

Tuesday, July 15, 2003

REGULAR PLANNING COMMISSION MEETING held at a City of Rochester Hills Building, 1700 W. Hamlin Road, Rochester Hills 48309, Oakland County, Michigan.

Chairperson Eric Kaiser called the meeting to order at 7:30 p.m. in the large conference room.

ROLL CALL:

Present: Chairperson Eric Kaiser; Members William Boswell, Deborah Brnabic, Barbara Holder, Greg Hooper, Nicholas Kaltsounis, Kristen Myers (enter 9:20 p.m.), James Rosen, Audrey Ruggiero
Quorum Present.

Absent: None

Also Present: Ed Anzek, Planning Director
Deborah Millhouse, Deputy Director
Derek Delacourt, City Planner
John Staran, City Attorney
Maureen Gentry, Recording Secretary

MINUTES FOR APPROVAL:

1. Regular Meeting of June 17, 2003

MOTION by Brnabic, seconded by Ruggiero, that the Minutes dated June 17, 2003 be accepted as printed.

Voice Vote:

Ayes: All
Nays: None
Absent: Myers

MOTION CARRIED

COMMUNICATIONS:

1. Planning & Zoning News, dated June 2003
 2. SEMCOG Regional Update, dated June 30, 2003
 3. SEMCOG seminar: "Integrating Water and Natural Resources into the Planning Process," for July 30, 2003
-

NEW BUSINESS:

2. **Revised Site Plan Approval - File No. 94-426.7**
Project: Rochester College Library Addition
Request: Revised Conditional Land Use Recommendation (Public Hearing)
Height Modification Recommendation
Revised Site Plan Approval
Location: North Side of Avon Road, West of Rochester Road
Parcel No.: 15-15-376-001 zoned SP, Special Purpose District

Applicant: Rochester College
800 West Avon Road
Rochester Hills, MI 48307

(Reference: Staff Report prepared by Deborah Millhouse, dated July 9, 2003 has been placed on file and by reference becomes part of the record hereof.)

Present for the applicant were Barry Nebhut and John Miller, TMP Associates, Gary Carson, Vice President at Rochester College and David Hunter, PEA Associates.

Ms. Millhouse advised that the proposed project is a two-story addition to the existing Rochester College Library. The addition would include a multi-forum theatre, classrooms and academic offices within approximately 24,000 square feet. She pointed out that the library approved a few years ago had been designed to allow for this addition. The three actions pending are a Revised Conditional Land Use and Height Modification Recommendation to City Council and approval of the Revised Site Plan, which is contingent upon City Council approval of the Revised Conditional Land Use and Height Modification. She advised that relative to the Height Modification, the addition is equal in height, styling, materials, coloring, architecture, etc., and would be in complete harmony with the existing library structure. If granted by City Council, the Height Modification would be consistent with that allowed previously. She turned the discussion over to the applicant and Mr. Kaiser asked if the applicant would include an update of the Master Plan.

Mr. Nebhut stated that the Master Plan for the College had been prepared by TMP Associates based on direction from the Commission. He pointed to a vision of the Master Plan, which was done about ten years ago and included 15 years of growth. Over the last year they began to modify the Site Plan of the Master Plan for 20-25 years of campus growth. They looked at the site as a whole to determine what natural features restrict it. The site contains about 80 acres, with wetlands, woodlands and topography changes, and a river and floodplains, which leaves a buildable area of about 60 acres. Given the program the College set forth, they concluded what buildings the College would need. He pointed out all the features and buildings of the Plan and the future planned buildings. He said they would work in three phases over 25 years. He introduced Mr. Miller, who would speak about the firm's plans for the library addition.

Mr. Miller advised that the addition would be an L-shaped building, and would be similar to the dorm, which has a college gothic look, with a green-pitched roof and two colors of brick. He referenced the dorm, and noted how nice it looked from Avon Rd and that this building generated the aesthetics for the existing library. He brought samples of materials to be used, which matched the existing library, and showed a floorplan of the building. He explained that one reason for the height variance request was to try to get a picturesque pitched roof for the building, rather than a flat roof, and they also wished to cover the mechanical on the roof. He noted that the College is low compared to the road.

Mr. Miller said that they believe the proposed building will be a real asset to the community. The building would be turned on its axis and present a sculptural element. Every time someone moved around the building it would give a different look, and not look repetitive. They are trying to give life to the College, in the manner Meadowbrook Hall does for Oakland University. The applicants would be spending a great deal of money on the exterior as a way to give back to the community. They feel they have gone the extra mile to make this an attractive, interesting building, appropriate to the use.

Mr. Kaiser opened the Public Hearing at 7:50. Seeing no one come forward, he closed the Public Hearing.

Mr. Hooper referenced the Master Plan and its future development to the east. He advised that the detention pond being used now is near capacity and he wondered if they planned to relocate the storage for the future expansion at one time, or if it would be gradual.

Mr. Nebhut answered that it was part of the decision in doing the Master Plan and, as they develop the site further, they need to determine the need for storm drainage. When they get to the next building, they will begin to incorporate a long-term storm water detention system. He said that the storm system that is in place is adequate for the library addition and he assured them that this issue had been considered.

Mr. Kaiser asked if there were any variances, other than the Height Modification, that had been sought from any other Board. Mr. Nebhut replied that the Height Modification was the only request.

Ms. Ruggiero indicated that she did not see any new parking proposed and she was concerned that there did not appear to be any parking determined for the future. She was concerned about simultaneous use at the College during the week.

Mr. Nebhut advised that the current parking exceeds the requirements needed for the addition and that the only impact from the addition would be for the 200-seat theatre at about 70 spaces. As far as joint use with that assembly, he noted that the theatre would be used in the daytime by the students already on the campus. In the evenings, the main student body would be off campus so there would not be an impact. He noted that even with the additional 70 spaces, there is still an excess of parking.

Ms. Ruggiero asked about parking relative to the Master Plan. Mr. Miller replied that there was an interim step after the library was added, and a road and parking were added, anticipating the addition. In terms of the Master Plan, they intend to pick up parking along the road and in the back. He said it was deceiving because of the way the land is, but there are hidden places for parking. When it is added up, the parking needs can be accommodated. He acknowledged that the College would be the first to want more parking if it meant more students.

Ms. Ruggiero asked Staff if they had considered simultaneous use, relative to what is being proposed and the College being in session, sporting events and so on. Ms. Millhouse noted that there have been parking additions within the last two or three years. The parking requirements are generated by three uses at this campus, according to the Ordinance: the dormitories, an assembly place, such as the proposed theatre (she noted that there are 115 spaces in excess relative to the campus as it would exist with this addition); and a church. Staff has only reviewed the parking relative to what exists and what is needed with the addition. Ms. Ruggiero clarified that there are 115 excess parking spaces and Ms. Millhouse explained that there are 430 spaces and 315 are required.

Mr. Nebhut said that in addition, the College has a shared use agreement with the church to be able to use its parking area during the normal day. There are a significant number of spaces available to the campus.

Mr. Rosen said that he reviewed the minutes of August, 2001 and one of the findings was that the front, side and rear yard setbacks must be at least equal in depth to the height of the proposed library and he asked if that was still true. Ms. Millhouse said the requirement is that any type of building, other than for a residential use, must be at least 50 feet from the property line and that has absolutely been met, even from the interior property line. It is 84.5 feet set back from the future 120 right-of-way line of Avon and the building at its peak is at most 43 feet high.

Mr. Kaltsounis asked what percentage of current students are commuters. Mr. Carson replied about 60%. Mr. Kaltsounis said he asked that because in calculating the parking, the Ordinance takes into account existing dormitories, auditorium seats, and auditorium employees, and there is not an account of commuters.

Ms. Millhouse replied that the Ordinance is not established in that manner. There are only three standards for generating required parking. Mr. Kaltsounis felt that was something that could be looked at for the Ordinance re-write. Ms. Millhouse agreed it could, and said that lifestyles are continually changing and the Ordinance is based on standard campus living, rather than commuting. Mr. Kaltsounis mentioned that when he

went to Oakland University, there was always a problem with parking. He asked if the 430 spaces they now have would be sufficient if they included commuters, or if they might need more. Mr. Carson said that when he said 60% of the students were commuters, he was including evening students, which comprise about half of that number, so the demand for parking is spread out from 8:00 a.m. until 10:00 p.m.

MOTION by Hooper, seconded by Brnabic, in the matter of City File No. 94-426.7 (Rochester College Library Addition), the Planning Commission **recommends** to City Council **approval** of a **Height Modification**, as indicated on the plans dated received by the Planning Department June 9, 2003, with the following 3 (three) findings.

FINDINGS:

1. The front, side and rear yard setbacks are at least equal in depth to the height of the proposed library addition.
2. The proposed height is the same as the existing Library to which it is being connected. Further, the roof slope and appearance are consistent with the current structure.
3. The increased height will not be incompatible with the surrounding and nearby topography, existing and reasonably expected development, the zoning plan for the area, and the health, safety, and welfare of the City.

Voice Vote:

Ayes: Boswell, Brnabic, Holder, Hooper, Kaiser, Kaltsounis, Rosen, Ruggiero
Nays: None
Absent: Myers

MOTION CARRIED

MOTION by Hooper, seconded by Ruggiero, in the matter of City File No. 94-426.7 (Rochester College Library Addition), the Planning Commission **recommends** to City Council **approval** of the **Revised Conditional Land Use**, based on plans dated received by the Planning Department on June 9, 2003, with the following 8 (eight) findings and subject to the following 1 (one) condition.

FINDINGS:

1. The Rochester College library addition is being developed on a campus in excess of 40 acres in area.
2. Rochester College is accessed via Avon Road, which has a proposed right-of-way width of 120 feet.
3. The proposed addition will not be located within 50 feet of any property line.
4. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-933 in particular. Further, the proposed library addition will improve a valuable higher education facility in the community.
5. The proposed library addition is designed and will be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the use, and the community as a whole.
6. The proposed library addition is served adequately by essential public facilities and services, such as streets, police and fire protection, and refuse disposal.
7. The proposed library addition will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.

8. The proposed library addition will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

CONDITION:

1. That the Revised Conditional Land Use be consistent with the plans dated received by the Planning Department on June 9, 2003.

Mr. Rosen indicated that in the Planning Commission minutes of August 7, 2001, Mr. Kaiser said he would like a condition that no future buildings on the Rochester College site would be greater in height than this proposed library. He asked if that ever made it in a motion to City Council and Ms. Millhouse checked the file.

Mr. Kaiser noted that the discussion was informational, because the proposed addition is no higher than the existing library structure. Mr. Rosen wondered if it was in the recommendation to Council and he said it would have been a good thing to add.

Mr. Anzek said that he did not recall Council changing the Planning Commission motion or striking anything from it. Mr. Kasier asked Mr. Rosen if that issue would be a predicate upon which he would be able to vote on this motion. Mr. Rosen replied that they would be approving this height for this site so it was important. Mr. Anzek said that he did not remember Council discussing the height recommendation and he thought they accepted the motion and voted favorably.

Mr. Carson said that the feeling was that for anything they do, because it was a Conditional Land Use, they would have to go through the process of determining the height. Whether a building were to be three stories or one story, each piece would have to be considered on its own merit and there was never a concern that something could be slipped through.

Ms. Millhouse asked Mr. Rosen if that item were perhaps a condition of Site Plan Approval. Mr. Rosen said he could not find it in the Planning Commission minutes. Ms. Millhouse advised that it did not go to Council and that the Site Plan Approval is done by the Planning Commission. Only the Conditional Land Use and Height Modification recommendations go to Council. She said the issue might have been talked about, but it did not make it to the final motion for approvals.

Mr. Rosen said that the request to City Council was that a condition be provided that no buildings on the site would be taller than the first library. Ms. Millhouse replied that it was not in the approved minutes, even as part of the Planning Commission's recommendation. Mr. Rosen felt it was an important point, but concluded it did not make it into the motion to Council. Mr. Kaiser added that Mr. Boswell's comment in the minutes of August 7, 2001 alluded to the Commission not needing a condition and that each matter could be looked at individually. If there were such a condition made by City Council in 2001 or in Planning Commission's recommendation that no future buildings be higher than the one for the proposed library, he asked Mr. Staran if it were correct that each time the applicant came back for a revised Conditional Land Use modification that City Council would not be bound by a prior condition. Each time it revisits a revised Conditional Land Use it can revisit the issue of height because circumstances could change. Mr. Staran agreed that was correct. Mr. Kaiser said that he agreed with Mr. Boswell's comment that as long as the Commission looks at this issue substantially each time, they could control it.

Voice Vote:

Ayes: Boswell, Brnabic, Holder, Hooper, Kaiser, Kaltsounis, Rosen, Ruggiero
Nays: None
Absent: Myers

MOTION CARRIED

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 94-426.7 (Rochester College Library Addition), the Planning Commission **approves** the **Revised Site Plan**, based on plans dated received by the Planning Department on June 9, 2003, with the following 5 (five) findings and subject to the following 4 (four) conditions.

FINDINGS:

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The proposed library addition will be accessed by using existing ingress to and egress from Avon Road, thereby not increasing the number of driveways.
3. No off-street parking areas are proposed in conjunction with the library addition project.
4. Because of the building design and proposed landscaping, the library addition should have a satisfactory and harmonious relationship with existing and prospective development on campus as well as in the adjacent vicinity.
5. The proposed library addition will not have an unreasonably detrimental nor an injurious effect upon the natural characteristics and features of the College or those of the surrounding area.

CONDITIONS:

1. Revise the note on the Landscape Plan (Sheet No. L1.0) to read that maintenance of plantings shall be done to ensure a healthy and neat appearance, free of disease and insect infestations as well as clear of weeds and debris. Unhealthy or dead plant material is to be replaced within (2) years from completion of inspection of plantings.
2. Provide a landscaping performance guarantee in the amount of \$8,563.00, as adjusted if necessary by the City, to ensure the correct installation and maintenance of the proposed landscaping. Such guarantees to be provided by the applicant prior to issuance of a Land Improvement Permit.
3. Add color codes and a note to Sheet A3.2 stating that the finish materials and colors will be an exact match to the existing library building.
4. City Council approval of the proposed Conditional Land Use and requested height modification.

Voice Vote:

Ayes: Boswell, Brnabic, Holder, Hooper, Kaiser, Kaltsounis, Rosen, Ruggiero
Nays: None
Absent: Myers

MOTION CARRIED

3. **Preliminary Planned Unit Development (PUD) Review - File No. 02-027**
Project: City Place, a residential mixed-use development on approximately 28 acres
Requests: Recommendation to use the PUD process
Major Issue Discussion
Location: East side of Rochester Road, North of Hamlin
Parcels: 15-23-300-035, 15-23-301-002 and 15-23-152-002 zoned R-4, One Family Residential
Applicant: G&V Investments, L.L.C.
2565 S. Rochester Road
Rochester Hills, MI 48307