

Tuesday, June 13, 2000

**SPECIAL PLANNING COMMISSION MEETING** held at the City of Rochester Hills Municipal Building, 1000 Rochester Hills Drive, Rochester Hills 48309, Oakland County, Michigan.

Chairperson Kaiser called the meeting to order at 7:30 p.m. in the auditorium.

**ROLL CALL:**

Present: Chairperson Eric Kaiser; Members William Boswell, Melinda Hill, Greg Hooper, Leah Potere, Christian Ramanauskas, James Rosen, Audrey Ruggiero  
Quorum Present.

Absent: Member Paul Corneliussen

Also Present: Ed Anzek, Planning Director  
Deborah Millhouse, Deputy Director  
Jeff Kragt, Beier Howlett  
Amy Neary, McKenna Associates  
Sandi DiSipio, Recording Secretary

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**COMMUNICATIONS:**

- A. SEMCOG Regional Update, June 12, 2000
  - B. Summary of Motions for meetings of May 30, 2000 and June 6, 2000
  - C. Planning Oakland, Spring 2000 Edition
  - D. Public meeting notice regarding Mainstreet Oakland County workshops, Workshop scheduled for Friday, June 30, 2000 in Downtown Pontiac, supplied by Member Ruggiero.
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**NEW BUSINESS**

**1. Site Plan Approval - File No. 00-001**

Project: Audi Bavarian Motor Village  
A 21,414 square foot automobile dealership on 5.94 acres

Requests: 1. Tree Removal Permit  
2. Buffer Modifications  
3. Site Plan Approval

Location: Northwest corner of Dequindre and M-59  
Parcel: 15-36-426-006, zoned B-3, Shopping Center Business  
Applicant: Mr. Eitel Dahm  
Eitel Dahm Properties LLC  
585 Auto Mall Drive  
Ann Arbor, Michigan 48103

(Reference: Staff Report prepared by Deborah Millhouse dated June 9, 2000 has been placed on file and by reference becomes part of the record hereof.)

Present were Gerald Yurk and Peter Stuhlreyer of Gerald Yurk Associates Architects; Joe DeTillo of Giffels-Webster Engineers.

Member Rosen disclosed, as he always does when an automobile company appears before the Planning Commission, that he is an employee of General Motors Corporation, but not in marketing or sales and has no shared interest or direct involvement with the subject applicant. Member Rosen did not think it would affect his

decision, but he would like the Planning Commission to indicate affirmatively that he will be able to make an objective decision. If during the course of the discussion he found that it would affect his decision, he would so inform the Planning Commission.

The Chair noted for the record that no Planning Commission members spoke in favor of Member Rosen's abstaining from the subject discussion.

Ms. Millhouse presented the Staff Report and stated that it is relatively self-explanatory. Ms. Millhouse noted that one of the unusual aspects of this project is an access easement to a multiple family residential family complex that has caused some difficulty in meeting the required buffers.

Mr. Yurk stated he would like to hear the presentation of the Planning Commission before commenting.

The Chair noted regarding the Buffer Modification that one of the alternatives considered and rejected was downsizing the proposed building to provide for an adequate buffer without the need for a modification.

Mr. Stuhlreyer responded that the access road is on their property, and it is just an access easement to the apartments, and a buffer modification would still be an issue. Mr. Stuhlreyer clarified that the building size is not an issue because the buffer occurs with respect to the road, not to the building. The road is existing, it is an easement across their property, and moving the building would not change that. They would have to relocate the road. If the building were smaller, it might require fewer parking spaces, but would have no effect on the road.

The proposed building material is burnished block, which in effect looks like an 8-inch by 4-inch brick or an 8 by 16 inch brick. It is a masonry product, and it does not look like a concrete block at all. It looks like a very finished masonry product. They are acting in response to the City's comments. Audi would prefer a synthetic stucco, and they have modified that to go with a masonry material. In keeping with the colors that are rather high tech and automotive related, the lighter colors (the grays) are more rustic, more residential.

The Chair responded that the proposed site is very close to a residential area.

Member Ramanauskas begged to differ with the applicant regarding the high tech look. A lot of commercial buildings have a modern look and use a commercial brick.

Ms. Millhouse noted that in the Staff Report the Landscape Consultant recommended a Buffer Modification for the intrusion of a small part of curbing and one parking space. It is Staff's opinion that it would be more appropriate to relocate that one parking space and not have it impinge upon the buffer requirement, given that there is an excess of parking available on the site.

