



Rochester Hills

Minutes

Planning Commission

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

Tuesday, December 16, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Regular Meeting to order at 7:05 p.m. in the Auditorium.

ROLL CALL

Present 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum present.

Also present: Ed Anzek, Director of Planning & Econ. Dev.
Sara Roediger, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2014-0548](#) November 18, 2014 Regular Meeting

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

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

COMMUNICATIONS

- A) *Letter from D. Hartmann, dated 12/4/14 re: Enclaves of Rochester Hills PUD*
- B) *Site Plan for Sanctuary at River's Edge dated received 12/16/14*
- C) *Planning & Zoning News dated October 2014*
- D) *Various emails dated received 12/16/14 re: Walton Shoppes Drive-thru*
- E) *Email from M. Hill, dated 12/16/14 re: Various agenda item comments*

- F) *Proposal re: Walton Shoppes Drive-thru*
G) *Handout from K. Boylan re: Fire Station No. 4*

NEW BUSINESS

2012-0158

Public Hearing and request for Conditional Land Use Recommendation - City File No. 12-006.3 - To construct a drive-through at The Walton Shoppes, a 22,880 square-foot retail center on a 6.33-acre portion of the development at 1200 Walton Blvd., east of Livernois, Parcel No. 15-10-351-081, zoned B-2, General Business, Tower Construction, LLC, Applicant.

(Reference: Staff Report prepared by Sara Roediger, dated December 12, 2014 and site plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Arkan Jonna, A.F. Jonna Development Co., 4036 Telegraph Rd., Suite 201, Bloomfield Hills, MI 48302.

Ms. Roediger advised that the site was 6.33 acres, zoned B-2, General Business with an FB-3 Overlay, located at the northeast corner of Walton and Livernois. She outlined that the proposal was for an accessory drive-through on the west side of the retail building east of Walgreen's. The applicant also wished to add two outdoor seating areas on the south side of the building. The building had been previously approved by the Planning Commission, and the drive-through would be a Conditional Use, which was a Recommendation to City Council. The Site Plan was revised to allow for the change and would need approval by the Planning Commission.

Ms. Roediger noted that Staff had talked with some of the neighbors, and there was some concern about the screening along the northern property line. The zoning was RM-1 to the north, and the residents had indicated a lack of a sufficient buffer. As part of the Conditional Use Recommendation, the Planning Commission could consider conditions, and Staff would recommend adding landscaping especially where traffic might be coming in to the drive-through. Staff visited the site and found that there were some trees that had been diseased or dying, and those should be replaced with evergreen trees to fill in the gaps. She said that she would be happy to answer any questions.

Mr. Yukon had observed the traffic flow in the development. The Walgreen's drive-through had a south to north orientation, and the proposed drive-through would be north to south. He asked Mr. Jonna how he foresaw the cars coming in to that area.

Mr. Jonna responded that in between the two drive-throughs, there would be a curbed and landscaped area to separate both movements. The proposed drive-through movement would not come into the drive until someone came into the southern end of the building. It would already be past the movements of the Walgreen's drive-through.

Mr. Yukon had noticed a north directional arrow between the drive-through for Walgreen's and the proposed drive-through. He asked if it would be eliminated or if it would stay.

Ms. Roediger did not believe that was proposed to change, and she added that the plan had been reviewed by the City's Traffic division. They did not have any problems with the proposed traffic movements. Someone could get into the site from the north side of Walgreen's. Mr. Yukon felt that there would be a lot of traffic going in two directions. He also noted two handicap parking spots next to the proposed outdoor seating area, and he asked if those would be moved. Ms. Roediger advised that they had been shifted accordingly. Mr. Yukon indicated that there would be a proposed seating area at the corner of a drive-through, and he had concerns about that. He felt that it would be congested for vehicle traffic flow as well as pedestrian safety.

Chairperson Boswell opened the Public Hearing at 7:15 p.m. He asked that comments be limited to three to four minutes and that all comments be directed to him. He advised that all responses would occur after the Public Hearing was closed.

Darlene Janulis, 1293 Oakwood Ct., Rochester Hills, MI 48307 *Ms. Janulis passed out some pictures to the Commissioners. She said that the recommendation would do nothing for her building. She moved to the complex two years ago, and she had lived in Rochester Hills for 30 years. She wanted to be close to a mall, to the trails and restaurants and even the hospital. She stated that conditions had changed since they added the retail building. She thought that Great Oaks Country Club was a great neighbor, and she felt that she was a good neighbor. She paid \$386 a month for maintenance, because the condo owners had a high standard. She did not want to see any additional development to the mall. She felt somewhat in a quandary because she liked the amenities of the developments, but the dumpster doors were always open; they had an endless stream of trash; the guys that cut the grass did not pick up the trash; the few trees she had for privacy were now dying; and in most areas, she had no buffer at all. She realized that she was not where the*

drive-through was, but she was by the building. She took a picture at night, and it showed that all of the lights from the building were clearly visible. The people in the condos had front yards which looked at the Walton Shoppes. She had driven around Rochester Hills and noticed where commercial and residential was mixed, and usually, it was peoples' backyards or side yards that faced the commercial. She saw six-foot fences or rock or brick walls and much denser green screening. She did not know how it escaped everyone that all they got was a four-foot fence and little to no screening. She said that the owner wanted to add parking in the future. She asked the Commissioners to imagine what it would be like for them when their bedrooms faced the mall, and there was not proper screening. She claimed that it had become an eyesore. Two summers ago, the mall struck a deal with the Country Club, and they took down the fence and cut the berm to provide a walking path. It was good for the Country Club and great for the mall because they got additional customers, but they never repaired it properly. She commented that regarding the buffer, space alone did nothing to shield them from noise, debris, lights and privacy. She stated that the neighbors had not been responsible in keeping up the development, and it had negatively impacted the condo owners. She thought that additional consideration should not be afforded to the applicants until they could prove otherwise. The residents needed additional screening, and she asked the Commissioners to please consider the neighbors' quality of life in their decision making.

Sharon Whitmire, 1190 Oakwood Ct., Rochester Hills, MI 48307 Ms. Whitmire said that she was opposed to the proposed drive-through for the following reasons: She had visually inspected the property and found that the modification would go against the premise of the departments that were supposed to regulate and protect citizens and property owners as they pertained to current zoning and building codes; the road was clearly designated as a fire lane with signage; the sliver of land along the west end of the building was not designated for proper landscaping and she wondered why the modification would be considered; traffic was already congested in the parking lot; she wondered who would be responsible if there was a backup in one of the drive-throughs; and emergency vehicles experienced difficulty accessing the area. She maintained that the holiday announcement was a tactic used by architects and developers to strike while residents were distracted with work, family, holiday events and travel. It was a difficult time for neighbors to discuss and organize. They believed that the Planning Commission was much smarter than to allow the developer to steamroll the proposal through, rather than allowing proper community review, discussion and consideration. They asked that

the decision be tabled, so that all involved could plan and discuss the issue in order to come to a proper solution. They expected the City of Rochester Hills to do what voters elected them to do in accordance with all local Ordinances. She stated that the purpose of government was to protect the health, safety and welfare of its residents.

Marlena McLaughlin, 1271 Oakwood Ct., Rochester Hills, MI 48307

Ms. McLaughlin noted that she lived directly in view of the proposed drive-through. She had lived in Fairwood Villas for 14 years, and she had witnessed the development of Walton Shoppes. The residents were led to believe that they would have a berm with a sufficient green barrier prior to any stores being built. They received a Type C Buffer, which was no more than a landscape design with deciduous trees and burning bushes that totally lacked any visual buffer. As the plantings died, they had asked the owner to replace them, and it was not done. Last May, they contacted Mr. Brown of A. F. Jonna, and they were told that it would be taken care of. It had now been seven months, and the trees still were the same. She spoke with Ms. Roediger who thought that the tenant seeking the drive-through was planning a smoothie shop, and that the area could hold eight vehicles. Ms. McLaughlin said that she paced the area, which was approximately 40 feet deep, and the measurement could only handle approximately three-and-a-half, mid-sized cars. She had furnished the Commissioners with photos of a popular eatery with a drive-through, and cars did not line up bumper to bumper as illustrated on the site plan. That would incur more vehicle movement for residents of Fairwood Villas. The proposal would also add lights to the west side of the building. She asked if there would be another dumpster. During another discussion, Ms. Roediger informed her that the point of entry would be from the rear of the building going toward Walton, thus eliminating car lights facing the condos. Ms. Roediger failed to anticipate cars lined up around the rear of the building in the summer with windows open and loud boom boxes. Ms. McLaughlin mentioned buffering, and she said that the Meijer site was similar to theirs, other than its buffer disguised activity to the rear of the homes, as did the wall and trees buffering the Village of Rochester Hills. The residents were plagued with their entry being fronted toward the strip mall, giving the 18 condo owners and any arriving guests full view of activities at Walton Shoppes. She rejected the proposed Conditional Use. Her statement was also supported by the proxy letters she had submitted to the Commission. They had not received any accountability for their lack of privacy of domain. As a residential complex bordering a commercial site with increased vehicle delivery traffic, increased lighting from buildings and cars, subjection to disturbances from the heavy duty highway equipment used to construct parking, which caused severe

vibrations during the process, plus noise disturbance from trash collection, which violated code restrictions, she felt that they were more than entitled to an exception to ask for a Type E Buffer. In conclusion, she asked Mr. Jonna and the members of the Commission if they had walked the Oakwood Ct. site. She asked if their primary residence was in Fairwood Villas, which was a very well maintained community for which they were very proud, if they would be in agreement with living with the disturbances she had brought to their attention.

Karen Price, 1201 Oakwood Ct., Rochester Hills, MI 48307 Ms. Price had a couple of concerns about the traffic. She had a special needs young daughter and she also ran through the development quite often, and the cars did go quite fast. She was also concerned with the buffer. If someone walked the site, they would see trees that were dying and the garbage.

Phil Bates, 1267 Oakwood Ct., Rochester Hills, MI 48307 Mr. Bates stated that he lived directly north of the proposed drive-through. At least two to three times a week, he picked up debris. He did not have to receive the Walgreen's circular in the mail; it was in his courtyard. There was a southwest wind, and there were circulars, plastic bags, cups and lids blowing over in his direction. Last May, their homeowner's association had a meeting and the situation, which he remarked was deplorable, came up. Their President, Ann Kucher, said that she had talked with the new owner of Walton Shoppes, who said that the dead trees and bushes would be removed and replaced. Six weeks later, Mr. Bates told her that not only had that not been done, but there were 12-inches of weeds growing there. He stated that it was not maintained. Someone had mentioned traffic. The service road to the north had become an often used thoroughfare for people who wanted to avoid the light at the corner of Livernois and Walton in the morning and the evening. He stated that he was opposed to the proposal at this time.

Paula Law, 1234 Oakwood Ct., Rochester Hills, MI 48307 Ms. Law said that she agreed with many people who spoke. She primarily wanted to bring up the issue about the road Mr. Bates had mentioned being used as a way to get around making a Michigan left at Livernois and Walton. She agreed that it had become a thoroughfare for cars, and she believed that it was a problem. Mr. Yukon mentioned that traffic was an issue, so she was confident that it would be addressed in some manner. The trees were mentioned, and she agreed that there was not enough of a buffer, and the property was not very well taken care of. She stated that there was a lot of trash. She was opposed to the drive-through, but if it did move

forward, she would like them to take a look at the traffic flow and how to monitor the traffic moving around the intersection and to make sure that there was plenty of landscaping buffer and keeping up of the property before it was approved.

Janet Motyka, 1209 Oakwood Ct., Rochester Hills, MI 48307 Ms. Motyka said that she lived across from the center of the development. She walked her dog constantly, and she stated that the east side was disgusting. When they originally started adding stores, they had no buffer at all. There were little scrawny bushes and shrubs, which she felt was a big disgrace. The pine trees they had along the west end of the property were dead. She understood that the property, even though it was on the residents' side of the fence, belonged to the owner of Walton Shoppes. The pine trees had been dead for many years, and the owner had done nothing about it. She was paying very close to \$500 a month in maintenance, and she did not like what was happening on the adjacent property. She had lived there a long time, and she felt that the property owner could have done a much better job with the buffer to give them more privacy. She hoped something would be done about it.

Chairperson Boswell closed the Public Hearing at 7:34 p.m. He said that obviously, the buffer was a huge problem. He did not realize that there was cut-through traffic. He mentioned the trash and debris, and he asked Mr. Jonna if he would like to comment.

