

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

FINDINGS:

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

CONDITIONS:

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

Voice Vote:

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

MOTION CARRIED

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

Mr. Kaiser explained the direction the next item would take and the length of time each speaker would be allowed and asked the applicants to introduce themselves.

Present for the applicant were Mr. Bill Gilbert, G&V Investments, L.L.C., Mr. Joe Galvin, Miller, Canfield, Paddock and Stone, Attorney; Mr. Mark Abanatha, Alexander Bogaerts Associates, the Architects; Mr. Eric Tripi, Parsons, Traffic Engineer; and Mr. Jim Jones, Civil Engineer. Mr. Jim Wagner, a representative of Fifth Third Bank, was also in attendance.

Mr. Gilbert noted that there had been a project name change – to City Place.

Mr. Delacourt stated that the subject site is comprised of three parcels totaling approximately 29 acres. The parcels are currently zoned single-family and have been identified in the Master Land Use Plan for mixed-use development. The applicant has appeared before the Planning Commission, City Council and the City's Historic Districts Commission as part of the PUD pre-application process of the Ordinance.

Mr. Kaiser asked Mr. Delacourt to explain a PUD. Mr. Delacourt clarified that it stood for Planned Unit Development. He advised that the applicants were present for the second part of the PUD Ordinance requirement, a Preliminary Review. Planning Commission and City Council would take part in this process and the main point of the discussion would include the appropriateness of the PUD process for this development and identifying any major issues the applicant might need to address prior to Final Review. The applicant submitted a full Preliminary PUD package and the Staff Report included a motion for a recommendation to City Council as to whether the PUD process would be appropriate for this development.

Mr. Kaiser asked if a Site Plan was included for review and approval. Mr. Delacourt replied no. Mr. Kaiser clarified that when Mr. Delacourt said the item was before the Planning Commission to determine whether it is appropriate for review as a PUD, that it would be the only task of the Commission this evening. Mr. Delacourt answered that was correct. Mr. Kaiser advised that there would be no approvals of anything, but they would try to identify major issues to be dealt with if the applicant chose to go further with the process. He asked what was different about a PUD application for development in Rochester Hills from other kinds of development opportunities.

Mr. Delacourt explained that a PUD allows flexibility in the review standards of the Ordinance, compared with a parcel developed under normal zoning standards. In this case, the Master Land Use Plan identifies the parcels for mixed-use development. There is nothing in the Ordinance other than a PUD that would allow for mixed-use (i.e., office, residential, commercial) to take place on one parcel. The Planning Commission and City Council have flexibility in determining the standards of the design of the site, and based on unique circumstances of the site, items like setbacks, height and density can be arranged differently than those defined specifically by the Ordinance.

Mr. Kaiser asked if the concept of flexibility goes both ways, that is, for the applicant as well as for the City. The applicant might get to do some things the Ordinance does not traditionally allow, but the City also could impose certain requirements they might not otherwise be able. Mr. Delacourt agreed absolutely. Mr. Kaiser asked if a Site Plan and an enforceable contract would ultimately exist. Mr. Delacourt confirmed that and said that the PUD agreement becomes the zoning district for that specific site.

Mr. Galvin introduced himself and said he was present tonight to ask the Commissioners to do one thing: recommend to City Council that this property and this proposal is qualified under the PUD Ordinance to go forward. He felt that what Mr. Delacourt stated was the best reason - that this proposal is on land which calls for mixed land use under the Master Plan. The only available vehicle for development of land this way, under the Ordinance, is the PUD provision. He felt that additionally, the proposal meets the Ordinance criteria. He advised that three City Boards and residents have all engaged in meetings with Mr. Gilbert and Mr. Abanatha. He pointed out that the Fifth Third Bank facility, which is planned for the northwest corner of the property, would be a separate phase of the property and would progress at a different timetable

than other phases of the project. It would take between three and five years to build everything proposed. He noted the cross section in the property and said it was important to have a sense of what would visually be there and to have a sense of the setbacks from the existing neighborhood and from the road itself. He turned the discussion to Mr. Abanatha, who would talk about the changes they have made as a result of the meetings with City staff. He felt it was fair to say that this property qualifies, and is intended to be developed, under the PUD Ordinance. He said that for that reason, he was asking the Commission to favorably recommend to City Council the treatment of the land as a PUD.

Mr. Abanatha noted that the property is long and narrow in its relationship to Rochester Road and is a somewhat difficult piece with the drain crossing. He stated that they have tried to create a traditional neighborhood community that would relate to Rochester Road and respect the existing office to the north, Bordine's to the south and the single-family homes to the east. They have created a street front they call the mixed-use buildings along Rochester Road and have oriented the buildings behind them in an east-west direction. That was done to minimize the impact to those homes and to create common courtyards. They moved the buildings further west, from 30 to 50 feet, based on a number of discussions with the Planning Commission, and the berm would be enhanced with landscaping. The architecture was shown to transition scale from two-story to three-story. He indicated that the booklets passed out showed options for the different buildings. Mr. Kaiser him to explain those and Mr. Abanatha explained that they showed the architectural features. He said that the buildings to the north orient north-south for similar reasons. There is a power line that runs east-west through the property and an existing office building to the north. The buildings to the south are oriented to take advantage of the natural features. They have created pocket parks throughout the property for the residents and have created open space and interest for those moving through the project, both vehicular and from a pedestrian standpoint. The site is linked up with sidewalks and pedestrian access. The bank is the major change in the project and he advised that the architecture of that building would tie in. He said it would be a nice transition from the office building to the north, which is one-and-a-half stories, to the taller buildings along Rochester Road. They added various building types because at this point in time they want to keep a fresh approach to the marketing of the development. The unit range would be from 1,150 up to 2,000 square feet. He felt that would give the greatest flexibility toward targeting the market.

Mr. Rosen asked what part of the Ordinance was being used to make the determination of whether the project was appropriate for a PUD. Mr. Delacourt clarified that it was Section 138-1004. Mr. Kaiser asked that the qualifying conditions be put on the record. Mr. Delacourt advised that the qualifying conditions were under Section 138-1002 and read them: The PUD shall be designated for commercial use by the Master Plan or the underlying zoning shall be commercial; the PUD shall have direct access and frontage on a major thoroughfare; attached residential units may be permitted as a transitional use between commercial uses and lower density residential in a mixed-use PUD where the underlying zoning is commercial, and; the PUD shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. Also, the proposed PUD shall meet one or more of the following conditions that would not otherwise be possible without PUD approval as determined by City Council with recommendation by the Planning Commission: (a) preserve or enhance a significant natural feature or open space; (b) provide a complementary variety of housing types and/or a complementary mixed-use plan of residential and commercial uses that is harmonious with adjacent development; (c) provide a civic facility or other public improvement; (d) alleviate traffic congestion or (e) provide for the appropriate redevelopment or reuse of sites designated as local historic districts or parcels occupied by old or obsolete nonresidential uses.

Mr. Kaiser asked if the proposal qualifies under a single group of owners. Mr. Galvin said it is currently under single ownership with a contract of sale for the Fifth Third Bank property. He indicated that they believe they meet (b) (d) and (e) above.

Mr. Kaiser opened the floor to those in attendance who had filled out cards. He reiterated that they would be allowed three minutes.

Sue Cronizer, 1821 Sudbury Ct., Rochester Hills, MI Ms. Cronizer stated that she was here as a concerned citizen, not a lawyer or an expert, and that she did not live behind what was being proposed. She was at the meeting as a Rochester Hills citizen and wanted to talk about what was happening in this town. She felt that people were not thinking about the big picture – about all of the construction that was going on, not just this project. She felt that the proposal was extremely large and it deeply concerned her. She wondered if the Board was going to think about all of the trees they would lose and all of the space they would lose, just as every time something like this is approved. She moved here because she wants to raise her children here and she likes Rochester Hills, but she does not like what she saw tonight. She is seeing more construction, more loss of open land, and more loss of trees. There is a lot more housing proposed and this country is in an economy that is not turning around. All over Rochester Hills there are already buildings that are not being occupied. There are houses that are being completed that are not being purchased. She cannot see that people would quickly come into this proposal. She indicated that she did not want to drive up Rochester Road and see construction for four or five years and then wait another four or five years for people to move into the facilities.