Mr. Yurk responded that he had no problem relocating the one parking space to avoid impinging on the buffer.

Mr. Yurk described the masonry. There will be alternating stripes about 3 or 4 blocks in width. One is a polished based which looks like terrazzo, and the others are smooth and not broken faced. It is a subtle variation between the two textures. Then there are some accent blocks in a darker, lower accent base range.

Ms. Millhouse clarified the Buffer Modifications. The access easement already exists and is heavily landscaped. The Landscape Consultant is saying, given the fact that it exists and is so heavily landscaped, it is providing the intent of the buffer requirements. It appeared to Member Hooper that the existing vegetation for the 6 foot opaque

screening requirement where the screen stops meets the 6 foot screen from where the proposed screen wall stops to the westernmost property line.

Ms. Millhouse affirmed that and added that it is not an issue that there is landscaping outside their property line.

Mr. Yurk added it is very densely planted now. It was their position that it would be foolish to destroy that which is really quite beautifully landscaped just to put in a wood fence of 6-foot high fence. That would be going the wrong way. So they propose to leave it there, stop the fence short, and the Landscape Consultant agreed with them.

Member Hill acknowledged that there are some very large spruce and pine trees there, and they are very lovely. The problem she had was that she could not mention any other instance where the Planning Commission eliminated the 6 foot opaque screen where the landscaping happens to sit on the applicant's property and the screen cannot fit behind it. The Planning Commission has had several dealerships before them and they have never discussed utilizing this type of option. The other thing was the existing wood fencing around a private residence that abuts the entrance. Member Hill thought there should be some type of decorative brick or stone that would be more appropriate and more tasteful for the whole area. That combined with the existing evergreens and those that would be added to complete the IVO would be most appropriate. It would complement and enhance what is there.

Mr. Stuhldreier commented that the existing wood fence is on a portion of their adjacent property that is not zoned such that they need screening on it. Screening is only required towards the back, toward the west, the northwest part of the property.

Ms. Millhouse explained that the land use to the north of the drive is single family residential but it is zoned B-2, General Business. It is clearly labeled on the front sheet of the submitted plans. In fact, the applicant is proposing their 6 foot opaque screening actually farther than required because of the B-2 zoning. The wood fence would not stop where the zoning stops. It would continue to the end of the other wood fence, which stops short of the other one.

Mr. Yurk introduced the owner of the property, Mr. Eitel Dahm.

Mr. Yurk stated an issue with the stonewall is a sanitary line that runs diagonally through the area where the wall would be proposed. Because of that and because of the inconsistency and the breakup of the stone wall, footings, and such that would be required, to avoid hurdling over the sanitary line and going in at an angle, they chose to go with the wood option in the Zoning Ordinance. That way they could cherry-pick footings along that edge of the property because the sanitary line also continues down the property line to the west. They thought it would be quite obtrusive to dig a big 24-inch trench through there and stop and start the sewer again. The line would go into existing trees and would go right under the fence.

Member Rosen had a bit of a problem relying on a particular neighbor's comments as to whether or not this is acceptable versus what the Planning Commission is charged with doing and should do. Member Rosen appreciated the neighbor's input, and did not mean that it should not be given serious weight. But it is and should be the Planning Commission's call. He would not recommend a condition referencing that. He thought it is their responsibility to make the basic decision to grant or not to grant based on the criteria in the ordinance.

The Chair indicated that the requirement was an opaque screen wall on the property line, which at least from the identified manhole westerly would be an impossibility. The Chair noted that the diagonal would run at such a close angle that it would create a problem.

Ms. Millhouse noted that 10 feet from underground utilities is the standard.

Mr. Yurk noted they are already 10 feet from the sewer line with the pavement itself, so theoretically they are not supposed to do anything in that area. They are not supposed to plant in that area. They do not have a problem putting some plant material in there, just that it violates the City's Ordinance requirement. What they have done is planted heavily on the south side to augment the opacity of the actual site.

Member Hooper was of the opinion that additional plantings of the size, species and nature to satisfy the 6-foot opaque requirement would be appropriate.

Ms. Millhouse clarified that the discussion is regarding the 6-foot opaque screening, not the IVO. The discussion is about 6-foot shrubbery. They have not gotten to the IVO yet.

The Chair clarified that the applicant was discussing no fence of any kind, just 6-foot opaque evergreen shrubbery.