Mr. Jonna apologized if someone in his organization was supposed to replant dead trees. He said that it was not how they operated. As far as the debris and trash, they had someone on site three hours daily, except for Sundays, hand sweeping and cleaning the properties. He advised that they did not control the Walgreen's store. They owned property east of Walgreen's. Regarding the buffer, he agreed that he would add to it. He said that the buffer was an issue for them as well as the residents. The landscape island to the north of the rear of the building was done on purpose so they could screen the rear of the property even more than they normally would. They did own the vacant lawn property to the north of the development, and they could possibly develop that property as well. They were thinking about adding condos, and they took extra exception in developing the rear of the building and with the rear landscaping areas, because one day they might do something there. If there were dead trees that needed to be replaced, they would be more than happy to do that. He wanted them to realize that he did not create the buffer; it was already in place when his company acquired a portion of the development two or three years ago. He said that regarding traffic,

they had the same situation at another property they owned, which had been in operation for seven or eight years. The reason they were comfortable with it was because they had never had problems. The traffic for the drive-through that would be servicing the shopping center versus the drug store would be controlled. There would not be a criss-cross in traffic, except at the end of the drive-through where it met the east-west traffic, and he believed that adequate signage would control that.

Mr. Yukon said that he frequented the development quite a bit, and he was concerned about traffic movement. He thought that it was a great idea that Mr. Jonna had found a possible tenant, but to have a drive-through next to another drive-through with the vehicle and pedestrian traffic, outdoor seating and handicap parking was very concerning. When he was at the development, parking a car and getting from the car into the shops could be a challenge. When he tried to leave it was also a challenge. People really needed to know what they were doing, especially at night. In good conscience, he did not feel comfortable with the proposal currently.

Mr. Kaltsounis indicated that he held the same sentiments regarding the development. He did not think they were ready for the proposal yet. The Fire Dept. review talked about a fire connection inside the seating area that would have to be reconfigured. He understood that there was a condition in the Site Plan motion saying that all applicable comments from various reviewers would have to be addressed prior to final approval by staff, but he thought the fire connection was pretty major. He was trying to make sense of the situation. There would be a fire connection screened in by cars going in two directions. He commented that there was a lot of kinetic energy in the area. There would be cars going north and south, and a fire lane in between, and he had never seen a fire lane on one side of a drive-through. If there was one stalled car, there could be a problem. He could not park in a fire lane, but there would be a drive-through next to one. He was trying to see the reality of the situation. The development was tricky with regards to the flow of traffic. There were a lot of concerns about the maintenance of the site, which was also concerning. He suggested that it would be a good idea for the owner to talk with the neighbors about it. When it came to the landscaping on the north property line, he thought that they needed to look at it closely. Since the amount of travel in the back of the property would be increased, there would need to be buffering in front of the drive-through to block red brake lights shining into the condos. They would need more buffering on the west side behind Walgreen's from people sweeping headlamps to turn into the pharmacy drive-through. They would need buffering for Retail

Building A on the east side. He did know of an area in the City where there were two drive-throughs going in two different directions with a fire lane. He felt that a lot more work needed to be done, if it was reasonable at all.

Mr. Hooper asked where the speakers for the drive-through would be located. Mr. Jonna replied that it would be on the northwest corner of the building. Mr. Hooper said that the big elephant in the room was obviously the screening. The site did not meet the opaque screening requirement. It did not matter what happened in the past, Mr. Jonna owned it now, and Mr. Hooper felt that it was Mr. Jonna's job to bring it up to current standards. At a minimum, the entire north property line (800 feet) should have non-deciduous evergreen trees, eight feet tall and staggered 20 feet on center to create a six-foot opaque screen in order for him to support the project. He hoped that Mr. Jonna would agree with that condition should the matter go forward.

Mr. Hetrick wanted to confirm that a required Type E buffer would be the same as what Mr. Hooper had explained, and Ms. Roediger talked about the buffer requirement.

Mr. Roediger noted that there was a B-2 property abutting an RM-1 property. A Type B Buffer was required, which she believed was planted as part of the original development. If they wished to require a more substantial, solid screen, a Type C Buffer would require four evergreens per 100 feet or one for every 25 feet; a Type D required five per hundred; and a Type E required six trees per 100 feet. As part of a Conditional Use, the Planning Commission had the authority to require a higher buffer.

Mr. Hetrick agreed that it should be a condition if the project moved forward. He would suggest that a Type D or E would be appropriate given the commentary about lights shining, and so on. Another comment was made about stacking, and he wanted to be clear how many cars would stack in the proposed design. It seemed like there were several views. Ms. Roediger stated that the Ordinance required ten stacking spaces for a restaurant or food use. They would have to be eight by sixteen feet, and the applicant showed the same.

Mr. Hetrick mentioned cut-through traffic and traffic calming devices to restrict people from turning the parking lot into a thoroughfare. He felt that it would be an appropriate condition for people who wanted to walk their dogs or walk through the area. He asked the possibility of moving the

drive-through to the other side. Mr. Jonna advised that there was a major grade difference on the east side of the property.

Mr. Reece said that he supported the comments made. He did caution about comparing two different types of drive-throughs. He went to the Walgreen's a lot, and it had a pharmacy drive-through. Every time he had been there, there might have been one or two cars in the drive-through at a time. He said that he could not support the project with the landscaping as it was and with some of the traffic flow issues, but he was less concerned about the two drive-throughs next to each other.

Mr. Kaltsounis observed that the Planning Commission was faced with tough choices. The City was starting to get built out, and they were seeing a lot of developments that posed challenges. The Commission had to evaluate many different situations. The Commissioners always recommended that developers talked with their neighbors, and that might have helped get a lot of the neighbors' comments addressed prior to the meeting. If they had two drive-throughs going in two different directions, he would wonder where the next one would go in the City. He felt that it would set a bad precedent going forward, and he moved the following motion:

MOTION *by Kaltsounis, seconded by Yukon, in the matter of City File No. 12-006.3 (Walton Shoppes Drive-Through) the Planning Commission **Recommends** to City Council **Denial** of the **Conditional Use**, based on plans dated received by the Planning and Economic Development Department on November 14, 2014, with the following findings.*

Mr. Schroeder asked Mr. Jonna if he had an occupant for the building. Mr. Jonna agreed. Mr. Schroeder clarified that it would not be a McDonald's type with a tremendous amount of traffic. Mr. Jonna said that it would be a smoothie shop with minimal use of the drive-through. Mr. Schroeder stated that the buffer was not there. He asked if it was the buffer from the previous owner's shopping center, which was confirmed. If it met the Ordinance and there were spaces, there would still be a problem. He felt that there should be bushes and other plantings to fill in the buffer. He indicated that it would be very desirable if a berm could be installed with trees planted on the berm, although he did not know what Mr. Jonna really owned or what the future development plans were. He stated that there would definitely need to be a buffer with any future development, and he suggested that an adequate buffer could be installed now that would take care of it for the future.

Mr. Jonna explained that he did not own the property to the north of the Walgreen's. They owned to the edge of the landscaped island for the current drive-through. Anything west of that was controlled by Walgreen's, and they did not have any say about what happened there. Mr. Schroeder thought that he might want to negotiate with the condo owners about putting a berm on their property and incorporating it between the two properties.

Mr. Jonna felt that the economics of doing a berm might be cost prohibitive. He did not mind keeping and maintaining what they had and even planting more trees. He apologized again if there was someone in his organization that did not do what they were supposed. He did not mind planting evergreens, but a berm would not make sense. Mr. Schroeder said that in his opinion, Mr. Jonna did not have a buffer at all now. He felt that it was Mr. Jonna's responsibility to cooperate with the neighbors. Mr. Jonna said that he would find out what happened, because he did not really know. Mr. Schroeder said that he understood; he used to work for a contractor and he understood how difficult it was to get things done because there was so much else to do. He remarked that it was difficult to take care of a small problem like that. Mr. Jonna responded that it was not, and something got passed them, and he would deal with it in the morning.

Mr. Anzek recalled that when the entire site was approved in 2006, the question of the berm came up. The discussion dealt with the topography change between the northern curb line or northern edge of asphalt and the curb line of the condo complex. He believed that there was about a 10 to 12-foot slope difference. For any type of buffer to effectively screen the second floor of the condos, it would have to be 20 feet high, which was virtually impossible to build. The landscape buffer that was installed was triple over what was required at the time, in the hopes that it would grow in the time that the pines there now would die off, establishing another thick row of green buffering. In the seven years that they had been there, the trees had not grown very well, and some had died. The intent for which they were designed had not been met. If they put in an arbor vitae wall, he felt that the best place would be at the curb line at the end of the asphalt. That would block the second floor from headlights and so on. He also wanted to point out that the task of the Planning Commission was to identify if there were treatments that would remediate problems they saw with the development. If those could not be resolved or the applicant could not agree to them, he felt that they then had a basis for recommending denial. There was a discussion about a perceived conflict

with two-way traffic that the City's Traffic Engineer said was acceptable. If the buffer was a concern, he felt that arbor vitae across the northern edge would go a long way in creating a visual buffer and help with sound. There could be a trash collector at that point. The fence that separated the condo development from the shopping center was a decorative wrought iron, so litter piled against that or went through it. It probably came from all sources, not only from Walgreen's. An arbor vitae row at the curb line might be a good catch for the litter.

Mr. Dettloff said that in hearing the discussion tonight and in the spirit of cooperation and compromise, he asked Mr. Jonna if he would be receptive to the condition about additional buffering. He did not think that Mr. Hetrick's issue about traffic calming was that overbearing, and he asked Mr. Jonna if that would be acceptable. Mr. Jonna said that it would. He asked if they were asking for a continuous row of arbor vitae or for evergreens placed 20 feet on center.

Mr. Anzek said that the Ordinance detailed that if someone wanted to create a green wall as a barrier, arbor vitae could be placed so that in three years' growth time, there would virtually be a solid wall. The arbor vitae would grow to six to eight feet. They would need to replace the dead trees also. Mr. Jonna asked if he meant an 800-foot line of arbor vitae, which Mr. Anzek confirmed. Mr. Jonna said that he would need about 700. Mr. Anzek corrected that they would not be a foot on center - they would be three to four feet on center, so they would need about 200. Mr. Jonna said that he would be willing to add 200. He said that they had done arbor vitae before, and if it was done next to a drive where there was salt, they were not the hardiest plant, and they died off quite a bit. He wondered if there was another species. Mr. Anzek said that could be researched. He knew that the Village of Rochester Hills did not use arbor vitae, and it had been a very effective, solid hedge around the entire development. He added that it could be back five to eight feet from the curb line rather than right at the curb line. Mr. Jonna said that oftentimes instead of doing a straight hedge, it looked more natural to scatter the trees where extra buffer was needed. People did not usually see a straight line of evergreens in a natural setting. Mr. Anzek said it would be fine as long as they did not end up with gaps.

Chairperson Boswell reminded that they would want them at least five feet back from the curb because of snow. Mr. Anzek agreed that would be wise.

Mr. Dettloff agreed with Mr. Reece that the pharmacy drive-through at

Walgreen's was not very busy. He had never seen a major back up and only saw one or two cars at the most. He was not sure about a smoothie shop as much. Mr. Jonna said that the intensity would not be there. He added that it was not anything like a McDonald's by any means.

Mr. Hetrick said that he was a little concerned that they were not quite in sync. It sounded like conditions such as a green wall or something that improved the buffering at the back part of the property was acceptable as were traffic calming devices. He did not know if that would cover the issues with the drive-through. He was in support of Mr. Reece's commentary, and Mr. Hetrick did not personally see where the drive-through was a potential traffic problem. It seemed as if things would flow fairly well. He was not sure if the motion could be adjusted. If not, he suggested that there was an opportunity to revisit the site plan and make the suggested changes and the change with regard to the outdoor seating that was in conflict with the Fire Dept. He was not sure what that would look like, and he acknowledged that it was not part of the Conditional Use, but it appeared that it would have a significant impact on the plan going forward. He would support the project going forward with the additional conditions. Unless they were willing to adjust the motion, he felt that it might make sense to table the matter and try again.

Mr. Jonna stated that the tenant would not be around next month. They would have to revisit something else, because the potential tenant had the opportunity to go somewhere else. Mr. Hetrick asked if there was agreement to adjusting the motion.

