



Planning and Economic Development

Ed Anzek, AICP, Director

From: Ed Anzek
To: City Council, Mayor Bryan Barnett
Date: 12/5/2012
Re: Bank of America, Adams Marketplace and Consent Judgment Requirements

This memo is being submitted to advise the City Council that the Site Plans for the proposed Bank of America at the development known as Adams Marketplace have been found to be in **substantial technical compliance** subject to a few items which can be resolved administratively subject to a City Council approval with conditions. In accordance with the directions as set by the Amended Consent Judgment, this memo is to be considered as the Technical Review Committee's written recommendation in regards to the Bank of America Site Plan.

Project and Process Overview. The project consists of a 3,066 square-foot bank building located on the north side of Adams Road on the NW corner with the western leg of Marketplace Circle. The site is immediately east of the Meijer's Gas Station. The site is approximately 1.04 acres. The plan has been designed to accommodate vehicular access off Marketplace Circle and pedestrian access from both Adams and Marketplace Circle. Future cross access to the undeveloped remaining parcel to the north has been provided through notation. Ordinance requires **18** parking spaces and **36** are provided, including handicap and adequate stacking for the three drive-through service windows.

The Plans have gone through 4 Technical Reviews. The first was filed on August 9, 2011 and the last was filed on November 29, 2012. All reviewing Departments and agencies have approved the plans with some conditions and 2 issue areas. There was a significant delay in processing this plan as it was determined in the initial submittal that a major conflict existed between the building location and a DTE easement. This issue was a matter between the applicant and DTE to resolve. The second filing was in the first part of the year.

The Technical Committee consisted of representatives from the Building, Engineering, Traffic Engineering, Fire/EMS, Planning and Economic Development, Parks and Forestry, and Assessing Departments. In the first submittal (September 7, 2011) the plans were forwarded to outside agencies such as the Oakland County Drain Commission, Road Commission, DTE, Consumer's Energy, MDOT, and the like. Only the Water Resource Commission responded by advising that Soil Erosion fencing was required. Their comments were forwarded on to the applicant for incorporation in the plans. All other outside agencies had no comments. The concerns of the DTE easement were communicated directly to the applicant by DTE and discussions to resolve commenced.

Each member of the Technical Review Committee evaluated the plans against the provisions of the Consent Judgment along with applicable codes, development standards and ordinances if they were not specifically accounted for in the Consent Judgment. The Consent Judgment also called for an expedited review that required the City to complete all reviews within 21 days upon receipt. The City met this timeframe.

Landscape Irrigation Waiver. In this project there is one area that requires a waiver from Zoning Ordinance requirements by the City Council. The waiver is to forego the installation of an irrigation system to support the Bank of America's pursuit of LEED Silver Certification as issued by the U.S.G.B.C. (U.S. Green Building Council).

Section 138-12.105 of the Zoning Ordinance provides for this LEED pursuit. This Section; Item C. states:

“The irrigation requirement may be waived by the reviewing authority if the project incorporates landscaping that will contribute points towards LEED Certification or an equivalent rating system.”

Staff has verified that an installed irrigation system does contribute points towards LEED Certification. LEED is an acronym for Leadership in Energy and Environmental Design. Staff recommends that this waiver be granted and appropriate language is provided in the approving Resolution. As a point of order, the Consent Judgment establishes the City Council as the authority to review and approve site plans and grant any variances that may be necessary. Those are normally the responsibilities of the Planning Commission and Zoning Board of Appeals, respectively.

Street Tree Planting Requirement. In reviewing the Landscape Plans it was determined that the grass area along Marketplace Circle between back of curb and sidewalk is too narrow for the planting of trees. The applicant has agreed to pay equal value into the City’s Tree Fund. Staff recommends this payment instead of planting in the Adams Road median as was requested by the applicant for the Holiday Inn Express project.

Photometric Plan. The photometric plan as provided on November 29th contains a few “hot spots” or small areas that exceed the maximum foot candle levels permitted by the Zoning Ordinance. Staff recommends that a condition be approved that the Photometric Plan be adjusted as a condition of approval. The applicant has agreed and offered this commitment in writing (see email attached).

Summary. The electronic copy of the plans provided as part of this report are the same as those received on November 29, 2012 and reviewed by the various Departments. The plans as submitted are found to be in compliance with all applicable ordinances and provisions of the Consent Judgment with the exception of those noted. Staff recommends approval subject to the irrigation waiver in accordance with Sec. 138-12.105.C., payment into the City Tree Fund for street trees on Marketplace Circle in an amount as noted on the plans, and the refinement of the photometric plan. The recommendation is being made in accordance with the Amended Consent Judgment, Section 9. Approvals/Additional Requirements: 4. 3.; subject to the following conditions. All conditions are made part of the Resolution.

- 1. Payment into the City’s tree fund of \$2,400 in lieu of the required street tree plantings along Marketplace Circle.*
- 2. That the photometric plan be refined to be brought into compliance with the standards of the Consent Judgment and Zoning Ordinance Prior to issuing the Land Improvement Permit.*
- 3. Prior to issuing the Land Improvement Permit for this development the Landscape Performance Bonds must be posted in the amount of \$61,170. This amount is the estimated costs for all trees, plantings, and landscape materials.*
- 4. That the City Council approves a landscape irrigation waiver in accordance with Sec.138-12.105.C of the Zoning Ordinance as part of the approval Resolution.*
- 5. That any signs shown as part of this site plan submittal not be considered part of the site plan approval. Signs are governed under the Consent Judgment and the City’s Sign Ordinance and issued under separate permit.*

Thank You.



Ed Anzek <anzeke@rochesterhills.org>

Rochester Hills Lighting Plan

1 message

Jason Wagner <jwagner@nelsononline.com>

Tue, Dec 4, 2012 at 3:45 PM

To: "anzeke@rochesterhills.org" <anzeke@rochesterhills.org>

Cc: "Lieb, Stephanie (US) (Stephanie.Lieb@am.jll.com)" <Stephanie.Lieb@am.jll.com>, "Brian Estes (bestes@GMR1.com)" <bestes@gmr1.com>

Mr. Anzek,

Please find attached the current photometric plan for the proposed Bank of America at Adams Road and Marketplace Circle. We understand that this design does not currently meet the lighting ordinance in some areas of the site. We will continue to work with our lighting designer after the meeting to bring these areas into compliance to your satisfaction if approved through City Council. Please let me know if you have any additional comments or questions.

Thank you,

Jason Wagner
Project Manager

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