Member Ruggiero commented that might be difficult to find something the deer would not eat that would stay at 6 feet. She has not found it yet.

Member Potere thought that deer-damaged arborvitae would look worse than the existing situation. Deer love arborvitae.

Ms. Millhouse said there are other options, but she was not sure if they would be less deer-proof or not.

Mr. Stuhlreyer stated the Sheet L101 has a tree schedule which includes a listing of existing and new trees.

Mr. Stuhlreyer explained they intended to pick up the IVO idea in the aisle and then the majority of the screening from the parking and building through the south property line. There is a large island that runs south of the street, and they have kept all of the utilities out of the way and put in a lot of conifer trees. He was not sure there would be room for more in terms of density.

The Chair responded not on the south side of the drive, but certainly in the islands. And if there is no fence at all on the north side, more trees can go there.

Ms. Millhouse attempted to clarify the discussion between the IVO and the 6-foot opaque screen.

Ms. Millhouse cautioned that trees are supposed to be located no closer than 10 feet to utility lines. Then you also have to consider the right-of-way, the roadway, and you should not get too close to the roadway either for safety reasons.

Mr. Stuhlreyer suggested raising the ground at the south island and making that a berm. There is not sufficient room to go 6 feet based on the regulations of the slope, but they have room to put some kind of screening to stop a headlight from shooting off into the residential district.

Member Potere suggested juniper on the north fence line as deer do not eat that. The only difficulty is they break quite easily with ice and snow. But that does not happen too frequently, and a person could be sent to clean them off. If they are bent over almost in half with ice and snow, they pop right back up if snow and ice is cleared off right away. They just need sun.

Ms. Millhouse discussed the intent of the 6 foot screening as well as the IVO. It is for the adjacent residents. She suggested that perhaps they were trying too hard to meet an intent with an easement when, in fact, some members started to look at the south side. They have not discussed the IVO yet. The residents already have the boulevard. Ms. Millhouse suggested focusing on the intent of the screening, not whether or not there is a fence or no fence. The intent of the buffering requirement for the subject instance is rather unusual and she would suggest that the Commission focus on that.

**Item 2. Buffer Modification #1**

**MOTION** by Hooper, seconded by Ruggiero, in the matter of File No. 00-001 (Audi Bavarian Motor Village), the Planning Commission **grants a Buffer Modification** of the six foot high opaque screening requirement adjacent to RM-1 zoning along the north property line to install a six foot high screen of non-deciduous landscape materials approximately six feet south of the north property line in lieu of the fence shown on Sheet L100 of the plan, to be approved by staff in consultation with the landscape consultant, incorporating the findings in the staff report dated June 9, 2000 as modified, plus additional findings, based on plans dated received April 24, 2000 by the City of Rochester Hills Planning Department.

**FINDINGS:**

1. The location of an existing sanitary manhole will not allow a fence or landscaping to be located on the property line, but plant materials can be installed south of the sewer line to meet the intent of the six foot opaque screening requirement.
2. The number of plantings proposed by the applicant meets the intent of the 20-foot IVO requirement.
3. On the western edge the site has natural existing vegetation, which offers screening consistent with the standards set forth in the ordinance, the substitution is intended to meet the intent of vegetation rather than a wood fence on the property line.
4. The purposes of the ordinance cannot be met if held to the letter of it, but can be met in this fashion by moving the opaque screen to the south by approximately six feet and by being a material of six-foot high non-deciduous landscape materials.

Ayes: All  
 Nays: None  
 Absent: Corneliussen

**MOTION CARRIED.**

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**Item 2. Buffer Modification #2**

**MOTION** by Hooper, seconded by Ruggiero, in the matter of File No. 00-001 (Audi Bavarian Motor Village), the Planning Commission **grants a Buffer Modification** of the fifty (50) foot buffer width requirement along the north property line adjacent to RM-1 zoning, incorporating the finding as modified in the staff report dated June 9, 2000, based on plans dated received April 24, 2000 by the City of Rochester Hills Planning Department.

**FINDING:**

1. A heavily landscaped access easement, as well as an existing road, currently exist within the required buffer area, thus making compliance impractical.

Ayes: All  
 Nays: None

Absent: Corneliussen

**MOTION CARRIED.**

**Item 1. Tree Removal Permit**

**MOTION** by Hooper, seconded by Ruggiero, in the matter of File No. 00-001 (Audi Bavarian Motor Village) that the Planning Commission **grants** a Tree Removal Permit based on the finding in the staff report dated June 9, 2000 and based on plans dated received April 24, 2000 by the City of Rochester Hills Planning Department.