Mr. Reece said that for him to approve a new landscape wall, he would have to see it first. He was not prepared to approve something they were designing on the fly. He would like to see the species and the height. He thought that the residents in the condo complex deserved a screen that would work today, not in three or five years. It might be a smoothie shop today, but in five years when the lease expired, he wondered what would prevent a Starbucks from going in. That would make the drive-through significantly worse. He felt that they owed it to the residents to see and review a plan. If the smoothie shop went away, that would be the unfortunate part of it. He considered that it was the middle of winter, and he questioned when the wall would go in. He questioned if the tenant would be operating until April or May until there was a chance to put in the landscape wall.

Mr. Kaltsounis commented that there was a light at the end of the tunnel. He just did not see it where they were at now. There had been a lot of

discussion about how things could get better. He said that he respectfully disagreed with the City Engineer. As a resident, he did not want to see a double drive-through in two different directions. If it was flipped around, it might make it safer. He would be worried that someone could pull into Walgreen's make a left turn and come upon the drive-through, and someone could go over a curb or hit a person pulling out of the drive-through. There would be a lot of energy and people going in different directions. He remarked that it was there but not there, and that was why he made the motion to deny.

Ms. Brnabic said that she agreed with her fellow Commissioners. With all the talk about the buffer, the basic conversation had pertained to the development, but there was also the Walgreen's side of the development. She wondered if the Planning Dept. could approach the Walgreen's people to see if they would be willing to do something about the inadequate lack of screening. The original buffer did not work out, so it might be a good will gesture from them so that something might move forward. Mr. Anzek said that he would be happy to talk with Walgreen's.

Chairperson Boswell summarized that the consensus was that the buffer was not adequate. The Commissioners would like to see arbor vitae or some equivalent that would completely screen the development from the condos to the north. He agreed with Mr. Reece and Mr. Dettloff about the drive-throughs, and he did not see a terrible conflict with two drive-throughs going in opposite directions. He thought that they were far enough apart, and he agreed that a pharmacy drive-through did not get much traffic. He was not sure how bad the cut-through traffic was and whether traffic calming devices were needed. They would have to take that up at the time of the site plan review.

Mr. Yukon wanted to further impart that they knew that it would be a smoothie shop today, but they did not know what it would be tomorrow if the tenant left. As a Commission, they needed to think of today as well as the future.

Mr. Reece asked if it would be an option to table or postpone the matter to give the developer an opportunity to go back and revisit the site plan that showed some longitudinal north/south sections through the property so they could look at traffic impacts to the residents to the north. If they voted no, he believed it would be a done deal. He asked if the developer could come back next month, which was confirmed, and he clarified that it would just be a "no" vote for the subject plan. Chairperson Boswell agreed that it would be a no to the drive-through only - the outdoor seating was not part

of the CLU.

Mr. Anzek added that if the vote was no on the drive-through, it would go to Council as a denial. If the applicant wanted to revise plans and come back, he would have to restart the process.

Mr. Dettloff clarified that if they voted no that the process would have to start over again with revised plans. Mr. Anzek agreed. The Commission would have made its decision based on the plan in front of them and unless the applicant withdrew, it would go to Council. If the applicant came in with another set of plans, the matter would have to be re-advertised and another Public Hearing would be conducted. If the matter was postponed, the applicant would have the opportunity to change the plans without it going to Council. He added that it would delay the matter, and Mr. Jonna might lose his tenant.

Mr. Dettloff asked if the matter could potentially get resolved next month if the matter were tabled and a new buffering, etc., plan was presented. Mr. Anzek said that if the Commissioners identified issues they did not think would work, they would have the opportunity to ask the applicant what it would take to mitigate the problem. They could impose the conditions they discussed, but as Mr. Reece said, he would also like to see what the landscaping would look like. Mr. Anzek would suggest tabling, if the applicant was interested. He stressed that he was not advocating anything; he was just speaking to the process.

Mr. Dettloff said that in his opinion, tabling it would make more sense. Mr. Schroeder said that in his opinion, he would approve the drive-through, but he would definitely not approve the site plan until they saw more definitive plans. He also recommended tabling.

Mr. Anzek asked Ms. Roediger if a motion to table took precedence over the motion to deny. Ms. Roediger said that the motion maker could withdraw the motion or they would have to proceed with the motion placed. It could be followed up with a motion to table or postpone.

Mr. Hetrick suggested that they tabled it and allowed another opportunity given that there was an interest in doing the buffering and traffic calming. He agreed with his colleagues that if they were going to go another route, it would be best to see what it would look like, since those were certainly issues.

Mr. Jonna asked why a property owner would not want to better his

property. He asked why he would want to do something that would negatively impact the customers of the businesses. He said that they would not survive if they did not do things right, and they had to do them long-term to work. They were not going anywhere, and they were going to run the property the way it should be run. If it was turned down and he went away, the residents would not get anything. He had already agreed to work on the buffer. He would replace dead trees, but the residents would not better their position if he went away. Mr. Hetrick agreed, and he said that was why his suggestion was to table rather than deny.

Mr. Yukon asked how serious the tenant was with the drive-through. He assumed that it was very serious because it was in the plans, but he wondered if there was a chance Mr. Jonna could ask the tenant if they could remove it. Mr. Jonna said that the business would not work without it. Mr. Yukon reiterated that he felt it was great that Mr. Jonna had found a tenant for the vacancy, but he emphasized that businesses came and went. Mr. Jonna said that he owned the property at the corner of 14 Mile and Crooks where there was a CVS and Tim Hortons. It had the identical situation with the drive-throughs. He suggested driving by it to see how it worked. It was not as prohibitive as they thought. They had done it several times before, and it worked with proper signage and the island that separated the two drives. Mr. Yukon mentioned a Starbucks in Troy at the corner of Rochester and South Boulevard. It did not have a dual drive-through on the corner and it had outside seating. If someone was not careful, he or she could have an accident, and it only had one drive-through. Mr. Jonna suggested that the seating areas could probably be screened with a wrought iron fence.

Mr. Kaltsounis reiterated that he saw light at the end of the tunnel. He still did not agree with the drive-through as it was. He thought that they needed to see the existing traffic patterns for Walgreens and to see what was originally planned. He stated that it could be a dangerous situation going forward.

Mr. Kaltsounis said that he would be willing to rescind his motion if Mr. Yukon did. He would rather postpone indefinitely until the Chair determined which agenda it should be on in the future. Mr. Yukon did not wish to rescind.

Chairperson Boswell called for a Voice Vote:

Ayes: Brnabic, Hooper, Kaltsounis, Reece, Yukon

Nays: Boswell, Dettloff, Hetrick, Schroeder

MOTION CARRIED

Chairperson Boswell stated that the motion had passed five to four.

2014-0552

Request for Revised Site Plan Approval - City File No. 12-006.3 - To add a drive-through and outdoor seating areas at the Walton Shoppes, a 22,880 square-foot, multi-tenant retail building at on 6.33 acres at 1200 Walton Blvd., east of Livernois, zoned B-2, General Business, Parcel No. 15-10-351-081, Tower Construction, LLC, Applicant

Withdrawn

2014-0497

Public Hearing and request for Rezoning Recommendation - City File No. 14-016 - An amendment to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone one parcel of land totaling 3 acres, located at 6780 Old Orion Ct., north of Tienken, west of Rochester Rd., Parcel No. 15-03-476-013 from R-1, One Family Residential to R-1, One Family Residential with an FB-1, Flexible Business Overlay, Silver Spoon Ristorante Italiano, LLC, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated December 12, 2014 and letter of intent had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Rito Lisi and Joe Nirta, The Silver Spoon Ristorante Italiano, LLC, 6850 Rochester Rd., Rochester Hills, MI 48306.

Ms. Roediger outlined that the request was for a Rezoning for 6780 Old Orion Ct., located on the west side of the road and west of Rochester. She noted that the parcel was about three acres, it was currently zoned residential, and the applicant wished to add the FB-1, Flexible Business Overlay over the underlying zoning. The applicant intended to use the building for a relocated restaurant. She reminded that the Commissioners could not consider a Site Plan as part of a Rezoning, but rather, they had to consider all uses that could be permitted in the district. She showed the zoning for the surrounding parcels, which included R-1, office and FB-1. The site was looked at as part of the most recent update to the Master Land Use Plan in 2013, and the site and the site to the south were changed to add the FB-1 Overlay. The request would implement the recommendations of the Master Plan. She showed a list of all the uses that could be permitted by right or by Conditional Use in the FB-1 district. Under permitted uses, many were residential in character, and it also permitted office and educational uses. Conditional Uses included restaurants, drive-through accessory uses, bars or inns. She said that she would be happy to answer any questions.

Mr. Nirta advised that their restaurant was currently located in the Papa Joe's plaza, and they were looking to move their restaurant, which was modeled after one in a Tuscan village. It would be quiet, treed and authentic. They just wanted to move their location a few hundred yards to the north.

Mr. Hetrick asked if they currently owned the property, which was confirmed.

Mr. Dettloff asked how quickly they wished to relocate. Mr. Nirta said that their lease was up in two years, so it would happen after that. Mr. Dettloff asked if the landlord would not let them out of the current lease, and Mr. Nirta said that he assumed that was the case.

Chairperson Boswell opened the Public Hearing at 8:36 p.m.

Richard Kreuzkamp, 210 Ann Maria Dr., Rochester Hills, MI 48306.

Mr. Kreuzkamp stated that he had lived in his home since 1954. He said that in the 1950s, when it was called Avon Township, they tried to put Ann Maria Dr. through to Tienken, and they had the common sense not to do that or the nice community of Ann Maria Dr. would have been "wrecked." When they moved the Orion Rd. and Rochester Rd. intersection a quarter of a mile north, they originally made Orion Ct. a cul-de-sac. Ann Maria Dr. was great, because they had no traffic. As soon as Papa Joe's went in, the cul-de-sac was gone and traffic, noise and crime had increased tremendously in the area. He noted that they talked about traffic in parking lots in the last agenda item (cut through), and he said that it would be a given. If people went down Orion Rd. into Papa Joe's and onto Tienken, they could skip two lights. He did not know if the City had an Ordinance against that, but if it did, it was not enforced at all. By the traffic circle at Papa Joe's, there used to be a sign that said "stay right." That sign had been lying in a ditch for over a year. When he approached an Oakland County Sheriff about it one day, the Sheriff said it was not his jurisdiction or responsibility. Mr. Kreuzkamp said that he felt sorry for the applicants for where they were at, but he did not see anything happening for his small community that had been there over the years. He had never seen any green space added or anything that would increase his property value. All he saw was the value of the properties going down and taxes going up. He stated that he was against the proposal, and he hoped they took that into consideration.

Lisa Parsons, 291 Maplehill, Rochester Hills, MI 48306 *Ms. Parsons stated that she was concerned about what would happen if Silver Spoon*

went out of business. She thought it was great that they wanted to add on, but she wondered if it could turn into a potential plaza at some point. Her neighborhood was soon to be facing another development at the end of their dead end street, and they would see an increase of traffic with both developments. It was a quiet, residential street. Old Orion Ct. had already turned into a cut-through, and she could not imagine what it would be like if there were several more businesses so close to their street. It did not make sense to her to place the development in between two residential streets, when there was a fully functioning plaza with empty restaurant space right behind them. She was also concerned about the wooded area that connected their street with the subject parcel. She did not see any wetlands on the overhead picture, and she wondered what would prevent a development from going all the way to Maple Hill. She asked if the wooded area would be protected forever. If the restaurant was approved, she would like to see it remain within the same footprint of the existing building and see nothing else built. She did not want it turned into a string of other businesses. She concluded that they did not want more traffic in the area.

Ed Capa, 270 Maplehill, Rochester Hills, MI 48306 Mr. Capa said that since Papa Joe's went in, they have had to deal with a lot of problems. There were AC units screaming all night. On a nice summer night, they could not even open their windows. At 3:00 in the morning, the units were running, and they were obnoxious, and he was not even that close to it. He could not imagine having a business even closer. He had called the City many times about a rodent problem and the garbage. The garbage was thrown in a pile on the dumpsters, and the rats showed up. He had lived in his home 25 years and never saw rats until Papa Joe's came. He saw the rats at 3:30 or 4:00 in the morning because he was woken by someone with a fork lift beeping or by garbage trucks. He asked if there would be another garbage truck at 3:00 in the morning that was even closer. Those were things they had to deal with, and now the City wanted to change things. They moved there because it was a nice, quiet community, and it was changing. He said that he could understand change, but he maintained that it had to change the right way. He wondered what would happen in six months when people did not want to drive to the restaurant. He wondered how long the owners would pour money into it before they did not want it anymore and someone else moved in. They had to look at what might happen in the future. He noted that it could turn into a bar or liquor store or 7-Eleven. He thought they should find people who would fit the existing building, such as another church, or that someone should build homes. He stressed that it was residential, and that it was virtually surrounded by residential homes.

Chairperson Boswell closed the Public Hearing at 8:45 p.m. He asked Ms. Roediger to show again what uses could go in under FB-1 zoning. He pointed out that Ms. Parsons had the answer to her question. He advised that with a Conditional Use Approval, a bar or tavern could go in, but there would not be a strip mall.

Mr. Anzek said that one of Ms. Parsons' other questions had to do with wetlands. He related that there were pretty extensive wetlands identified on the parcel, and building to the west of the existing building would be highly unlikely.

Chairperson Boswell did not think it was the applicant's issue, but there was a concern about cut-through traffic.

Mr. Kaltsounis stated that the request was obviously for a Rezoning, so they could not say what was going to go on the parcel. The Commissioners had to ask whether they wanted to Rezone the property with an FB-1 Overlay. The Master Plan did say that FB-1 was a possibility for the area. He felt that this side of the equation was really a "no-brainer." There was a list of Conditional Uses under FB-1. If the request passed and a restaurant was planned, he highly recommended that the owners should work with the neighbors to try to come to a happy medium. He then moved the following motion, seconded by Mr. Dettloff:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 14-016 (6780 Old Orion Ct. Rezoning) the Planning Commission **recommends approval** to City Council of the proposed rezoning of the eastern portion of Parcel No. 15-03-476-013, per the 2013 Master Land Use Plan amendment to add an FB-1, Flexible Business Overlay in addition to the R-1 One Family Residential underlying zoning, which will remain, with the following three (3) findings.

Findings for Approval:

1. *FB-1 is an appropriate zoning district at this location as it is compatible with the future land use map and the goals and objectives of the Master Land Use Plan.*
2. *Approval of the proposed rezoning will allow for flexibility in uses that are consistent and compatible with the surrounding area.*
3. *The proposed rezoning is consistent with the criteria for approval of an*

amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.

Mr. Hetrick asked the applicants if they were planning to use the building as it was. Mr. Nirta agreed that it would just be renovated. Mr. Hetrick also recommended that it would be a good idea to talk with the residents to let them know that the building would be kept where it was but updated to look better. He advised that the 2013 Master Plan did show the Overlay and if the applicants' opportunity did not go through in the next couple of years, the Planning Commission could initiate a Rezoning. He wanted to make it clear that the woods, the screening, etc., that were already in place would more than likely not go away. Mr. Nirta agreed that they were not modifying the woods.

Mr. Reece referred to the Staff Report, which read that the subject parcel was specifically changed in the 2013 Master Land Use Plan to FB-1. Ms. Roediger explained that zoning districts versus future land use planned designations were different. The Master Plan talked in terms of uses, and the uses the Master Plan called for were more consistent with the FB-1 Overlay. The Master Plan did not talk about underlying versus overlying zoning. A Rezoning would be the implementation tool to enact the recommendation of the Master Plan.

Mr. Yukon asked if the applicants had reached out to the residents at all yet. Mr. Lisi advised that he sent a letter recently to tell them to come to the restaurant so he could introduce himself and to talk with them about any concerns. His message to them was that they were not going to do a shopping center plaza. The restaurant was very quaint and small, and that was what they were going to do again. There would be no Starbucks or Walgreen's or anything else next door. The restaurant would not be bigger than the existing; they just wanted to move to be in a greener area. He did not know what would happen in 20 years. Hopefully, they could stay there, but if they left for some reason, another good restaurant could move in. Mr. Yukon asked if any residents responded to his letter. Mr. Lisi said that a couple of people came into the restaurant, but no one really asked about anything. Regarding noise, he thought that not being a plaza would help. Mr. Yukon said he understood that, but he had concerns about putting a restaurant in a residential area and whether it would be compatible and consistent. He acknowledged that they had a great restaurant. Mr. Lisi said that was why they wanted to move. They felt like they were in between an anvil, but if they moved, they could have a nice garden outside, and he felt that would give value to the people that lived around it.

Mr. Nirta agreed that they would not turn the restaurant into a neon restaurant with a big sign. They had been criticized for not having much of a sign - it was 10" wide. That would be the same sign they would use at the new restaurant. They wanted to be quiet, and people came to their place because it was small, quaint and quiet. He felt that it would fit well in a residential area.

Chairperson Boswell pointed out that if the zoning overlay were added and someone wanted to put something there or if Silver Spoon wanted to enlarge, it would have to come before the Planning Commission.

Mr. Hetrick noted that there was a restaurant in Farmington Hills on a main road in a residential area. He stated that it was beautiful, and the people around it just loved it. It was a setting he found very pleasing. Mr. Nirta knew about that restaurant, and he said that the type of restaurant they wanted to build would not be loud and flashy. Around the hills of Tuscany when people pulled into a little, quiet place with a few cars and white linens, they loved that kind of restaurant in their neighborhood.

Mr. Reece commented that in his opinion, Silver Spoon was the best restaurant in the City. However, the decision the Commissioners had to make was not based on that restaurant, because in two or three years things could change, and that was the unfortunate part of the decision. He was fully supportive of putting the restaurant as it sat today in the subject location, because it would not be obtrusive to the neighborhood because of the type and style of restaurant they owned. However, the Commission's job was to guard against the future and what could potentially happen. He was worried about some of the other things that could happen if the direction changed in the future. He was o.k. with the allowable uses, but he was more concerned about the Conditional Uses. He understood that the applicants would have to come back because it was a Conditional Use, and the City would have a much better opportunity to protect the residents and perhaps not approve something, but he remarked that it could still be a Hooter's.

Mr. Anzek wanted the Commissioners to know that what they were voting on was the identical match to what was in the Master Land Use Plan. It included the eastern half of the parcel, not the entire parcel. Mr. Kaltsounis asked if that was designated in the motion. Mr. Anzek said that there was one parcel number, but it would have split zoning. He explained that the Master Land Use Plan only supported the eastern half of the parcel, from the woodlands east. He felt that the intent was to put

the FB-1 Overlay only over that portion. It would keep the scale down. The motion was amended to add "eastern portion of the parcel, in line with the Master Plan."

A motion was made by Kaltsounis, seconded by Dettloff, 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, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

Nay 1 - Yukon

Chairperson Boswell stated that there was a Recommendation to City Council. He asked if the City owned Orion Ct. or if it was a County Rd. Mr. Anzek said that it was a City road. When Papa Joe's went in, there were several complications, because the old urban rail used to be there, and it still held an easement. The Road Commission had to vacate that, and the City took ownership. Chairperson Boswell noted that when Papa Joe's went in they added the roundabout, and he asked if that was on Papa Joe's property. Mr. Anzek believed that it was half and half, but the City required the roundabout for snow plow turnaround, and the City had to enter their property to do that. Chairperson Boswell mentioned that Mr. Capa had asked about the sign, and Mr. Anzek said he would look into it.

The Commissioners took a recess from 9:00 p.m. to 9:17 p.m.

2014-0083

Request for Recommendation of a Planned Unit Development (PUD) Agreement - City File No. 14-008 - Sanctuary at Rivers Edge PUD, a proposed 20-unit residential development on 6.19 acres, located north of Avon, east of Livernois and south of Harding, zoned RCD, One-Family Cluster, Parcel No. 15-15-403-010, MJ Ridgepoint, LLC, Applicant

(Reference: Staff Report prepared by Ed Anzek, dated December 12, 2014, PUD Agreement and Final Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jim Polyzois, MJ Ridgepoint, LLC, 49587 Compass Pte., Chesterfield Township, MI 48047 and Ralph Nunez, Design Team Plus, 975 E. Maple Rd., Birmingham, MI 48009.

Mr. Anzek stated that the request was the third step in the approval process for a Planned Unit Development (PUD). The first was the Concept Plan review and to determine that a PUD was appropriate for the site, which was approved by City Council. The next step was to complete technical compliance and the last was to submit a PUD Agreement and

Final Site Plans for recommendation and approval. He noted a minor detail about the PUD Agreement in the Staff Report. The City Attorney was concerned with how the units would be sold, and it was a condition that would be resolved before going to Council.

Mr. Nunez stated that a couple of items had been modified since the Concept Plan review. They added a continuous sidewalk along the entire roadway Flora Valley Ct. They removed the gate at the private drive at the north end. He said that the Engineering review did not go as well as they had anticipated. Engineering did not care for the bioswales and water infiltration, and they recommended a solid pipe underneath, which would defeat the functionality of the bioswales. As a result, the ground cover plant material was removed. All vegetated trees would remain, other than some at the southwest corner which were moved for utilities. There would be a Contech Vortechs storm water treatment system used for water quality north of the detention basin. It would gather the storm water from the rear of the homes, filter it before it went into the detention basin and release it to the River. The amount of surface area for the bioswales was twice the amount a normal forebay would have, but it did not meet Engineering's approval. He assured that they would meet all the conditions requested. Regarding the trail being proposed over the utility easement that would connect to the Clinton River Trail, it would meet Parks & Forestry and Engineering's standards to minimize long-term maintenance and match the material of the Trail. They had originally proposed a secondary gate and signage restricting traffic to the private road for Fire access, but Fire did not want that.

Ms. Brnabic referred to page three of the PUD Agreement, last paragraph under Development Sequence, which read, "The parties further agree that the buildings and improvements as shown on the Final PUD Plans may be constructed, if at all, at different dates in the future, and that the Developer may elect to develop such improvements in the order and at such times as it determines necessary and appropriate in its discretion, if at all." She pointed out that as part of the PUD requirements, a timeframe for commencement and completion of improvements associated with the PUD must be stated in the Agreement. There was not an obligation for a start date, but once the development was started, a timeframe had to be stated. If the projection was two to three years for completion, it would have to be stated in the contract. The way it was written, it could be 20 years or never completed at all. She also referred to the last sentence under 2b., which read, "Notwithstanding anything to the contrary herein, the Developer shall have no obligation to further develop all or any portion of the Property." She stated that she would not

want to see a project that only had five units completed - it would not be very appealing. She noted that there were 275 surveyed, regulated trees and all of them were proposed to be removed. In light of the concern that market conditions might change over time, she felt that what was included on page 4 covered the possible need to extend the timeframe, if it was reasonably necessary. It stated, "Provided that the Developer is proceeding in good faith to develop the Project in light of existing economic conditions, and is otherwise in compliance with this Agreement and City Ordinances, the City will not unreasonably refuse to extend any time periods for Project completion for a reasonable time to enable the Developer to complete the Project." She further clarified that a timeframe was required to be included in the PUD Agreement, which was spelled out in the PUD Ordinance under page 111 F.

Mr. Polyzois assured that they would clean that up and speak with Mr. Staran, and modify those provisions to reflect Ms. Brnabic's comments and provide a more definitive timeline for development.

Mr. Hetrick said that the applicants talked about some sort of traffic device on Helmand, and he asked if they were proposing or not proposing something. Mr. Nunez responded that they did propose a gate, but the Fire Dept. did not permit it. They were proposing a break away gate at the end of Castell. Mr. Hetrick mentioned page five of the PUD Agreement, number seven, which talked about Private Roads. The applicants talked about paving two public roads, Peach and Helmand, and page four talked about private roads, but he believed that item seven needed to be separated such that they would be paving public streets. It read that the roads would become private streets once the project was finished. Mr. Nunez agreed they could address that. Mr. Hetrick did not want confusion that the roads were going to switch to private roads. He brought up number 14 on page seven, which talked about lot sizes and density. He felt that the 20% increase in footprint seemed a little excessive. His suggestion would be 10%, unless there was a definite need for 20%. He did not think that the lot sizes could support 20% based on what the Commissioners had discussed previously about lot sizes and density.

Mr. Reece asked what traffic calming was proposed for Helmand and what the logic was for it not getting approved. Mr. Nunez said that they talked with Planning about adding a berm so the three residents had a private drive (Castell), but the Fire Dept. would not support it. They looked at a break away gate so only the Fire trucks could come down Castell. The City Engineer wanted all of Helmand paved, from the residents' homes to

the west to Peach. The residents did not wish for it to be paved, because they did not want traffic. The City Engineer also wanted Helmand to go from an existing 50-foot right-of-way to a 60-foot. They could accomplish that for their frontage on Helmand, but if it extended to the west, it would go through a neighbor's front yard. He noted the easement to the west of the neighbor in the northwest corner, which ran to the applicants' property, and they were going to give it to the homeowner if it could be vacated. He believed that the City could service four residents from a single drive, and the question was whether it would serve the residents or the City better having a nonconforming road versus it being vacated. They were in support of what the neighbors would like to do. Mr. Reece asked if he had gotten any feedback from them. Mr. Nunez believed that they would talk about it during public comments. He believed that if it could be vacated, the neighbors would be thrilled.

Mr. Anzek asked Mr. Nunez to show the Site Plan. In regards to item 14, for which Mr. Hetrick raised a concern about the square footage, there were four different footprints shown, and Mr. Anzek suggested that the applicants find a standard size to work with and allow an adjustment of 10%. If there was a potential buyer who wanted a larger home and a smaller footprint was shown in the Agreement, it would be a binding contract, and it would be incorrect. He thought that it was fine to show it, but for the Agreement, he suggested that they use a solid footprint. If someone wanted a deck or something or a bigger home where the smaller footprint was shown, they would have flexibility if it was consistent.

Mr. Kaltsounis went over some potential conditions in the event of a motion. Mr. Anzek added that in the PUD Agreement, Item 13a. should be changed to 627 feet from 620 for the cul-de-sac, since the applicants were requesting a 27-foot Waiver.

Mr. Schroeder asked if Helmand would remain open where the pavement ended on the west. Mr. Nunez replied that it would be unpaved, but someone could still get through. Mr. Nunez said that he would like to have some type of signage that said it would be a right turn only out of the development.

Chairperson Boswell opened the Public Hearing at 9:41 p.m., combining the Wetland Use Permit and Tree Removal Permit considerations.

George Snow, 505 Harding, Rochester Hills, MI 48307 *Mr. Snow noted that he lived in the house to the west on Harding. He indicated that there had been a lot of talk about developers not talking to neighbors, but*

he stated that the applicants had been great. They had been in contact multiple times and made some adjustments, and the neighbors were very pleased about that. The major issue was the nonconforming road. There were a lot of people present for the first hearing, but only three were interested in this meeting because they were impacted. One had a sick child, so he did not make it, but he was very concerned because he had a six year-old son that played in the driveway. The section they were talking about ran from Harding to Helmand. Since the 1940s, that had serviced three homes, and those homes were still there, although two were new. Before that, it serviced one home. Since Helmand was certified as a gravel road, one home had been added. There would obviously be more traffic with the addition of 20-23 homes. At the first Council meeting, Mr. Breuckman (former Manager of Planning) mentioned that it was a problem, and that something should be done. They had talked about a gate, and the developers had offered to pay for it, so from the neighbors' perspective, it would be a very good situation. Vacating the road would be even better. He had lived there for 10 years, and every car came down that right-of-way because it was easier. He did not think signs would help, because there would not be police monitoring the area. Every car from the new development would come down Castell. It was only a 25-foot right-of-way, and it was used by cars, bicyclists and pedestrians. In coming through that section, someone had to make two severe right turns. The first one was more than a 90 degree turn off of Harding, and the second was also a tight turn. Both corners were starting to impinge on his property and Mr. Lindsey's property. The road was actually on their properties; it was not an easement. There was not enough room for two cars to pass, and people parked there occasionally, too. It would be amplified by the addition of 23 new homes. They would all appreciate it if the gate could be revisited, and if vacating the road was a possibility, it would be very positive. In the end, it was a dangerous intersection. He had seen three people lose control of their cars and come onto his lawn. One came 70 feet across his lawn and completely ran over a three-inch oak tree and took it out. He had seen a bicyclist almost get killed there. Harding was already dangerous by the turn, and people drove like maniacs. He strongly asked if the gate or the vacation could be looked at again to make it a safer situation.

B. T. Irwin, 760 Langley Blvd., Clawson, MI 48017 Mr. Irwin stated that he aspired to live in Rochester Hills someday. He moved away in 2004, and he had been trying to get back ever since. He said that it was a great community, and the Sanctuary at River's Edge would be giving people what they wanted. He shared that they would be great neighbors. He was on contract with Rochester College, managing a project since May to

devote about 30 acres of its campus along the Clinton River Trail for public use. It would create a community education and service learning park. He first came into contact with the developers back in May through Mr. Nunez. Mr. Nunez was the architect working on the design phase of the project. He knew their reputation and how much they cared about nature and land preservation. Ever since they met, the conversations had been about one thing only - how to improve access and enjoyment of the Trail and the River for residents in the community. He felt that it was a great project, because people wanted to live there, and it would give people what they wanted. It was also a great project because the developers were very good neighbors and cared about the community. That was why he felt it was worth considerable merit.

Jeffrey Miller, 501 Castell, Rochester Hills, MI 48307 Mr. Miller said that he lived at the home right north of the northwest corner of the development. He agreed that the developers had been in contact with the neighbors since the project started. They tried to keep the neighbors up to date on what they were planning. His concern was the road Castell. Mr. Lindsey and he showed pictures at the last meeting of one of them going out and one coming in, and Mr. Miller emphasized that it was very tight. If they added 23 homes, and he said that he did not have a problem with the homes, and they used Castell, it would be a dangerous situation. He also would like the gate or vacating the property looked at again.

Greg Kiesgen, 475 Helmand, Rochester Hills, MI 48307 Mr. Kiesgen noted that he lived in the home to the east of the proposed development. He got a notice about the tree removal, and he stated that he would like to see the trees remain. He thought that was the reason why everyone lived on Helmand. He said that Mr. Polyzois had been very nice. If someone come down Peach and made a right turn, they would see a lot of nice trees, and he hoped that they could keep the serenity that existed.

Chairperson Boswell closed the Public Hearing at 9:52 p.m. He stated that the Planning Commission would not normally get involved with a decision about the gate or vacating the road. He suggested that everyone got together with the City Engineer and Fire Department and tried to work something out. Mr. Reece had asked, but Chairperson Boswell did not think there was an answer as to why the Fire Dept. said no to the gate. Mr. Nunez agreed; they only got the report with the denial. He thought it would be a good idea to have a face to face with Engineering and Fire to see if they could come to a mutual agreement that benefited the neighbors and met the standards for safety.

Mr. Reece clarified that the Planning Commission could not add a condition to have the road vacated or the gate installed, but they could add one asking the developer and residents to meet with the Fire and Engineering Departments. Mr. Anzek said that his recommendation would be to not make it a condition of approval because a lot of research had to go into vacating a road. He would like to do the research to find out how it was platted to determine who should get ownership if it were vacated. He also thought they should have a discussion with the Traffic Engineer and Fire Department to see how they could make it work for the neighbors that lived there.

Mr. Nunez stressed that they would do that regardless if it were a condition or not (meet with the parties), because it was the right thing to do.

Chairperson Boswell brought up trees in the wetland and confirmed that every tree would be taken out. He said that he had walked the property, and he felt that a lot of the trees should be taken out. Mr. Nunez agreed that a lot were of low quality. Of the surveyed trees, there were 44 that were o.k., and eight were on Mr. Kiesgen's property. The applicants would plant a lot more diverse, higher quality trees. They were keeping the trees that were in the bioswale areas. Regarding the wetlands, the one to remain was partly on Mr. Kiesgen's property. They were planning proposed enhancements to the natural features setback there.

Mr. Anzek noted that the applicants would clear 275 trees and plant 275. He asked Mr. Nunez if they would all be the same size and diameter or if they could be mixed. He realized that it would be expensive to install 6" diameter trees, but to give them a jump start, he was sure the City would be agreeable that a 6' tree was equal to four or five one-inch whips. Mr. Nunez said that they could certainly look at it. The deciduous trees they were planning were 3-inch calipers. The evergreens would all be ten feet in height. He said that it would be appropriate adjacent to the neighbor to the east. They could look at the grading to see if more existing trees could be preserved. There were some spruces right at the property line that were not in great shape, and they would be replaced with ten-foot arbor vitae to provide that neighbor with some privacy. They could look at the west property line and they could mix up the sizes. It was determined that a condition to that affect could be added to the Tree Removal Permit.

Chairperson Boswell remarked that he found a little bit of irony in the fact that they would be cutting all the trees and naming the road Flora Valley.

Mr. Kaltsounis observed that with all the new developments coming into the City in the tougher spots, it was somewhat challenging. They had seen PUDs before that were “siding monsters,” and they were not of good quality. He really liked the proposed development, though, and the direction it was going. He then moved the first motion:

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 14-008 (Sanctuary at River’s Edge PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received November 26, 2014 with the following five (5) findings and seven (7) conditions.

Findings:

- 1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.*
- 2. The proposed Final PUD is consistent with the approved PUD Concept Plan.*
- 3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.*
- 4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.*
- 5. The proposed plan provides appropriate transition between the existing land uses surrounding the property.*

Conditions:

- 1. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.*
- 2. All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.*
- 3. Under Section 4, Development Sequence, add a timeframe for commencement and completion, prior to City Council review.*
- 4. On the Site Plan, change the footprint of the homes to a common*

footprint and Under Section 14 b., Minor Modifications, change the allowable increase in the footprint to a maximum of 10%, prior to City Council review.

5. *Under Section 7, Private Roads, add a statement regarding public roads for the roads to be improved, prior to City Council review.*
6. *Under Section 5, Inapplicability of Land Division Requirements, add language, approved by the City Attorney, regarding ownership of the individual lots, prior to City Council review.*
7. *Under Section 13 a, Zoning Ordinance Requirements, change the length of the cul-de-sac from 620 feet to 627 feet, prior to City Council review.*

A motion was made by Kaltsounis, seconded by Hetrick, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2014-0499

Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 14-008 - Sanctuary at River's Edge PUD, for impacts to approximately 11,000 square-feet of wetlands associated with construction of several units and the cul-de-sac Flora Valley Ct., MJ Ridgepoint, Applicant

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 14-008 (Sanctuary at River's Edge PUD), the Planning Commission **recommends** City Council **approves a Wetland Use Permit** to impact approximately 8,713 square feet for the construction of several units and a portion of Flora Valley Ct., based on plans dated received by the Planning Department on November 24, 2014, with the following two (2) findings and subject to the following four (4) conditions.

Findings:

1. *Of the approximately .21 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately the same amount of wetlands.*
2. *The wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City.*

Conditions:

1. *City Council approval of the Wetland Use Permit.*
2. *If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.*
3. *That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
4. *That ASTI verifies that condition 3.a from its December 3, 2014 letter is addressed, prior to final approval by city staff.*

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2014-0500

Request for a Tree Removal Permit - City File No. 14-008 - for the removal and replacement of as many as 275 trees for the Sanctuary at River's Edge PUD, MJ Ridgepoint, Applicant

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File No. 14-008 (Sanctuary at River's Edge PUD), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on November 24, 2014, with the following three (3) findings and subject to the following two (2) 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 up to 275 regulated trees from the site.*
3. *The applicant is proposing to provide at least 275 replacement credits.*

Conditions:

1. *All tree protective fencing must be installed, inspected and approved by city staff, prior to issuance of a Land Improvement Permit.*
2. *Staff shall work with applicant to revise tree plan and credits to add larger diameter trees in place of smaller trees, per Final Approval*

by Staff.

A motion was made by Kaltsounis, seconded by Yukon, that this matter be Granted. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2014-0501

Request for Natural Features Setback Modifications - City File No. 14-008 - for impacts to as much as 870 linear feet associated with the constructon of several units and the cul-de-sac Flora Valley Ct. for Sanctuary at River's Edge PUD, MJ Ridgepoint, Applicant

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 14-008 (Sanctuary at River's Edge PUD), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impacts to as much as 870 linear feet of natural features setbacks associated with the construction and grading of units and the cul-de-sac Flora Valley Court, based on plans dated received by the Planning Department on November 24, 2014, with the following two (2) findings and subject to the following one (1) condition.

Findings:

1. *Natural Features Setback Modifications are needed to construct several units and a portion of the cul-de-sac Flora Valley Court.*
2. *The Natural Features Setbacks are of low ecological quality and the City's Wetland Consultant, ASTI, recommends approval.*

Condition:

1. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*

A motion was made by Kaltsounis, seconded by Hetrick, that this matter be Granted. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2014-0583

Request for a Cul-de-Sac Waiver - City File No. 14-008 - for approximatley 27 feet in additional length from the 600-foot minimum for Flora Valley Ct. in the proposed Sanctuary at River's Edge PUD, MJ Ridgepoint, Applicant

MOTION by Kaltsounis, seconded by Brnabic, in the matter of City File

No. 14-008 (Sanctuary at River's Edge PUD), the Planning Commission **approves a Cul-de-Sac Waiver** of 27 feet for Flora Valley Ct., based on plans dated received November 24, 2014 by the Planning and Development Department, with the following three (3) findings.

Findings:

1. A Cul-de-Sac Waiver is requested for the length and layout of the street Flora Valley Ct. to eliminate having extra long driveways on the south side.
2. The proposed cul-de-sac length and lot layout have been reviewed and recommended for approval by both the City's Public Services and Fire Departments.
3. The proposed street design incorporates a cul-de-sac bulb that meets City's Standards allowing for easier movement of fire vehicles.

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

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2014-0498

Request for Recommendation of the Final Site Plans - City File No. 14-008 - Sanctuary at River's Edge PUD, a proposed 20-unit residential development on 6.19 acres, located south of Harding, east of Livernois, zoned RCD, One Family Cluster, Parcel No. 15-15-403-010, MJ Ridgepoint, Applicant

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 14-008 (Sanctuary at River's Edge PUD), the Planning Commission **recommends** that City Council **approves the Site Plan**, dated received November 24, 2014 by the Planning and Development Department, with the following five (5) findings and subject to the following four (4) 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 location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of

both vehicular and pedestrian traffic both within the site and on adjoining streets.

3. *There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.*
4. *The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.*
5. *The proposed Final Plan promotes the goals and objectives of the Master Plan.*

Conditions:

1. *Work with the Engineering Department to design and locate the sidewalk within the right-of-way along the south side of Helmand to connect to the proposed off-site trail connection east of the site.*
2. *Provision of a performance guarantee based on the landscaping cost estimate, as adjusted if necessary by the City, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.*
3. *Payment of \$200 per lot into the City's Tree Fund (\$4,000.00).*
4. *Addressing all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*

A motion was made by Kaltsounis, seconded by Hetrick, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

After each motion, Chairperson Boswell stated for the record that the motion had passed.

[2014-0557](#)

Request for Site Plan Approval - City File No. 14-017 - Fire Station No. 2, for a 2,321 square-foot addition and exterior modifications to the existing 4,711 square-foot fire station on .72 acres at 1251 E. Auburn, east of John R, zoned

R-4, One Family Residential, Parcel No. 15-25-380-013, City of Rochester Hills, Applicant. The project also includes extensive interior renovations.

(Reference: Staff Report prepared by Sara Roediger, dated December 12, 2014 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Kevin Cook and Greg Mason, CHMP, Inc., 5198 Territorial Rd., Grand Blanc, MI 48439 and Sean Canto, Fire Chief for Rochester Hills.

Ms. Roediger explained that City Council approved the projects to update the fire stations. She added that there would be improvements to all five stations, but number one would just be for interior renovations, so there was not a site plan included. Staff would normally handle fire stations three and five administratively, because the small, enclosed patio additions were very minor in nature, and there would primarily be interior renovations with new overhead doors. The larger changes would be to fire stations two and four. She noted that fire station two was in the eastern portion of the City on Auburn Rd. There would be interior renovations and overhead doors, but also a 2,300 square-foot addition, resulting in a 7,000 square foot building. Fire station four on Walton Blvd. would require complete demolition and construction of a new 8,300 square-foot building moved closer to the eastern edge of the property. Staff, including the Fire Dept., reviewed the projects, and all were recommended for approval. For convenience, one motion was proposed, if the Planning Commission was comfortable with the findings and conditions. She turned it over to the consultants.

Mr. Cook advised that he was the Director of Engineering at CHMP, Inc. and that Mr. Mason was the architect for the projects. He began with fire station number two, noting that it was a $\frac{3}{4}$ of an acre parcel. The existing building would be expanded from 4,700 to 7,000 square feet. There would be site lighting added around the perimeter, which was lacking. The paving surface at the front apron would be repaired, and the entire parking lot would be milled, resurfaced and restriped. There would be temporary living quarters at the rear of the site utilized during the renovation.

Mr. Mason explained that all of the buildings would have a similar program requirement. They would be building dormitory sleep areas, fitness rooms, kitchens, day rooms, offices, men and women's showers/locker rooms, a workshop and laundries. They would make the third bay a drive-thru bay. They would remove the brick and EFIS from the exterior of the building and reface it with brick with a cultured stone

band at the base. There would be a seam metal roof, and they were trying to maintain uniformity with all of the stations.

Mr. Cook referred to station three at 2137 W. Auburn, which was on 2/3 acre. The existing building was 4,400 square feet; with the addition of a mezzanine and vestibule, the total would be 5,450. They would add site lighting around the perimeter at four pole locations. There would be temporary quarters. The pavement had two areas of correction for drainage - it was in better shape than some of the other sites. It would be seal coated and restriped.

Mr. Mason clarified that during construction, they would maintain operation of the stations by utilizing the bays, but the living and office areas would be completely gutted, so Staff would have a place to reside in the temporary quarters during construction activities.

Mr. Kaltsounis asked if there were plans to repair the roof on that station. Mr. Mason said that the roofs would be refinished. The existing metal roofs were stained. Mr. Kaltsounis agreed that it needed it.

Mr. Mason said that they were taking one of the bays to make more living space to meet the program requirements with a day room, kitchen, dormitory, sleeping, men and women's bathrooms, office area and a mezzanine constructed above for an exercise storage area. Their intent was to stain the existing brick, and the buildings would have the same color scheme, and they would refinish and paint the existing metal roof. They would add a small vestibule.

Chief Canto advised that the City was part of the Safe Kids Haven. If someone wanted to drop off an infant anonymously, he or she would ring the bell and leave. That was why they were adding the vestibules. Mr. Mason added that the only exterior improvements, besides staining and painting, were the vestibule and the patio.

Mr. Cook commented that the challenging site was station four at 2723 Walton Blvd. There would be a complete demolition and removal of the existing building, and a new, 8,345 square-foot building would be constructed. There would be a concrete apron for the apparatus bay in the center of the site. The access road to the west of the building would provide access to the cell tower on the site. The public entrance would be on the east side of the property. It would allow the fire trucks to drive in and circle around the building, rather than having to back into the building. They showed an extensive landscape plan. They were

proposing a segmented, two-tiered block wall with arbor vitae at the top and base of the wall and a juniper planting in the middle section of the wall.

Mr. Mason said that there had been a lot of questions about why the station had to be replaced completely. He advised that they did extensive reviews of the existing station. It was a little different than the other stations. It had very narrow bays, and it was somewhat landlocked between the cell tower and the existing building. After a lengthy analysis, they concluded that the only way to meet the program was to build a new facility on the other side of the site. He noted that there would be a little more equipment in this building, and there would be four bays as opposed to three. Three would be drive-thrus. This station would have a conference room and an extra office. The exterior would be a brick finish with a cultured stone base with an accent band at wainscot height and a standing seam metal roof which would be pitched to try to fit in with the residential neighborhood. They had meetings with the neighbors and have been working hard to get a predominant screen wall. The base level would be four feet high with arbor vitae. The second tier would be low planting junipers and evergreen-type plantings, and the top level would have eight-foot arbor vitae. They would cut into the site on the cell tower side and raise the other side, because there was a drastic fall in grade from one end of the site to the other. The tiered planting was purposely done to try to soften the transition of the six-foot, highest grade drop from the parking to the neighbors on the east and south. Mr. Cook added that Walton Blvd. sloped approximately 3% from west to east, so they had to find a way to place the apparatus bay at grade and make a transition back around.

Mr. Cook said that fire station five was similar to three and generally had interior renovations. It was on 1.65 acres, and the building was currently 4,630 square feet. With the additions, it would be 5,759 square feet. There would be some pavement repair, and the entire parking area would be seal coated and restriped as well. There were a couple of areas where drainage was being addressed. Mr. Mason said that the only exterior improvements to the footprint would be the vestibule and a small patio area off the day room. The footprint of the building would pretty much remain. They were taking one of the bays away. Under the mezzanine, there would be locker rooms for men and women, an office, kitchen, day room, patio and the dormitories. The exterior brick would be stained and the metal roof would be painted.

Mr. Yukon asked the proposed sequencing for construction. Mr. Mason

advised that bids would be awarded in the first week of March. Stations two and four would not be completed until the spring of 2016. The other stations' schedules were still being analyzed, but they would be sooner. Mr. Yukon asked, with the exception of station four, if all of the other stations would be operational, which Mr. Mason confirmed. Mr. Mason said that they would all have temporary housing with a trailer onsite. They would use the apparatus bay continually. Station four would be maintained in station four until the new building was done, and then it would be taken down. Mr. Yukon clarified that station four was the largest of all the stations, and he asked why that was. He wondered if it was because of the area of coverage.

Chief Canto responded that they had some items that sat outside at fire station four. For example, there was a child fire safety trailer outside, and there was a maintenance issue. They were trying to get some of the things that currently sat outside in the parking lots into the stations to prolong their lives. In the future, to make sure they were prepared, station four would have a conference room. If there was another event similar to the tornado, they would be able to set up a small incident command system area.

Mr. Yukon asked what the total dollar amount for the projects would be. Mr. Mason said that the current estimate for all the stations was \$5.5 million. Mr. Yukon asked if they used a standard when using the station upgrades, that is, by using a comparable sized community and what it had. He asked if that was what the upgrades were based on.

Mr. Mason agreed, and said that they did a lot of fire stations - it was a main expertise of theirs. They did a program about four years ago for Sterling Heights, which was in the same level of service Rochester Hills did. He said that it was very comparable.

Mr. Hetrick noticed that a lot of time was taken with the landscaping for station number four and landscaping was added to station two to provide buffering for residents. However, he wondered why it was not done for station three. There were residents behind, and he felt that buffering would be helpful for them.

Mr. Mason said that they could consider it. The reason they had not was because they were not doing any building improvements. All the improvements were staining and painting and interior. They were not expanding the parking areas or redoing the drives. It was also a budget consideration. Chief Canto added that there was a six-foot wall that ran

down the back of station three. Mr. Hetrick felt that since the residents had not complained that it would be fine.

Mr. Schroeder asked if he could assume that all City standards, including detention, setbacks, etc., were met. Mr. Cook advised that they were still working with the City on station four to accommodate all of the detention and some green initiatives, but they recognized the standards, and they were working through things. Mr. Mason noted that they would be improving the drainage for station four. They would capture more of the water and reroute it to Walton Blvd. The net result for station four would be improved drainage. Mr. Schroeder recalled when he was with the City that station four was difficult. He asked if there would be one contract or if it would be broken into several contracts. Mr. Mason said that it would be bid both ways. Firms could bid per station, or the City would take combined bids. The award would be made in the City's best interest. Mr. Schroeder asked if they would consider a package, that is, bids for the ones to be built first and then for those in the future. Mr. Mason said that all of the drawings would be completed at the same time.

Ms. Brnabic referred to a question in the Engineering report about the traffic signal at station four, and she asked if the signal would remain. Chief Canto advised that the traffic signal would be moved to coincide with the new building, so it would remain. Mr. Mason added that they would eliminate the light currently at the apron and put in a new light at the new apron. There were hills and elevations, and OHM (an engineering firm) was involved with the engineering.

Ms. Brnabic asked if each station would have control of its own thermostats for heating and cooling. Currently, it was controlled by City Hall. She pointed out that Staff left City Hall at 5:00 p.m., and it was closed on Saturdays and Sundays, and oftentimes, there was a problem with uncomfortable climates in the stations. Chief Canto said that was being addressed. The reason it was put in prior was because some stations were not staffed 24 hours a day. He believed that stations two to five would have independent systems. Mr. Mason said that they would be installing a high energy, efficient heat pump system with lots of individual controls. He felt that Staff at the stations would really like the system. Ms. Brnabic clarified that all of the Engineering and Fire concerns were being addressed for station four, including fire hydrants and FDC.

Ms. Brnabic asked if stations one, three and five would be completed in 2015 and if the process would be started in March. Mr. Mason replied that they had not finished the schedules for one, three and five. Two and

four would not be completed until the spring of 2016, but the goal was to have the other stations done in 2015.