Pablo Fraccarolli, 1566 Farnborough, Rochester Hills, MI Mr. Fraccarolli stated that he was a resident in Eddington Farms and he was also concerned about the scale of the project being proposed. It struck him as being out of place. He indicated that he did not feel it was a good idea to mix business with residential. He felt there were other places in the community where this would work, but he did not believe right in the middle of Rochester Road, between Avon and Hamlin, was a good place.

Dave Basset, 624 Essex, Rochester Hills, MI Mr. Basset commented that a friend of his stopped by the Planning Department a few weeks ago and was told there were no new plans, and then they received a notice of this meeting about a week later. He stated that as far as preserving and enhancing natural features, he did not know if they could expect that with a PUD. At the July 30, 2002 meeting, the applicant said they would protect and preserve the wetland, and two days later tractors mowed the cattails down and mowed across the county drain. Residents contacted the authorities and the Sheriff's Department intervened. If the applicants could not safeguard the natural beauty last summer, he did not know how they could during the rest of the process. He stated that the PUD process approval is not simple or automatic, but he gathered from some of the comments that it would be a "no-brainer." Last July 2002, the Planning Department confirmed that the zoning is R-4, One Family Residential, so the citizens expected something different than what has been offered. He thinks that a PUD on this site must benefit the community. The City could also impose some requirements on the plan. He asked that the Commission make the applicant work with them and be specific about ideas for potential gains for the community and give clear recommendations to City Council. The City Council usually relies heavily on the Planning Commission and respects their advice considerably. If there were thorough recommendations, he felt Council would really appreciate the expertise. He felt that the project was glamorous, and noted that they could keep it glamorous, but indicated that it does not have to be as big as proposed.

Hector Urteaga, 1578 Farnborough Dr., Rochester Hills, MI Mr. Urteaga stated that he was here as a resident of Eddington Farms and as a concerned citizen of Rochester Hills. He wished to request a disapproval regarding the rezoning due to the following: Rochester Rd. is a major State transit route to the northern suburbs, with no close alternate routes; a road with a lot of traffic means a higher risk of accidents, traffic jams and unproductive waiting time for the drivers; this neighborhood is too dense and additional housing would worsen the situation and bring more problems; Rochester Rd. is the second most dangerous road in Oakland County because of traffic jams and two fatal accidents have occurred in the last two years (he asked if there should be 5 or 10 before something is done and said the answer should be zero); alternate routes to alleviate traffic jams at Rochester Rd. will create more problems for the other subdivisions; there were promises to modify the current, cumbersome design of the entrance to Yorktowne and nothing has happened or will happen; there are multiple empty commercial buildings and they do not need more; Arcadia Park will bring more than 180 homes with entrances from John R through to Eddington Farms and they

could multiply that by two to find out how many new drivers would be on Rochester Rd.; and Rochester Hills still has plenty of empty spaces where it would make sense to develop new projects and which would benefit those areas. He commented that zoning should be planned wisely, based on facts, not opinions or to take advantage of the investment opportunities and low interest rates of today. They must protect the future of younger generations when planning and take into consideration these facts: safety, value, high standards of living, functionality, accessibility, maintainability and harmony between urbanism and nature, and he did not see any of these vital facts with this project.

Roger Mullin, 131 Meadow Land Circle, Rochester Hills, MI Mr. Mullin stated that this was a very attractive plan, but as the other people, he felt there was too much density, especially with the buildings along Rochester Road. They are not set back far enough. He said he checked the setbacks and knew they were legal, just, although part of the parking would be on City land. There are too many buildings and there would be a "heck of a lot" of cars in and out. Rochester Road is a very busy, dangerous road and this would really add to it. He believed the Commissioners should take a firm look at how close the buildings are to Rochester Road and how much traffic would dump out onto Rochester Road.

Beth Carten, 1622 Hillside, Rochester Hills, MI Ms. Carten stated that she has been a resident of Rochester Hills for approximately nine years and has enjoyed being in the community. She said she was concerned about many of the things her fellow residents mentioned. Of primary concern is that the height of the buildings would significantly increase the noise levels. She lives on the west side of Rochester Road and there would be a significant increase in echoing and noise. There is a current noise level from Rochester Road and she felt that if this area were overcrowded it would increase. She has children in elementary school and questioned the impact this development would have on the schools. More school-aged children would be brought in with a community of this size and the class sizes are large now and the schools are already crowded. She felt that some of the bond issues, resulting in less funding for the schools, would be further compromised with an increased number of children.

Paul Shira, 227 Parkland Dr., Rochester Hills, MI Mr. Shira stated that he had a lot of concerns also. In addition to the noise level, he anticipated a road expansion and traffic from two or three additional entrances on Rochester Road, but noted that there would not be traffic lights. He asked if there were occupancies anticipated for the development, or if it would be empty as phases get added. He asked if these would be purchased units or rental. He said that the buildings look beautiful, but he would worry that with rental units there would be more transient occupants and home values would go down because of that.

Joseph Kowalski 1411 Ternbury Dr., Rochester Hills, MI Mr. Kowalski elected not to speak.

Lorraine McGoldrick, 709 Essex Dr., Rochester Hills, MI Ms. McGoldrick stated that she was here to voice an objection. She said she was not personally against progress or building, but she did not feel this plan would be appropriate for this site. When Pulte's development (Arcadia Park) was approved, she said she was happy there would not be a shopping mall behind her. She said now she would not drive to Rochester Road because unless she were turning right, she could not get out. That is with the present condition, without any new development. Regarding the impact on schools, she is the President of Hampton Elementary PTA, which would probably be the school for the children coming in. She was worried about handling the kids from Arcadia Park and now there would be more. She hoped that the Commission would vote that this would not be an appropriate site and would consider the other taxpayers.

Mr. Kaiser advised that all those comments or any future written comments should be forwarded to the Planning Commission. He urged anyone who did not comment, but wished to be notified of any future meetings, to leave their names and addresses with Mr. Delacourt. He explained that several people were not called to speak who had turned in cards because the Chair has to put a limit on how long the cards would be

taken. If there are a lot of cards, the time allowed for public comment has to be cut down, so they need to know ahead of time how many speakers there will be. Sometimes, in addition to late arrivers, people in the audience want to speak about something they think should have been said, but the meeting cannot go on forever in that fashion. He mentioned that this meeting is a very preliminary moment in the process. He explained that the Commission's mission is to make a recommendation on a very bare bones determination, and no matter what the Planning Commission recommended, this would go to City Council. He also advised that anyone who did or did not comment tonight would get a chance to do so again. If the project goes forward from Council it will come back to the Planning Commission and City Council again, at the very least.

Mr. Kaiser brought up a few issues that were hinted at for which he felt the Commissioners needed to give guidance. One was the right-of-way issue. There is a 180-foot right-of-way proposed for that location, as established by the City's Master Transportation Plan of 1998. Most of the additional 30 feet in the right-of-way was apportioned onto the east side of Rochester Road at that time. When the Plan was written and the right-of-way was established from Troy to the Rochester Hills border, they had several options. They took the existing right-of-way centerline and determined where the impact of an additional 30 feet would most likely be. In this location, they put almost all 30 feet to the east. The applicant hopes to use part of the right-of-way in their plan. There are a number of options for the Planning Commission. One is to tell the applicant to go back to the drawing board and not use any of the right-of-way. Another would be to re-evaluate the right-of-way that was established and move it further west. Another option, discussed with Mr. Staran, was whether the PUD agreement could be planned and written so that if the applicant were allowed to build in that right-of-way and the road were to be built, the applicant could be required to vacate that 30 feet and move the parking. That might include the demolition of a building. Mr. Staran told him that all of the above options were available. Mr. Kaiser felt that some resolution to this issue is an option. That would not preclude a determination by the Planning Commission this evening – that is, that the PUD process is not appropriate for this site. Mr. Staran replied that was right. He noted that there were a number of options and different ways to deal with that particular issue.

Mr. Kaiser read a communication from Ms. Myers, who was not in attendance at this time. She wrote that she believed the development would work well with four stories and she would not see something less. Her concerns included the entrance off Rochester Road onto Eddington, and that the first driveway to the south might be tricky to navigate. She felt it would affect drivers heading west on Eddington as well as drivers entering Eddington from the second driveway. She wondered what the purpose of the driveway was just east of the Fifth Third Building. She urged that the development ultimately be made into a pedestrian-friendly place, including connecting the sidewalks and adding benches, bike racks, marked crossing points, etc.

Mr. Kaiser suggested that the Commission should give some limited direction as to the height of the buildings, also realizing this is not an approval of a Site Plan.

Mr. Kaiser noted that the Fifth Third Bank would like to build before the other phases of the PUD. He asked Mr. Staran whether they could specify a time frame after the bank is built to finish the project if the City enters into a PUD agreement with the applicant. Mr. Staran said the City had not done that in this context, although the City had done so with other projects (he referenced the Village of Rochester Hills). He said there would be nothing to prevent the City from doing that and said the City Council would be free to deliberate over the terms. He added that there was nothing in the Ordinance that would prevent what was being proposed and nothing that required development to be done all at once.

Mr. Kaiser asked if the PUD agreement could be written such that if the balance of the PUD were not complied with, the PUD would not exist. Obviously, Fifth Third Bank would not be made to demolish the building. There might be a reversion to the current zoning. Mr. Staran replied that something along those lines could be written into any PUD agreement. Mr. Kaiser asked if, at the outset of any development on the site, it

could be written that the applicant must construct any type of screening or berming to the eastern side of the property so the residents there do not have to spend 1-5 years looking at construction and getting a lot of dust in their yards. Mr. Staran confirmed that those things could be addressed as well. Mr. Kaiser asked if the applicant could be compelled to construct screening or landscape screening along the western side to address some of the noise concerns. Mr. Staran said that all those factors could, and likely would, be taken into account.

Mr. Hooper referenced the general requirements listed for a PUD proposal and said that Mr. Galvin mentioned (b), (d) and (e). Mr. Hooper asked how this proposal would alleviate traffic congestion (d).

Mr. Galvin replied that the starting premise for the plan was to minimize the cuts onto Rochester Rd. Assuming that the PUD treatment, given its shape, size and location is denied, there would be a piece of single-family zoned land which he did not believe would remain at that zoning. That would require the parcel to be split into a number of parcels which would require providing access onto Rochester Rd. at more than the locations they are proposing. For that reason, they genuinely believe that this proposal lessens traffic congestion onto Rochester Road. If the Commission does not find that persuasive, he would ask that this be qualified under one or both of the other sections. He wanted people to think about what would happen if PUD treatment were not given to this site. He reiterated that the Master Plan calls for mixed-use development and that a PUD is the only vehicle for that.

Mr. Hooper acknowledged that this would not alleviate traffic congestion and therefore would not apply as a condition. He noted that the applicant discussed increasing the buffer to 50 feet along the eastern side, and he asked where the units that exceed 30 feet in height would generally be.

Mr. Abanatha replied that the four-story buildings would be along Rochester Road. The balance of the buildings could range from 27 to 38 feet high and they could go in various locations on the site. Mr. Hooper clarified that this was still a concept and that nothing was pinned down at this point. Mr. Abanatha agreed and explained that they were trying to give flexibility in terms of the overall project, to be developed phase by phase. If it were determined, through market studies, that a two-story product were to go in at a certain phase, that building would only be 27 feet high. Mr. Hooper asked if the maximum building would be projected at 30,000 square feet.

Mr. Galvin responded that they have tried to give the Commission ranges with a cap on the total. Market conditions would dictate where office or retail would be. They are dealing with building envelopes and finite limitations. At this point the numbers go as they go and the bank is pinned down. Mr. Hooper said that if he took 30,000 square feet and tried to determine parking, they would need 200 parking spaces. He only saw approximately 100 provided on the plan. He thought the parking would be woefully short for the density.

Mr. Galvin said that would be the configuration if it were driven to the upper end of the range. He advised that there was a sheet in the materials provided that indicated a precise square footage of the buildings with parking. In order to put in a changed building, the plan would have to be redrawn and presented. Mr. Hooper clarified that what was being proposed was maximum density and it could only become less dense. Mr. Galvin replied that was right. He said that part of the PUD process, which would be a benefit to the City and to the landowner, would allow flexibility driven by the contract provisions.

Ms. Brnabic noted that the applicant referenced several meetings they held regarding this plan, and she wondered what modifications were made after talking to the adjacent residents, in addition to the 50-foot setback.

Mr. Gilbert responded that many concerns raised could not be addressed. He could not do much about the traffic on Rochester Road that already existed. The impact to the houses to the east was a big issue and they reconfigured the buildings and added to the

setback. They also agreed to a plan that would establish a landscape allowance for the 13 or so adjacent residents, in addition to the landscaping they are required to do. He advised that the berm is located on his property and it would be enhanced and buffered to lessen the impact of the condominium buildings planned. They have also employed a traffic engineer and have done a traffic study which will be available.

Ms. Brnabic commented that she had some concerns about the density and said the Commission had increased height limitations and buffering in certain circumstances but she was still concerned with the height and density in this location. At the same time, she realized that limiting the height could affect the character, and maintained she was somewhat in the middle regarding that.

Mr. Kaltsounis referenced the key issues of the motion presented, especially the one for establishing an appropriate buffer. He noticed that the peak for the buildings adjacent to the residential had changed, and said he was disappointed when he saw that. He liked the prior plan where the line of sight was out of the way of the residents because it appears that all he can see now is a chimney. He stated that it would be a key issue for him. He was also concerned about the buildings to the south going into the wetlands. He indicated that as long as he has been a member of the Planning Commission, there have never been buildings constructed in a wetland. Mr. Gilbert replied that it would be in the wetland buffer and that they would need a Buffer Modification. He clarified that it would not be in the wetland. Mr. Kaltsounis advised that as of today, they have had no communication from the City's wetland consultant, but as this progresses, that would be an issue to consider. He read over the PUD contract and had some concerns about the governmental approval section wording, including the words promptly and diligently. He referenced the exterior building materials and noted that the agreement said building materials identified in the plan could be replaced by similar types of exterior buildings materials of better or like quality, and that was questionable.

Mr. Kaiser said that he felt discussing some of those issues would be going well beyond the mission tonight. Even the buffer and how it should look was getting too much into the Site Plan aspect. The mission is very limited tonight, he added.

Mr. Rosen asked Mr. Delacourt to explain the right-of-way issue. He asked if the current right-of-way was 150 feet. Mr. Delacourt answered that it was less than that. The 150 feet is MDOT's proposed right-of-way. The 180 feet is proposed by the City. Mr. Rosen said that regarding the Master Transportation Plan, he remembered that because the west side of Rochester Rd. was built up, the additional right-of-way was to come out of the east side. He asked what the difference in the property line would be between the 75 feet the proposal is designed for and the 180 feet with the additional 30 feet on the east side. Mr. Delacourt said that it actually varied from south to north across the site. He referenced a map he had provided which showed the 75-foot half right-of-way and the half 180-foot right-of-way.

Mr. Anzek added that because of the meandering shift, the plan goes beyond the 30 feet to about a 34-foot distance. The shift was to save the historical building on the west side (Mercy Hospital) and that is what drove the proposed road further east more than anything. There are no residential units on the west side fronting on Rochester Road at that point. To answer Mr. Rosen, there would be an additional 34 feet over the 75 feet. Mr. Rosen asked where the line would be in relation to the parking and if it would take the parking.

Mr. Gilbert replied that it would not go into the buildings; it would take the parking and driveways along Rochester Rd. Mr. Rosen noted that Mr. Staran said there could be something in the PUD agreement which would have the applicant give up the property, but he did not feel they could really do that. Mr. Gilbert said it could be done, but they would have to look into it. Mr. Rosen remarked that on the face of it, the project would be a disaster. He felt that a key item was getting around the right-of-way issue and that it was something they would have to address up front. He said he understood the assertion that it would be best to not do this and he felt that the best-case scenario would be that whatever was developed should accommodate the City's 180-foot right-of-way, and that would be a good outcome.

Mr. Galvin responded that he had been in a number of situations that dealt with future and existing right-of-ways and he advised that there were a number of ways to accommodate them. As it stands, everything on the plan is outside the existing right-of-way. To the best of their knowledge, there is no plan for the State to do anything with the road in the immediate future. There is a question of the City's planned right-of-way, and given that there is a disproportionate impact on the east side of the street, he felt there would be a situation, in all fairness, that would allow negotiation. Today they have a plan that shows construction and improvements within the right-of-way proposed. The State has jurisdiction and says it intends only to go to 150 feet in the future. The State could, of course, change that tomorrow, but if the applicant is willing to negotiate an agreement with the City as to what will be done in the future, and given the speculative notion of the future right-of-way, he felt they should be able to negotiate. Even assuming that the City's future right-of-way becomes the ultimate right-of-way, improvements may or may not be built in. He is familiar with situations in other parts of the state where improvements are left in the right-of-way and remain there until such time as the governing jurisdiction decided it wanted to put a road there. He acknowledged that Mr. Staran was correct; it would be something that is very negotiable. He did not think it would provide an impediment, but rather be something they have to look at.

Mr. Kaiser indicated that the right-of-way issue would come up no matter what kind of proposed development were to go in this site, whether residential or otherwise. The right-of-way is an issue that will have to be addressed and the PUD may give everyone the best mechanism to control things into the future.

Mr. Rosen said he wished to address the items the applicants believe qualified the project for a PUD process. If there were something more concrete and the City was actually getting something it otherwise would not – for example, an agreement that could be executed regarding the 180 feet – it would be a significant thing. He did not see this in any way so he did not believe it met subsection (d). With respect to (b), he understood that the plan provided for mixed-use, but he was not sure yet it could only be accomplished with a PUD. He was also not convinced that with condominium-style buildings the project would be harmonious with adjacent development. He thought the size and height of the buildings on Rochester Rd. would have an inordinate impact upon housing across Rochester Rd. He indicated that he had not thought about the noise and reflection aspect. He also believed that all of the residential units could end up being 38 feet high. He did not think the increased buffer, to 50 feet, would balance that because this is a mixed development of both commercial and residential. The immediate use would be residential, but there would be commercial traffic there as well. Regarding (e), the redevelopment or reuse of a historical building, he felt moving the house was a good thing, but he did not think moving the house was dependent on this project being a PUD. The house could be moved if it were a commercial development or a residential development. No matter what was developed here, if the development were to be hampered by the historic house in the middle, the house would be moved. He did not think using (e) as the hinge for getting the PUD was appropriate.

Ms. Myers entered 9:20 p.m.

Ms. Brnabic asked about the time projection and the phases for the proposal. Mr. Gilbert replied that the timing was probably one of the reasons they added reasonable times for approvals in the agreement. He explained that it would be difficult to put exact timeframes and constraints on this project. His best estimate was that it would be in 3-4 phases, probably 3-5 years, and they would be contained within definite areas. The piece lends itself to that in the way the parcels are divided. They do not want to see vacant pieces and it is one of the reasons they are trying to build in flexibility with the designs and sizes of the units. They do not want to keep coming back with revisions to the PUD because something is not working. He noted that they would be for-sale units, rather than rentals. He added that the project would probably not be conducive to families with lots of children, so it should not impact the schools.

Ms. Brnabic said she was concerned with the building with the tower effect because it stood at least 6-7 feet higher than any other. She felt it was an attractive concept, but

as she stated before, it would stand out from the entire project and she did not like that concept within this plan.

Ms. Ruggiero mentioned that the applicants represented that there would be about 350 residents. Mr. Abanatha replied 305. Ms. Ruggiero asked if the applicants or Staff had done a study on the property and the density relative to the R-4 zoning or what could be allowed on the property zoned R-4.

Mr. Delacourt replied that staff had not done a study, but it was discussed and agreed at the meeting that 29 acres with 3.4 units per acre would be about 60-70 units. Ms. Ruggiero asked if retail or office was proposed only for the first floor of each of the buildings. Mr. Gilbert said that for one of the concepts, it would be only on the first floor. However, if they had a user for an office building along Rochester Road, it would change that. The parking and everything would change. They would have to come back with a plan and take out a couple of buildings adjacent to the residential to meet the parking. What they had tried to do was build in maximums of everything, and build in some flexibility, knowing that they always must meet the parking requirements if they do make a change. They are trying to put all the cards on the table. If there were 305 residents, there would be no office and just some neighborhood retail. If there were an office building, they would probably lose 50 residential units. A PUD would let them have an agreement with the City for what would or could be done and how it would be done versus straight rezoning. They are presenting mixed-use, but in a little different way. With a straight rezoning, the City loses all control, but the applicant would still have to meet the Ordinance. The City would have little input on the design or style of the buildings or materials. They believe they can bring a project to the City that makes sense for the applicant and is an asset to the City.

Ms. Ruggiero acknowledged that made sense, but said she was wary of the "market situation," and if this were to come forward with the Site Plan they would like approved, she wondered at what point the Commission would stop talking about "what ifs" and actually discuss *exactly* what is to be proposed and built.

Mr. Gilbert said it would all be in the final agreement and in that agreement would be the plans they have to agree upon. The concept is to build in flexibility with some constraints. Ms. Ruggiero asked if he felt comfortable - realizing that the Commissioners have been questioning the density and the height of the buildings - continuing forward knowing the Commissioners might say something cannot be done.

Mr. Gilbert said he did not know what everyone thought. Ms. Ruggiero said there were obviously concerns relative to the height of the buildings and noted Mr. Gilbert had been clear on the record that the building heights were necessary because of the financial implication of developing this particular property. Mr. Gilbert said there are trade-offs with quality and density. Regarding the right-of-way, they can push the buildings further back, give up the 50-foot buffer and still meet the Ordinance. They could change the elevations and add more siding, as is seen in Auburn Hills on Adams Road. They could lessen the density and the quality and still have the return a developer looks for. They have heard some support for the project and heard some people with issues.

Ms. Ruggiero said she was not concerned with the PUD process, but she was concerned about the proposal. What they propose to do concerns her relative to the placement of the buildings - not only those adjacent to Rochester Road, but for the southern buildings - and relative to the density.

Mr. Kaiser observed that Ms. Ruggiero used words they should take to heart, not about the particulars of the proposal, but rather, whether this site is amenable to a PUD. Whether this is too dense, where the cuts are, whether there are too many buildings, what the buildings look like, etc., are not part of the decision tonight. He asked for a motion as to whether the site is or is not amenable to development as a PUD. A vote in support would mean that the applicant could take the matter to City Council and if they approve it the applicant could start negotiations with the City. Mr. Staran asked if the motion would be adopted with the key issues identified. He felt the issues of density and building height should be added.

MOTION by Hooper, seconded by Myers, in the matter of City File No. 02-027 (City Place PUD), the Planning Commission **recommends** that City Council **support** use of the PUD process with the following findings and in consideration of the following key issues that need to be addressed in the final PUD submittal.

Findings:

1. The proposed project meets the standards for use of the Planned Unit Development process.
2. The applicant has met all of the requirements of the Preliminary Planned Unit Development Submittal.

Key Issues:

1. Resolution of the Right-of-Way issue.
2. Final determination of density and ratio of uses.
3. Identification and inclusion of all modifications from underlying zoning districts in the Final PUD submittal.
4. Establishment of appropriate buffer from adjacent development.
5. Building Height

Roll call vote:

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

MOTION CARRIED

Mr. Kaiser advised that the matter would next be heard before City Council. He suggested that any traffic studies done should be forwarded, including doing a comparison between the potential uses of the site. He noted that traffic congestion does not only occur from more cars; it could occur because of more curb cuts. He would like to see the applicant talk to the neighbors about what they would see from the highest point in their homes and hear a proposal of how that view might be softened. He would like to see this before making a final determination.

ANY OTHER BUSINESS:

Ms. Ruggiero voiced her disappointment in the way the Church of the Nazarene has been taking care of its old property. When they came for approval for the new church, they suggested that the old property would be purchased and/or used by the nursing home next door. Mr. Delacourt advised after the meeting that he would have Ordinance look into it.

Mr. Rosen welcomed Mr. Boswell, who had surgery. Mr. Boswell thanked everyone for their prayers and friendship.

Mr. Anzek advised that the City staff and Senator Bishop had been successful in their efforts to get the M-59/Adams Rd. interchange restored to current funding. It had been a full court press by the Mayor, Mr. Staran, Council members, Mr. Anzek and others to get it off the deferral list, and it means a great deal to the City. They are also trying to get Crooks Rd. back on the table.