**CONDITION:**

1. Provision of a performance guarantee in the amount of \$3,320.00, as adjusted by the City, to ensure the correct installation of replacement trees. Such guarantee to be provided prior to the issuance of a Land Improvement Permit.

Ayes: All  
Nays: None  
Absent: Corneliussen

**MOTION CARRIED.**

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Discussion turned to the site plan approval. Mr. Yurk described that car haulers will come in the private drive and enter the site at the place created along that drive, since there is no entrance off Dequindre. They will not enter from Melville.

To Member Rosen it appeared there appeared to be an inconsistency between sheet L-100 and the top of C-100 at the west edge. It looked like one of the trees that was being added to the island was being chopped off.

Mr. Yurk explained that the unload area is on the northwest side of the building.

Member Rosen pointed out that is as close to the residential as one can get. He was concerned car haulers may end up unloading on Dequindre like they constantly do on Rochester Road.

Mr. Yurk responded that they cannot control that. They design it to the engineering standards. This is a little different than one of the dealerships on Rochester Road, because it is quite a bit further from Dequindre into the subject building. He would be surprised if that happened, but he could not guarantee it. They are increasing the main entrance point from 20 feet wide to 24 feet in order to facilitate turning movements.

Mr. Dahm stated the building materials and colors are rather subdued in order to meet ordinance requirements. He personally likes glitz, but that is not approved.

Mr. Yurk added the building will be very attractive. It will have a very warm color and will not be harsh. The City has architectural guidelines and they are not ordinance requirements. They have tried to follow those guidelines as best they can. But there are some things that do not work very well.

**Item 3. Site Plan Approval**

**MOTION** by Hooper, seconded by Boswell, in the matter of File No. 00-001 (Audi Bavarian Motor Village) that the Planning Commission **grants** Site Plan Approval based on the findings and conditions in the staff report dated June 9, 2000 as modified, plus additional conditions, and based on plans dated received April 24, 2000 by the City of Rochester Hills Planning Department.

**FINDINGS:**

1. The site plan and supporting documents demonstrate that all applicable requirements of Zoning Ordinance 200 can be met, subject to the conditions noted below.
2. The proposed project is providing safe ingress to and egress from Dequindre Road by use of an existing access. Further, a pathway along Dequindre and a sidewalk connector onto the site from this pathway are being provided for pedestrian access.
3. Proposed off-street parking areas appear to be designed to avoid common traffic problems and promote safety.
4. Because of the required buffering, extensive landscaping, and site design, the proposed project appears to have a satisfactory and harmonious relationship with existing development in the area. Further, the development will have a positive financial impact on the community by providing additional tax base to the City.
5. The proposed development should not have an unreasonably detrimental nor injurious effect upon the natural characteristics and features of the parcel being developed.

CONDITIONS:

1. Relocate one off-street parking space outside of the required buffer width along the M-59 right-of-way to a location approved by staff.
2. Clearly define the limits of the proposed stamped concrete.
3. Identify the 15-foot corner clearance sight triangle at the intersection of the entrance driveway off Dequindre Road and the pathway.
4. Provide a performance and maintenance guarantee in the amount of \$85,916.00, as adjusted by the City, particularly as to the added materials along the north property line consistent with the buffer modification, to ensure the proper installation and maintenance of the proposed landscape materials. Such guarantees to be provided prior to issuance of a Land Improvement Permit.
5. Reduce the same number of light poles to 25 feet in height with other specifications remaining the same.
6. Building materials and colors to be consistent with the charts, displays and samples presented at the Planning Commission meeting June 13, 2000.
7. Any future signage be located in the median of the drive in conformance with City ordinance requirements. If there is any change, a revised site plan approval would be required.

Ayes: All  
Nays: None  
Absent: Corneliussen

**MOTION CARRIED.**

(Reference: Plans dated received by the Planning Department on April 24, 2000, Sheet C100 prepared by Giffels-Webster Engineers, Inc. and sheets L100, L101, A100, A101 and A200 prepared by Gerald J. Yurk Associates; Staff report prepared by Deborah Millhouse dated June 9, 2000; McKenna Associates, Inc. letter dated June 8, 2000; Linda C. Lemke & Associates letter dated June 9, 2000; Notice of Special Meeting for