Mr. Hooper noted that a major purpose of the fire station upgrades was to have a uniform look, which he felt had been completed. He observed that the front roof lines for each station were different, and he wondered if anything could be done about that. Mr. Mason said that they were kind of locked in to the existing roofs on two, three and five. For two, they would only be putting on a small addition, so the roof line was what it was. They knew they could not achieve uniformity with the roof lines without completely tearing off the roofs, so the goal was to do it via color and material. Mr. Hooper clarified that all of the EFIS would be removed, and that they would all have stained block and brick with metal roofing. Mr. Mason advised that they had done a deficiency report, and a lot of the EFIS was in very bad shape. The brick on station two was also in bad shape. Mr. Hooper asked if there was any way to make the same pitch openings with gable ends over the bay doors and make that the uniform look on all four stations. Mr. Mason said it came down to the budget. They were really there without having to dip into the contingency. Station two had dormers that were not being changed, and they would maintain the same direction of the ridge lines. They just did not feel it was appropriate to add the dormers to the cost, because they were only unique to station two. He indicated that there was a certain amount of uniformity between the stations in terms of the roof pitches. There was a standing seam metal roof system, and the roof was how it was designed and built today. They would clean it up and repaint it with the same color. In terms of gables, only stations two and three had them. Mr. Hooper asked which one had the flat roof, and Mr. Mason advised that station two had a flat roof on part of the existing building, and it would be removed. They would remove the roof top material and install a roof heat system. He acknowledged that there would be some slight variations for the roofs.

Mr. Schroeder asked if the signs would all be uniform, which Chief Canto confirmed.

Hearing no further discussion from the Commissioners, Chairperson Boswell opened the public comments

Kathy Lutey, 55 Randolph, Rochester Hills, MI 48309 *Ms. Lutey stated that she lived directly behind the proposed fire station four. She said that she appreciated hearing that the drainage issue would be improved, because in the past, there had been a lot of water that drained through a culvert pipe into an adjoining ditch. They were concerned with*

the scope of the project, with driveways coming right up against either side on the east and south of the property. They were also concerned with the proposed plantings. She asked if deer resistant plants were considered. She felt that arbor vitae tended to be eaten by the deer, and they had a decent population that went through their yard. She asked the plans for upkeep and replacement of the arbor vitae when they died. They were also concerned about noise and light issues. In the past, there were problems with people being out in the parking areas in the late evenings and making noise, and their bedrooms faced the property. They would also like to know the height of the retaining wall and if there would be a curb so if there was snow, it would not dump onto the bushes. She expressed concern about a decrease in her property value. They had lived in their home for over 35 years, and the subject property was residential property. Their subdivision fought a lawsuit to keep it residential. They also fought the cell tower. They felt a little anxious about things that were going on with the property. She asked if the City would be pursuing any type of LEED certification for the new building.

Karie Boylan, 2647 Walton, Rochester Hills, MI 48309 Ms. Boylan thanked Mr. Mason, Mr. Cope and especially Ms. Roediger. They had really worked with them, even to the extent that the Chief, Scott and Sara met with her at 8:00 a.m. that morning to answer more of her questions. She said that her house was east of the proposal. She addressed the design, construction, materials and continuity of the project. There were other issues with her property. She handed out copies for her "presentation." She stated that she had lived in Rochester Hills most of her life. She went to Meadowbrook Elementary School in her subdivision; she went to West Middle School in her subdivision; and to Adams High School in her subdivision. She loved the community and did not want to live anywhere else. She supported the Fire Chief and the Fire Department, and she wanted them to have the equipment and the building and everything they needed to do the job. She said that the problem with fire station four was that it was a square peg being hammered into a round hole. She looked at the Code of Ordinances, and she wondered what the City had to look at to approve something or not. In the criteria (138-2.203, sections B., C., G., H., and I) there was no mention of any continuity. That was a mandatory statute and something that had to be considered when reviewing a site plan. She read a portion of B., C., G. and H and paraphrased: "is harmoniously organized in relation to the topography;" "is harmonious with the surrounding neighborhood;" "is aesthetically pleasing and harmonious with the adjacent properties;" and "minimizes the conflicts with adjacent uses and enhances the neighborhood character." In One-Family residential districts, the intent

was to keep the neighbors relatively quiet and free from unrelated traffic noises. She realized the consultants had worked hard to get uniformity of the buildings, but she claimed that it was inconsistent with the Code of Ordinances. She did not feel that the proposal was consistent with the neighborhood. She referred to an exhibit in her handout, which was a fire station in Sterling Heights. It used a tan color in all the fire stations. She would want to see something like an elementary school in a residential neighborhood, with neutral colors, a lower sloped roof and something that fit in the neighborhood. She stated that even a massive structure like St. Irenaeus Church fit in with the slope, the terrain, the color and the topography of the residential area it was in. Ms. Boylan said that proposed fire station four fit a 24/7 fire operation with four bays, in house men's and women's locker rooms, etc., but it had a lot of open space around it and it was built next to a house. She showed pictures of fire stations in other communities which she said had lots of free space around them. She maintained that there could be a structure that looked nice in a community that had lots of free space - not in her neighborhood where it did not fit. Everyone in her subdivision had an issue with having to have all fire stations be uniform. Ms. Boylan referred to section 2.200 and said that the purpose was to prevent adverse impact on adjoining or nearby properties. Section 2.204 said that if the natural features and characteristics were preserved and protected as nearly as possible in an undisturbed and natural condition, it would be in the best interest of the health, safety and welfare of the existing and future residents. She said that was an environmental requirement. 138-2.205 listed engineering requirements, which she claimed were mandatory, not permissive, and that a proposed site plan should be denied if they were not met. She read, "Proposed site plan grades shall meet the elevations of adjacent properties." She said it was hard to see how the proposal would impact her property. She pointed out the tree line on the west side of her property, and she showed a photograph taken on the north side of Walton facing the lot where the proposed fire station would be built. It showed the slope of the property. The plan was to take the height of the fire station property and extend it all the way across the property line, so that at the edge of her property line, 15 feet away from her tree, there would be a six-foot, two-tiered retaining wall of brick and bushes. Her tree branches would extend over the wall. On top of the wall would be the arbor vitae. Within 15 feet of her property line, there would be a 14-16 foot wall straight up from the sidewalk to the corner of the property line, which would completely shade 40% of her property. She had tried to depict the height of the wall looking from her driveway. She had asked Mr. Mason if anyone had done a study to see where the sun would be on the horizon and how much her lot would be shaded. From 4-5:00 p.m. in the

summertime, her deck would be completely in the shade, whereas they now would be in the sun until the sun set. She maintained that it would encroach on their use and enjoyment of the property, and that it was a taking if her sunset was taken away. She believed that the plantings and the wall would probably kill everything that was in her hedge row and tree row because they would not get any sun. She referred to a green wall barrier along the fire station property. She anticipated that the arbor vitae would be like that, but planted on top of a six-foot wall. She claimed that the proposed grade would not meet the grade of her property by six feet. The property, which could not accommodate a large structure, would be changed. They would be putting up a structure that belonged in a commercial district not a residential district. Ms. Boylen noted a printout of the property value of a house immediately adjacent to a fire station. It was \$20-25k less than the home next to it and considerably less than the houses on the next block. When she and her husband bought their home, it was on the cover of Oakland Homes. She stated that it was a gorgeous house in a nice neighborhood. They took a hit when the economy tanked, and her report showed that her property value dropped from \$299k when they bought it to \$267k. She talked with a realtor, and she was comfortable in saying that she had been told that if the project went up, it would take her a year or more to sell her home, and her property value would drop \$50k. That was not something she wanted. She maintained that the fire station did not belong in a residential neighborhood. It belonged someplace where there was a lot of green, open space for the Fire Department's benefit and the residents. She stated that fire station four was not harmonious with the residential neighborhood, it was not aesthetically pleasing, and it looked more like Al's Car Wash. The fire station did not have sufficient green space surrounding it, like similar structures in their neighborhood - schools, churches and otherwise. The proposed station did not meet the elevation of the grade of their property by six feet. The plan did not protect the natural features and characteristics of the existing land. The proposed materials in the buffer would probably not grow and probably not be maintained. If the barrier was not there, they would be subjected to noise and pollution and fire trucks driving within 15 feet of their property line. They used every inch they could because of a problem with the cell tower. The proposed station would cost her family money - as much as \$50k.

Chairperson Boswell closed the public comments at 11:05 p.m. He asked if the east side of the property would be built up at all.

Mr. Mason responded that on the grade, they exhausted efforts to remodel and expand station four because of the positioning of the cell

tower. It physically was not possible. The bays in the station were deficient in widths. There were several inherent problems with the design of the station, which concluded that in order to meet the program requirements, something else had to be done. The property available was fire station property. They designed a building to meet all the Ordinance requirements. The building was purposely positioned closest to the cell tower to provide a space of about 70 feet between the face of the building and the east part of the property. The elevation of the building was dictated by the apron location. There was a minimum slope required to appropriately function the apparatus equipment onto Walton Blvd. The worst case scenario was that 15 feet off of the southwest corner, the elevation of the finished grade was six feet, and they tried to soften the transition between the adjacent property owners with a tiered retaining wall system. The finished grade would match with the adjacent property in all areas. He disagreed that they did not make an effort to make the building harmonious with the residential area. They felt that the pitched roofs and the brick material and specifically locating the office section closest to the neighbor so the scale would be more residential in height was important. The bottom of the eave would be eight feet, which was a residential-type scale. The materials were picked because they were durable. They were given direction by the City as to the color. They consciously tried to make them have more of a residential appeal. They purposely picked a lot of big plants, which cost more, to provide a visual buffer. That was in response to an initial meeting they had with the neighbors. There was not so much of a concern about shadows at that time as it was about screening. He said that they could reduce the size of the plantings and change the type. He did not believe the plantings would die, because there would be an irrigation system. They would actually cut into the hill along the cell tower about two to three feet because of the existing grade. The site had a ten-foot drop from the cell tower to the Boylan's house. He said that he would look into the deer issue. Regarding the light and noise, the site already had a fire station; they would just be repositioning it to the other side of the site. He did not think that the noise would be much different than it currently was. They did a photometric, and they would keep all the lights on site. It would be shielded, LED lighting. They were not securing LEED, but they would be implementing LEED components. The building would be highly energy efficient, and he was convinced that the City could get rebates from Detroit Edison. He said he would look into the snow plowing onto the retaining wall issue.

Chief Canto did not think they were still having a problem with people out late on the site. When the station was predominately paid on call, there might have been individuals hanging out, but there would be Staff at all

times there in the future.

Mr. Mason said that they would be using a segmental retaining wall system, which he felt was fairly attractive. He believed that tiered stepping was the right approach. He thought that shadowing would be minimal to none at all. The sun would be on the southern exposure. He thought that adding arbor vitae would increase the shadow line, so there would be a trade off between screening and shadows, but they could look at it. He thought that they had done a pretty admirable job of working with the site and meeting the needs and doing the right kinds of things to soften the transition between the neighbors and how they positioned the building further away from the property lines.

Mr. Kaltsounis congratulated Ms. Boylan and said it was the best packet he had ever seen presented to the Planning Commission. He thought it had come from the applicant, so he was quite impressed. He mentioned her comment about a project being harmonious with the environment, and he said that he was one of the most prevalent users of the words harmonious with the environment. He disagreed about the colors and not blending into the environment. He personally felt that a new fire station would do a better job in regards to that, and he had no issues with the color scheme. He understood somewhat where Ms. Boylan was coming from. There was an open piece of property next to her, and now there would be a fire station. He saw Ms. Boylan's passion and concerns regarding that. He expressed concern about the retaining wall. He noted that he had owned a property in Rochester Hills which had a retaining wall on the property line (Auburn and Crooks, which was now a window facility). All his neighbors were upset with him because of the way the water went across the wall. He used to look over the wall and see six feet of water. He said that he would like to see a cross section of the wall, and he would like to know how the water would be controlled on both properties.

Mr. Mason advised that there would be a drainage system built into the retaining wall system. The tiers would be about four feet in width, with a foot of retaining wall. The water would be maintained in the planting bed and seep through the sand back down to the drain tiles, which were connected to the underground storm sewer. They would be improving the drainage. They would also add a drain to the base corner to pick up any surface water on the five feet at grade adjacent to the neighbor's property. In terms of capturing the water, he said that all of the water in the retaining wall system would be captured by the system built with the wall, and there would be a drain structure at the lowest point in the corner of the property to pick up the bottom tier that would be flush with the neighbor's property.

Everything on top of the wall would be picked up via the paving in the storm drain system. The site currently drained naturally from west to east to the corner, and that would be picked up in the new system. The pond discharged back to the sub to the south and the neighbors had problems with it. The water would be rerouted and be taken around the building and connect to Walton Blvd.

Mr. Kaltsounis asked what was typically done with the trees with a new development. Mr. Mason said that they would be protected. There would be soil erosion measures in place, and all the trees along the east side would be protected. They were not on the fire station property. Mr. Kaltsounis stated that the drip line of those trees would be impacted, and he did not think the City had ever allowed that.

Mr. Mason said that retaining walls did not have deep footings. There would be a drainable stone bed. The walls were not designed like concrete footings. If the root system came back well beyond five feet into the property line, they would impact it by the additional fill material in the planting areas, depending on the grade. The worst case scenario would be three feet. Anything beyond the five-foot mark might have an impact, and he was not sure if beyond the five-foot mark if the tree line would be impacted or not. Mr. Kaltsounis considered that the work could potentially kill the trees. Mr. Mason stated that they would not want to do that. Mr. Kaltsounis said that it would not be done in many other places. He agreed that it was a challenge with the cell tower.

Mr. Mason said that the only other option would be to pull the six-foot retaining wall all the way back to the road and eliminate the segmented steps. There would be a full 15 feet of grade. They could then plant pine trees instead of arbor vitae. He thought the segmented wall would be softer as a transition than to have a six-foot wall. The downside to that was if the retaining wall was moved next to the driveway, a guard rail would have to be added on top of it by Code because it would be bigger than a 30-inch drop. Mr. Kaltsounis thought that they might be allowing something they would not allow other applicants.

Mr. Anzek cited several examples around the City where there had been step walls. There had been some significantly higher straight walls, even up to peoples' backyards. He recalled a seven-lot subdivision off of Dutton Rd. that had a 30 to 40-foot high retaining wall along the sidewalk. Also, behind Rochester Hills Plaza by the GFS, there were gabion baskets building a 24-foot high wall. He agreed that it was not desirable, but he indicated that it had been done. As far as the tree root system,

Staff recommended that tree protective fencing be installed to protect neighbors' trees, acknowledging that a neighbor could construct on his own property - in this case City property. He had worked with the developing team on this, and they felt that it was the best solution. They looked at trying to route the trucks in the other direction, coming over the existing fire house site, but there was so much bad topography with the existing detention basin, that it was not viable.

Mr. Mason said that they looked at every option, and to meet the program needs, they felt that the wall was the best solution. Mr. Kaltsounis said that he understood that there were program needs, but there were needs of the residents and the environment. Mr. Mason stressed that it was a conscious effort to push the taller part of the building up to the cell tower and put the lower portion closer to the neighbors and keep a 70-foot gap between the building and the property line.

Ms. Lutey asked if there was another City site available that was large enough for the fire station.

Mr. Anzek responded that in Chief Canto's initial analysis, all five stations were very well located for disbursal throughout the City. To make the station continue to work, they would have to find a piece of land very close to the site, and he could not think of a vacancy other than Oakland University, which was not really vacant.

Mr. Kaltsounis asked if they could move the cell tower, and Mr. Anzek advised that it could not be moved without a great expense to the City.

Mr. Hetrick asked if it would be possible to make the tier smaller. He realized that there was a potential drawback, because if the idea was to screen the fire trucks coming in, they might lose that screening. In reference to the need of the neighbors for sunshine, etc., he wondered if it would be possible to reduce the tiering and still keep things consistent with what they were trying to accomplish in terms of screening and the grade.

Mr. Mason pointed out a drawing which showed the tiers to scale. He showed a portion of the top of the wall at grade, which he said was tier one. The second tier with the lower plantings was about three feet down, and the last tier was the other three feet, and there would be five feet of plantings at grade in front of the wall. That would provide ample space for the arbor vitae at the top and bottom. They narrowed the center tiers to give a little more room for the plantings at the top. If they reduced the

tiers, they could go to one wall. The downside would be that it would be a six-foot wall as opposed to a three-foot wall, but it would be further away from the property line. He said that would be a viable option. Mr. Hetrick clarified that they could put evergreens on the grade nearest the neighbors. If they could not reduce the size of the tiers, he suggested that the neighbors might appreciate that option as opposed to the tiers. He was not sure if that would change the situation with the shade or not. Mr. Mason said that the shade would be a factor of the trees more than the wall. If they planted evergreen trees that grew to 25 feet, there would be a longer shade. He saw a tradeoff between shading and screening, and it would be a matter of what was more important. Mr. Hetrick thought that might be a conversation to have with the Boylan family. They clearly would like a level of screening to enhance the property, but a six-foot wall without trees on top and pines at grade level might be better. Mr. Mason agreed that they could do that.

Ms. Boylan said that if the sun was taken, it would be a taking of her property. If they created shade where it affected a significant portion of her property, it would be a taking. She claimed that by Ordinance, she was entitled to have a barrier. Ms. Roediger had mentioned that she wanted to bundle all of the proposals, and Ms. Boylan felt that it would be more appropriate to consider station four separate. She said that she would welcome everyone to come to her house and take a look. She did not think that they could appreciate what she was talking about. She welcomed people to go on her deck, see the windows on the side of her house, walk around and get a feel for why there was no reason to bring in the thousands of pounds of dirt to increase the grade on an entire lot. She said that the lot would never be the same. The character of the lot would be changed to make it slope to the six feet. She said that she would appreciate it if the matter could be tabled.

Mr. Hooper maintained that the City's goal in all of this was to be a great neighbor. The Planning Commission always stressed being a great neighbor. It was also the City's responsibility to all 73,000 residents to provide excellent fire service. Based on the recently passed millage, the residents want, deserve and desire and are willing to pay for excellent fire service. City Council determined to invest millions of dollars in the fire stations to provide that service. He did believe that they had to reach the best solutions, and he felt that the best locations were the existing ones for the stations. The City did not own any other property in the northwest portion other than parkland, to put in a fire station, and it could not be put on park property. Other than buying someone's property, there really was no other solution. In his opinion, he would rather have the tiered retaining

wall, which he agreed was a softer approach than a six-foot wall. The trees that were shown in Ms. Boylan's photos were confirmed to be hers, and since shading was brought up several times, it appeared that there were 8-10 trees that provided significant shading. If the fire station went forward, he felt that in no way, shape or form would there be shading to conflict with what was currently there with the trees. A six-foot, tiered wall with six to eight arbor vitae on top stepped back at least 15 feet would be the worst case impact as far as shading. The building would be another 55 feet further back, and it would not be an impact with regards to shading. He agreed that there could potentially be an impact to the trees, but when a dripline encroached onto another's property, that could happen. He was sure that Council would do what it had to and replace trees if necessary. He added that he was speaking for himself as one of seven members on Council. He emphasized that there was no way he wanted to see the residents impacted, but they had to come up with the best solution and make the improvements in the best way that they could, while being reasonable with the taxpayers' dollars. He thought that the applicants had done what they could. If the cell tower could not be moved, they were somewhat boxed in, but he liked that they stepped it back with tiering. He understood that people did not like to have development occur next door. Almost universally when that happened, people stated that their property values would go down and that their quality of life was being ruined. They enjoyed looking at a vacant piece of property, even if they did not own it. He pledged that the Administration would do the best possible thing they could to be the best neighbor. He felt that Chief Canto would do the same to keep harmony with the neighbors.

Hearing no further discussion, Mr. Kaltsounis moved the following motion (initially including 14-020, Fire Station No. 4, which was removed in this, the final version), seconded by Mr. Hetrick:

MOTION by Kaltsounis, seconded by Hetrick in the matter of City File Nos. 14-017, 14-018 and 14-019 (Fire Station No. 2, 3 and 5 Updates), the Planning Commission **approves the site plans**, based on plans dated received by the Planning Department on November 17, 2014, with the following nine (9) findings and subject to the following three (3) conditions.

Findings:

1. The site plans 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 majority of the buildings are existing fire stations, which are being renovated and improved to maintain adequate facilities and response times for current and future medical and fire incidents in Rochester Hills and surrounding communities.*
- 3. The original fire stations were designed and built for a lower population and call volume, which has increased considerably since the 1980's.*
- 4. The renovated fire stations will promote the health, safety and welfare of the community.*
- 5. The developments meet the intent and standards of the zoning district with regard to municipal buildings.*
- 6. Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
- 7. With the noted conditions, the proposed improvements should have a satisfactory and harmonious relationship with the developments on-site as well as existing development in the adjacent vicinities.*
- 8. With the noted conditions, the proposed improvements will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the sites or those of the surrounding areas.*
- 9. With the noted conditions, the proposed improvements should have a positive impact on the community as a whole and the surrounding areas in which they offer support services.*

Conditions:

- 1. Submittal of a revised photometric plan for each station if exterior lighting is to be altered, that meets ordinance requirements, prior to final approval by staff.*
- 2. Submittal of a revised landscape plan for fire station #4 that provides an 8 ft. high "green wall" along the northern tier of the retaining wall to provide a visual buffer for neighboring properties.*

3. *Addressing all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*

There was brief discussion about adding a condition for fire station four and asking Staff to review the wall and the landscaping. Mr. Kaltsounis initially read the motion with a fourth condition requesting that an alternative plan be proposed to minimize the effects of adjacent trees (on the neighbor's property) with regards to the grade change on the east property line as approved by Staff.

Mr. Reece thought that Mr. Hooper was right on about the height perspective of the existing trees. He believed that the existing trees would probably block more sunlight than the retaining wall. He asked if a survey had been done for the east property line to be able to know the location of the trees. Mr. Mason said that there were maybe two or three that were over the property line, but most were straddling it. Mr. Reece asked if there was a Norway Spruce at the southeast corner of the site that had to be removed for site clearance, and it was confirmed that the right-of-way trees had to be removed. Mr. Reece asked who the trees belonged to. Mr. Mason said that he would have to check, but he thought that they were on the City's property. Mr. Reece said that they needed to run a string line down the property and in order to do what Mr. Kaltsounis suggested, they needed to accurately depict the drip line of the trees to better understand the impact of the retaining wall on the drip line. His personal preference would be to approve the other stations and revisit this issue next month so they were all in agreement. He understood that the Planning Commission deferred a lot of things to Staff, but he felt that it would be important to see the final recommendation and meet with the Boylan's to try to come up with a compromise for the wall. He was not sure what it might do to the bid process. Mr. Mason said that they were shooting to have bidding packages out the end of January, so it might be doable.

Chairperson Boswell agreed that they should pull station four and let the other stations go ahead with the bid packages. Mr. Mason said that they wanted to do what the Planning Commission desired. If the members felt it was more appropriate to bring station four back, they would and adjust the schedule accordingly. Chairperson Boswell called for a vote:

Voice Vote:

Ayes: All
Nays: None
Absent: None

MOTION CARRIED

[2014-0558](#) Request for Site Plan Approval - City File No. 14-018 - Fire Station No. 3, for an 81 square-foot vestibule addition, new patio area and exterior modifications to the existing 5,288 square-foot fire station on .66 acres at 2137 Auburn, west of Crooks, zoned R-4, One Family Residential, Parcel No. 15-32-227-093, City of Rochester Hills, Applicant. The project also includes extensive interior renovations.

Approved

[2014-0559](#) Request for Site Plan Approval - City File No. 14-020 - Fire Station No. 4, a knock down and rebuild of the existing 4,086 square-foot fire station on 1.49 acres at 2695 Walton Blvd., east of Adams, zoned R-1, One Family Residential, Parcel No. 15-17-128-022, City of Rochester Hills, Applicant. The new building will be 8,345 square-feet with associated site improvements such as landscaping and paving.

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 14-020 (Fire Station No. 4 Updates) the Rochester Hills Planning Commission hereby tables the review until the next regularly scheduled Planning Commission meeting of January 20, 2015.

A motion was made by Kaltsounis, seconded by Hetrick, that this matter be Tabled. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

[2014-0560](#) Request for Site Plan Approval - City File No. 14-019 - Fire Station No. 5, a 69 square-foot vestibule addition and new patio area plus exterior modifications to the existing 5,690 square-foot fire station on 1.65 acres at 251 E. Tienken, east of Rochester Rd., zoned R-4, One Family Residential, Parcel No. 15-02-376-012, City of Rochester Hills, Applicant. The project also includes extensive interior renovations.

Approved

ANY OTHER BUSINESS

[2014-0568](#) Request for Approval of the 2015 Planning Commission Meeting Schedule

MOTION by Yukon, seconded by Hetrick, the Rochester Hills Planning Commission hereby establishes its 2015 meeting schedule at the December 16, 2014 Regular Meeting as follows:

ROCHESTER HILLS PLANNING COMMISSION

2015 MEETING DATES

January 20, 2015

February 17, 2015

March 17, 2015

April 21, 2015

May 19, 2015

June 16, 2015

July 21, 2015

August 18, 2015

September 15, 2015

October 20, 2015

November 17, 2015

December 15, 2015

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

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Special Meeting was scheduled for January 13, 2015.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Kaltsounis, seconded by Mr. Reece, Chairperson Boswell adjourned the Regular Meeting at 12:03 a.m.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary