they listened to the Planning Commission and tried their best, working with the architecture, the engineering and with the neighbors. Mr. Paluzzi said that whether people were 30 feet or 500 feet away, they were his neighbors. He tried to convey to the neighbors that he was sensitive to the fact that they abutted his project, and he hoped they did not take his approach to the project as something forceful, because that was not his style. He stated that he respected his neighbors.

Mr. Schroeder mentioned that he retired last June, and that he had been in engineering for 52 years. He had dealt with the same situation for 30 years. He felt the proposal was one of the best buffered sites he had ever seen. The neighbors would not want a wall. For almost all developments he had been involved in, adjacent residents opposed a wall. He referred to the point about people being concerned as to how a development could affect the value of their homes. He had been involved in extensive studies, and they found there was no real effect for the homeowners that backed up to roads, to multi-story buildings or to office buildings. The sales were not appreciably different for internal houses or houses adjacent to a development. The study for Crooks Road showed no difference at all for the houses that backed up to Crooks and the houses in the sub. In today's market, everything was down, but things would turn around. He hoped that addressed the neighbors' concerns about the value of their properties.

Mr. Hooper thanked the applicant for the auto cad presentation. He remarked that they had set a new bar for what the Commissioners would want to see in the future. He thought they had done an excellent job with the

screening, the topography regarding the height of the building and the massing as it related to the neighbors. He thought the architectural relief elements around the buildings were impressive. He liked the limestone and brick treatments, and he thought it would be a distinctive building in the community. He noted that he had looked at All Seasons at M-59 and Rochester Road (another senior facility), which had a similar design but was 600 feet long, and he did not see an issue. The landscaping for the subject development was superior to that one. He felt it was a far improvement over what existed in the community. He asked if they had considered covered parking, which had been raised by Mr. Dettloff at an earlier meeting.

Mr. Paluzzi said they elected to take that on in the future. They had conversations with Mr. Tuomaala, and they relied heavily on his experience in the industry. It was his experience that the need for carports had lessened throughout the years. It was not something they were saying no to, and if it came about at a later date, they realized they would have to come back before the Commission. They were taking it one day at a time. Mr. Nunez said they had a potential location if there was a need.

Mr. Schroeder said that when something was built next to an existing sub, there were always problems between the new neighbors if there was no buffering. With the proposal, there would be one entity the neighbors could deal with - one management company - and it would be much easier to take care of any concerns. It was also easier for the City, when they tried to monitor things, to deal with a business to get things accomplished, such as getting trees replaced or other concerns. He concluded that it was very common to shield the lights and almost every site he ever dealt with had it right in the plans.

Chairperson Boswell recited the three requests before the Commission and asked if anyone desired to make a motion. Mr. Schroeder moved the motion below. Two conditions were brought up at this point, which were added to the Site Plan motion, as numbers 10 and 11. Mr. Yukon pointed out the discrepancy in square footage for the senior center shown in the Staff Report and on the Site Plan, and Mr. Delacourt advised that the floor plan identified the true square footage (72,270), and that it would be consistent on the Plans prior to Final Approval by Staff.

MOTION by Schroeder, seconded by Reece, in the matter of City File No. 02-028 (Senior Living Center), the Planning Commission recommends to City Council Conditional Land Use Approval for a 72,270 square-foot senior housing facility on Parcel Nos. 15-33-351-003, -004, -005, -006, -007, and a part of -019, zoned SP, Special Purpose, based on plans dated received by the Planning Department on January 9, 2008 with the following eighteen (18) findings:

Findings:

1. The parcels were Conditionally Rezoned to SP by City Council on May 9, 2007 to allow senior housing.
2. The project consists of different types of living units constructed pursuant to the conditions of the Conditional Rezoning.
3. The development will be located near the northeast corner of Crooks and South Boulevard; all the corners are commercial or office.
4. Additional accessory and support facilities will be located in a commons area for future residents of the

subject site.

- 5. The proposed development is required to provide 10,530 square feet of ancillary facilities and has provided 19,150 square feet.*
- 6. The proposed development is required to provide 2,730 square feet of common facilities and has provided 2,894 square feet.*
- 7. All proposed buildings are at maximum three stories in height, as allowed under Section 138-933 (e) of the Zoning Ordinance.*
- 8. The smallest one-bedroom living unit contains 400 square feet exclusive of the kitchen and bathroom facilities.*
- 9. The smallest two-bedroom living unit contains a minimum of 500 square feet exclusive of the kitchen and bathroom facilities.*
- 10. The site is required to be at least 1.8 acres in size and is actually 3.76 acres in area.*
- 11. The proposed development is required to provide 15,600 square feet of contiguous open space and has provided 19,962 square feet.*
- 12. 78 parking spaces are required and 78 are being proposed.*
- 13. The maximum building length does not exceed 180 feet along any one side of the building or 250 feet in the total length of multiple sides.*

- 14. *The provision of housing for the elderly is consistent with the intent and purpose of the Zoning Ordinance in general and of Section 138-933(9) in particular.*
- 15. *The development has been designed and will be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing 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.*
- 16. *The development is or can be adequately served by essential public facilities and services.*
- 17. *The development will not be detrimental, hazardous, or disturbing to existing land uses, persons, property, or the public welfare.*
- 18. *The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

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

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Reece and Schroeder

Nay 1 - Yukon

Absent 2 - Dettloff and Kaltsounis

2008-0007

Buffer Modifications - City File No. 02-028 - Senior Living Center/Chase Bank

MOTION by Schroeder, seconded by Hardenburg, in the matter of City File No. 02-028 (Senior Living Center/Chase Bank), the Planning Commission grants Buffer

Modifications to eliminate the requirement and allow existing vegetation supplemented by additional plantings to meet the six-foot opaque screen wall requirements on both the north and east property lines, and to reduce the buffer width along the northern property line to 21.5 feet and for 223 feet along the eastern line to 20 feet, based on plans dated received by the Planning and Development Department on January 9, 2008 with the following five (5) findings:

Findings:

- 1. The use of existing vegetation supplemented by additional plantings is consistent with the intent of the "Type B" buffer requirement for the subject site.*
- 2. The landscape/screening plan will protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, and light pollution.*
- 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.*
- 4. The Fire Department requirements for a 24-26 foot drive access all around the building reduced the buffer width on the north property line and along a portion of the eastern property line.*
- 5. Additional land will be available on the west side of the road, where the buffer width on the east is reduced, to facilitate storm water.*

A motion was made by Schroeder, seconded by Hardenburg, that this matter be Granted.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Reece and Schroeder

Nay 1 - Yukon

Absent 2 - Dettloff and Kaltsounis

Chairperson Boswell asked the applicants if they had reviewed the conditions, and Mr. Gaber said that they had, and that they were acceptable.

2007-0163 Site Plan Approval Recommendation - City File No. 02-028 - Senior Living Center/Chase Bank.

MOTION by Hardenburg, seconded by Schroeder, in the matter of City File No. 02-028 (Senior Living Center/Chase Bank), the Planning Commission recommends to City Council approval of the Site Plan based on plans dated received by the Planning Department on January 9, 2008 with the following seven (7) findings and subject to the following eleven (11) conditions.

Findings:

1. *The Site Plan and supporting documents demonstrate that all applicable requirements of the Rochester Hills Zoning Ordinance can be met, subject to the conditions noted below.*
2. *The location and design of the driveways providing vehicular ingress to and egress from the site have been designed to promote safety and convenience of both vehicular and pedestrian traffic, both within the site and on access and adjoining streets.*
3. *Parking areas have been designed to avoid common traffic problems and promote safety.*
4. *The development will provide a transition from the commercial corner at Crooks and South Boulevard to the existing residential neighborhood to the north.*

5. *The two developments shall share common storm water detention facilities to the extent permitted by the Oakland County Drain Commission, the City Engineer and any other applicable governmental authority with jurisdiction over the parcels.*
6. *The landscaping, materials and architecture for both properties is complimentary and compatible.*
7. *Cross easements will be granted for vehicular and pedestrian access between the developments.*

Conditions:

1. *That City Council approves the Conditional Land Use and Site Plan.*
2. *That the applicant obtains a Soil Erosion Permit from the Oakland County Drain Commissioner prior to Construction Plan Approval.*
3. *That the applicant obtains written approval from the Oakland County Drain Commissioner for the proposed storm water detention system, prior to Construction Plan Approval.*
4. *That a Land Improvement Permit shall be required from the City's Engineering Services Department prior to work on the site.*
5. *The applicant shall submit a Landscape Performance and Maintenance Guarantee in the amount of \$256,397.25 for a period of two growing seasons, as adjusted by Staff if necessary, for all landscaping and trees, prior to issuance of a Land Improvement Permit.*

6. *Landscape Plans must be revised per the additional recommendations in the City's Landscape Architect's memo of January 15, 2008, prior to Final Approval by Staff.*
7. *Tree Protection Fencing, as required for the northern and eastern perimeter of the site, must be installed, inspected and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.*
8. *Correct discrepancy between Sheet SP-100 (Floor Plan) and Site Plans at northwest wall of the bank building per Building Department memo dated January 10, 2008.*
9. *Permits for work in the Crooks Road and South Boulevard right-of-ways must be obtained prior to Construction Plan Approval and issuance of a Land Improvement Permit.*
10. *Addition of timers for the parking lot lighting, levels and times to be agreed upon by Staff and the applicant, prior to Final Approval by Staff.*
11. *Any land balancing or clearing of land shall be prohibited until Permits are issued for construction for each phase of the development.*

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

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Reece and Schroeder

Nay 1 - Yukon

Absent 2 - Dettloff and Kaltsounis

Chairperson Boswell stated for the record that the motions

had passed six to one. He advised members in the audience that the matter would go forward to City Council in several weeks. He acknowledged that the applicants had worked hard, and he indicated that he appreciated it. He added that he hoped it turned out as nicely as they said it would.

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

The Chair reminded the Commissioners that the next regular meeting was scheduled for February 5, 2008.

ADJOURNMENT

Hearing no further business to come before the Commission, the Chair adjourned the Special Meeting at 10:11 p.m., Michigan time.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary