



Rochester Hills

Minutes

Planning Commission

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

Tuesday, May 20, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Regular Planning Commission Meeting to order at 7:30 p.m. in the Auditorium.

ROLL CALL

Present 6 - William Boswell, Deborah Brnabic, Kathleen Hardenburg, Greg Hooper, C. Neall Schroeder and Emmet Yukon
Absent 3 - Gerard Dettloff, Nicholas Kaltsounis and David Reece

APPROVAL OF MINUTES

2008-0248 May 6, 2008 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 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon
Absent 3 - Dettloff, Kaltsounis and Reece

Chairperson Boswell clarified for members of the audience that there were several Public Hearings and if someone wished to speak about any topics on the agenda, that they should fill out a card and bring it to the Secretary.

COMMUNICATIONS

A) Charter Township of Shelby Auburn Road Streetscape Corridor Plan

There were no further Communications brought forward.

NEW BUSINESS

2008-0152 Request for Approval of the 2009-2014 Capital Improvement Plan (Public Hearing)

Ms. Jenuwine referred to the memo she had provided (on file), dated May 5, 2008, which addressed some of the issues brought up by Commissioners at the April 15 workshop. There were some suggestions about making the document more user- friendly, and she hoped the Commissioners' concerns were satisfied and that they would adopt the CIP. She said she would be happy to answer any questions.

Ms. Brnabic asked if the motion to adopt the CIP could be made without reading it in its entirety. Chairperson Boswell did not believe the motion had to be read entirely; it just had to be in the Minutes entirely.

Chairperson Boswell opened the Public hearing at 7:35 p.m.

Melinda Hill, 1481 Mill Race, Rochester Hills, MI 48306

Ms. Hill stated that in the 2009-2014 CIP, there were two revised projects, WS-14A, Water Main - Washington Road from Tienken to Dequindre, and SS-14, Sanitary Sewer - Washington Road, Tienken to Dequindre. What had changed was that Mill Race, Carter, Mead and Winkler Mill had been removed from both the projects and were now new projects - WS-14B and SS-14B, and they were totally removed from the regular list and placed as Pending Projects. She found it interesting because the complete area was in the 2000 CIP as Water, WS-17, with an estimated cost of \$5,378,000.00, and construction time for 2005. In 2002, they added the Sanitary Sewer project, with an estimated cost of \$7,160,000.000 and construction time in 2005. In the 2003-2005 CIPs, the projects remained the same, and in 2006, the Water project changed numbers from WS-17 to WS-14, and the cost increased to

\$5,700,000.00, with a construction time of 2009. The Sanitary Sewer cost was reduced to \$3,800,000.00, and the construction time was scheduled for 2009. In 2007 and 2008, the two projects remained the same but now in the 2009 CIP, she noted that they had been totally removed. She stated that she had lived in the City for 31 years, and her area was one of the few remaining without sewer and water. They kept getting pushed to the back burner, even though they were some of the City's biggest tax payers, and those with the least demands on City services. It was sort of a catch-22, because it was noted in the 2009 CIP that there were too few residents and larger parcels, so the City should wait for development, yet the new Master Plan called for a new Estate zoning, with a minimum of one-acre parcels. To have septic, the County was requiring one acre. One of the larger parcels was recommended by the Green Space Advisory Board for purchase from the City's Green Space millage. She stated that there were several large parcel owners that had absolutely no intention of splitting their property and selling it at any time in the near future. Many of those parcels contained flood plains, wetlands and steep slopes, and some people had horses. On Mill Race, there was a two-acre minimum for lots. She stated that there was not going to be development happening, so they could not wait for development to have more sanitary sewer and water users. She reminded that the policy of the City had been to extend sanitary sewer and water to all areas of the City, yet there were many projects happening in the meantime and placed in the CIP, but the Winkler Mill, Mill Race, Carter and Mead Roads projects were basically deleted from the 2009 CIP. She asked that they be put back in the CIP as regular projects, not pending, even without a dollar figure or a date. Taking them out took them off the radar, and she felt that was unfair. She understood why they were changed, because they were being pushed to put sewer and water down Washington

Road because the County wanted to pave it in 2010 or 2011. The City did not have the money to complete everything out there, but she did not agree with the reasons of the CIP Team or the City, and she did not feel they were really in touch with the taxpayers in that area of the City. She requested that those two projects be put back in the CIP.

Ms. Hill questioned the introduction of recurring projects under the title of Rehabilitation Programs. She stated that one of the premises of the CIP was that the projects were non-recurring, yet in the 2008 CIP, MR-03, Major Road Concrete Slab Replacement, and LS-03, Local Street Concrete Slab Replacement were introduced as recurring projects. In 2009, SS-02B, Sanitary Sewer Rehabilitation was also a recurring project of approximately \$2,000,000.00 per year. She believed that the recurring programs were blurring the line of the intent of the CIP. She found it interesting that in the original CIPs, in 1999 and 2000, there was an area called Capital Maintenance Programs. She read, "Capital Maintenance Programs are an important supplement to the Capital Improvement Plan. These programs represent the ongoing costs to support and protect the investment of approved Capital Improvement Projects. Although Capital Maintenance Programs are not approved as part of the CIP process, since their funding is included in the City's operating budget, it is important to recognize the impact of these ongoing costs as consideration is given to approving new projects." She felt that these programs, which were recurring costs to the City, even though they were Capital projects, were much more capital maintenance-type projects to original road work or sanitary sewer in the City that needed rehabilitation. She doubted that any changes would be made for this year, but she asked whether the CIP Team could truly scrutinize it for future years and take a closer look at what was being

considered as a non-recurring or recurring project.

Ms. Hill also questioned what happened to SS-02A, the Sanitary Sewer Evaluation Study from 1999 for \$450,000.00. It became a \$900,000.00 project and had been an ongoing, alternating cost between SS-02B, which was the new recurring Sanitary Sewer Rehabilitation for \$2,000,000.00 per year. She asked if the evaluation was complete and why it had disappeared and was placed on the pending list.

Chairperson Boswell closed the Public hearing at 7:48 p.m. He recalled that Mr. Rouse, Director of Engineering Services had mentioned SS-02A and B, and asked Ms. Jenuwine if she could explain anything further.

Ms. Jenuwine advised that SS-02A, the evaluation of the lines, and B, the rehab, would be conducted in house rather than using a consultant. Mr. Rouse believed that the Asset Management System was incorporating data on a daily basis with the field people. They would collect manhole information in the subdivisions and on the roads, and Staff would populate the Asset Management System rather than pay a consultant to accumulate the information. Mr. Hooper confirmed that the City purchased a television camera last year for the purpose of televising the sanitary sewers rather than having a consultant do it.

Mr. Schroeder thought that Ms. Jenuwine could take Ms. Hill's concerns back to Staff to be able to answer the questions, because the Commissioners did not have the ability to address them. Ms. Jenuwine thought that Ms. Hill was making statements more than asking questions. Ms. Hill reiterated that she would like to have WS-14B and SS-14B placed back in the CIP as projects, because they were off the radar screen, and that went against the policy

of the City.

Mr. Schroeder remembered discussing paving Washington Road, but not the details, but he indicated that the City would not pave the road until the water and sewer were in. Ms. Jenuwine said that the Engineering Dept. stated that they had pushed the Mill Race, Carter, Mead, and Washington project to the back because the cost versus the number of people who would benefit per parcel was extraordinarily high, and they could not justify it. Mr. Schroeder said that historically, the City had always waited for the developers to bring in the lines, and he noted that a portion of the northeast corner of the City was done by Elro Corporation. It was very, very expensive and they were paid back with taps. He concluded that almost all of the major water mains and sewers were done in cooperation with development. Mr. Schroeder moved the following motion:

MOTION *by Schroeder seconded by Brnabic, that the Rochester Hills Planning Commission Approves the Capital Improvement Plan that has been proposed for the years 2009-2014. The Rochester Hills Planning Commission has determined the following:*

WHEREAS, the Municipal Planning Act, Act 285 of Public Acts of 1931, as amended, requires the Rochester Hills Planning Commission to annually accept a Capital Improvement Plan for the benefit of the health, safety and welfare of the community as those criteria relate to the physical development of Rochester Hills; and

WHEREAS, the Rochester Hills Fiscal Office has consulted with the City's professional staff who carry on the business of planning for and providing for the present and future needs and desires of the citizens of Rochester Hills; and

WHEREAS, the Capital Improvement Plan is meant to consider the immediate and future needs and goals of Rochester Hills, as identified by the public, City Boards and Commissions, and the Mayor's staff, in light of existing projects and plans and anticipated resources; and

WHEREAS, the Capital Improvement Plan is a flexible document, necessarily meant to be reevaluated and amended each year, to project into the six (6) succeeding years, and further amended as needed to address practical realities as they relate to policies and philosophies of relevant Boards, the City Council and the Mayor's office.

WHEREAS, the Capital Improvement Plan is a guide and forum to aid the Rochester Hills Mayor's Office and the Rochester Hills City Council in making decisions regarding the physical development and infrastructure maintenance of the City and determining what, if any, resources can or should be available to carry out City Council's policies and budgetary decisions; and

WHEREAS, the components of the Capital Improvement Plan have been subject to public hearings, public review, and constant citizen committee reviews over the course of several years and a duly noticed full public hearing on May 20, 2008 and further previous invitation for public input on April 15, 2008; and

WHEREAS, the components of the Capital Improvement Plan having been arrived at through a point system using variables that included, among other things, whether the project has begun, funds committed; sources of funds; prior City Council decisions, Planning Commission or administrative recommendations and decisions.

NOW THEREFORE BE IT RESOLVED, that the Capital Improvement Plan presented for review on April 15, 2008, and presented with minor changes, referenced in the memo from J. Jenuwine dated May 15, 2008 (on file), for review on May 20, 2008 is adopted and;

BE IT FURTHER RESOLVED, that this Plan should be published and attested to according to law.

Chairperson Boswell referred to the projects Ms. Hill mentioned, noting they were placed as projects under review. He said he could understand that she wanted them in the Plan itself, but if they were not put in with a dollar amount, he wondered what the point would be. Ms. Jenuwine suggested that they could find the latest project estimates from the Engineering Department, although they did not plan on doing them, if the Commission wanted them back into the body of the document. Chairperson Boswell did not think it was necessary for them to go back in; he would rather it stay the way it was for now. He said he could certainly understand Ms. Hill's concerns, but the problem was that they were not going to get done, whether they were there or not. Ms. Hill remarked that the City should change its policy of extending sewer and water throughout the City. She felt it was contradictory. Chairperson Boswell agreed.

Mr. Anzek reminded that the CIP was a six-year program, and the Engineering Department did not foresee doing the projects in that period. They were put into a table (page 87) as projects under review, and every year when the Policy Team began the process, they looked at those projects to see if they were worthy to bring forward. If so, they would bring them forward to the next projected six years. He did not think it had fallen off the radar screen. It used to be called the Companion Section of the CIP, and it was still

something they looked at in the beginning of every cycle. The Policy Team would take the question up with the Staff that proposed the projects to see if they were viable, but to move it into the year 2013 and put a dollar amount was being unrealistic if it would not happen in that six-year timeframe. They could take up the policy with Council.

A motion was made by Schroeder, seconded by Brnabic, that this matter be Adopted.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

Chairperson Boswell stated for the record that the motion had passed six to zero.

2008-0249

Request for Approval of Conditional Land Use - Buffalo Wild Wings Outdoor Seating, for the seasonal sale and service of food and beverages, located at the Boulevard Shoppes, on Walton east of Livernois, zoned B-2, General Business, A.F. Jonna Development & Mgmt. Co., applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated May 20, 2008 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Kent Ward, Franchisee of Buffalo Wild Wings, representing Arkan Jonna, the developer.

Mr. Anzek agreed that Mr. Jonna, the owner of the Boulevard Shoppes, had processed the request. Mr. Anzek referred to the plan, and said he thought it worked pretty well. There was plenty of parking on the site, including banked parking. He believed that it was a straightforward request, and noted that the Ordinance required a Conditional Land Use Permit for outdoor seating and service. He said he would be happy to answer any questions.

Ms. Hardenburg asked if the structure would be permanent,

which was confirmed by Mr. Ward.

Mr. Yukon asked if they would use umbrellas or shading, noting that it would face the west, and would be fairly warm in the summertime. Mr. Kent advised that the ultimate plan was to have a permanent awning covering the whole patio. He believed the drawing only showed architectural awnings. Mr. Yukon asked if there would be umbrellas, and Mr. Kent answered that he did not think they would be necessary because there would be a full canopy.

Mr. Schroeder asked if the sidewalk would match what was there, which was a special stone treatment. Mr. Ward said they met with Mr. Jonna a few weeks ago, and as a group decided that they did not want to go with the same concrete because of the pebbles in it. It was hard to try to keep clean, so they decided to go with stained concrete. It would probably be a little darker than what was there so it would not show the dirt. He noted that there were multiple Buffalo Wild Wings around the country and some had the original color, which was a real fight to keep clean and they had to power wash it almost nightly. Mr. Schroeder asked if they would serve beer and wine, which was confirmed. He asked if people would have to access the patio through the building. Mr. Kent said that was the full intent, but they had to have emergency exits on the patio, and he could not say that no one would never enter or exit through them, but the intention was that they all came and went through the front door.

Mr. Hooper commented that the awning might be an issue for the Fire Department. He said he could not recall that a liquor license had been brought into the community for their restaurant. He asked if that would come before City Council in the future. Mr. Anzek said that Staff did not process that, but he was sure it would be. Mr. Ward said

they had applied to bring a liquor license into the community, and he thought he should hear something any day from the City Clerk about when they would meet with the local liquor board. Mr. Hooper said he was excited to welcome them to the community.

Mr. Anzek asked Mr. Hooper if he would prefer that the outdoor seating came to the City Council at the same time the liquor permit did. Mr. Hooper said he would not have a problem with that. Mr. Anzek then said he felt he should retract that request so the applicant could get started on construction. If they did not get a liquor permit, they would still have restaurant capabilities outside. Mr. Hooper did not think there was a Buffalo Wild Wings without a liquor license. Mr. Anzek said he would bring the Conditional Land Use Request forward as soon as possible, because he did not want to tie it to the liquor permit, as it would delay construction.

Chairperson Boswell opened the Public Hearing at 8:00 p.m. Seeing no one come forward, he closed the Public hearing.

Ms. Brnabic moved the following motion, and Chairperson Boswell clarified that Mr. Ward was familiar with the two conditions, including dates of operation, and the Building Department's request for more detailed dimensions.

MOTION *by Brnabic, seconded by Hardenburg, in the matter of City File No. 77-505.4, the Planning Commission **Recommends City Council Approve the Conditional Land Use** for outdoor sales and service of food for Buffalo Wild Wings, located at the Boulevard Shoppes on Walton Blvd., east of Livernois, based on the site plan dated received by the Planning Department on April 22, 2008 with the following five (5) findings and subject to the following*

two (2) conditions:

Findings:

- 1. The subject seating area will be surrounded by a railing and then a sidewalk adjacent to the driveway, and does not appear that it will be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.*
- 2. The existing development does promote the intent and purpose of this chapter.*
- 3. The subject site has been designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.*
- 4. The subject site is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, and the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.*
- 5. The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Conditions:

- 1. Address comments in Building Department memo dated*

April 30, 2008, prior to Building Plan Approval.

2. Dates of operation shall be from April 15 to October 31st.

A motion was made by Brnabic, seconded by Hardenburg, that this matter be Recommended for Approval to the City Council Regular Meeting.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

2008-0243

Request for Approval of a Revised Conditional Land Use - American House of Rochester Hills, a proposed 80,500 square-foot convalescent senior living facility, part of the American House complex, located on Adams Road, north of South Boulevard, zoned SP, Special Purpose; Fusco, Shaffer & Pappas, Inc., applicant

(Reference: Staff Report prepared by Ed Anzek, dated May 20, 2008 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Jeremy Griffis, Fusco, Shaffer & Pappas, 30800 Northwestern Hwy., Suite 100, Farmington Hills, MI 48334, the project architect.

Mr. Anzek recalled that in December 2007, the applicants came before the Planning Commission to present a concept for a revised component of the American House complex, stating that their market situation had changed. Previously, they were approved to construct several one-story, independent living units, but they had found that there was a stronger market for dependent, or convalescent care. The new building would have 24/7 nursing care, and that meant a different level of care than previously proposed. The new design showed one building, which would have three stories on the back where the land sloped down, and he noted that three stories required a Height Modification. Mr. Anzek advised that the plans had been through numerous technical reviews, and that the applicants made many changes to accommodate the Fire Department, including adding stairwells for evacuation. The applicants had been very cooperative with any

requests made by Staff to get the plans technically compliant.

Mr. Griffis showed the overall Site Plan for a 71-bed convalescent home. There would be medication, meals and housecleaning provided, and it would be a home for the aged, licensed through the State of Michigan.

Mr. Griffis advised that they would improve the landscaping all along the Adams Road frontage, with new entrance walls of stone and brick to match the new building. The landscaping would unify the whole development. The proposed building would be the tenth building of the American House campus. The other buildings on campus were either independent living or apartment-type buildings, without medical care provided. He explained that the building would present two stories along Adams, and that the site sloped down and the rear portion would be essentially like a walkout lower level. It would not be a basement. They would like to improve the existing pond, and were providing a terrace area and more landscaping at the rear of the building.

Mr. Schroeder said he had never seen a casual and a formal dining room on plans he had looked at. He asked if there would be a quick place to come for a sandwich versus a formal sit down dinner. Mr. Griffis said it was a trend in senior living to give people options. There would be more hours of operation with the casual dining. Mr. Schroeder asked if everyone would get the same meal at the formal room or if there would be a selection. Mr. Griffis was not sure, but he was aware that they would present different options.

Ms. Hardenburg asked if the home would be for people entering the last stages of their lives or if it would include

someone who just got out of the hospital who could not go right home. Mr. Griffis said that it could be, or that people could go right from their home if they needed help with medication every day. It would depend upon a person's condition.

Mr. Anzek added that if someone was a Medicare patient, they would have to be released to a nursing home for rehab before going to their regular type of living. He suggested that it was a hard question to answer without knowing what someone needed.

Chairperson Boswell opened the Public Hearing at 8:12 p.m.

Janet Tate, 3680 Adams Rd., Auburn Hills, MI 48126.

Ms. Tate indicated that she had no objection to the proposal, but she lived across Adams and the developers had built up the land where they wanted to put the building, and there had been a drainage problem since. The road was always flooded and water crossed the road into her property and flooded it when it rained. It was eventually working its way up to her home, and she wanted to know if they would be able to correct it. She stated that no one was doing anything about it now.

Mr. Anzek said that if it was happening now, it was not the responsibility of the current applicant. Ms. Tate said she had talked with the Road Commission. Mr. Anzek maintained that the City's Engineers would very much like to be made aware of the problem to try and find a solution, in cooperation with the Road Commission. Ms. Tate said that there was always a truck doing something, and a marker saying there was water over the road. Mr. Anzek thought there was something plugged or that the pathway was in a valley. He assured that he would discuss it with

the City Engineer right away.

Mr. Schroeder asked Ms. Tate if she had talked with Auburn Hills about it, and she advised that she had. Her neighbor had the same problem, and the City put a drain in the ditch by his home to solve the problem. It ran down into a pipe. Mr. Schroeder asked if she knew who she talked with, and said that the City could work with that person. Ms. Tate responded that the City said it was the Road Commission's problem. Ms. Anzek asked her to write down her information, and he promised that the City would work with her.

Chairperson Boswell closed the Public Hearing at 8:16 p.m.

Mr. Yukon recalled that at the December meeting, there was some discussion about pedestrian safety around the pond and for the walkways. He asked Mr. Griffis to elaborate.

Mr. Griffis said they had done further development along the pond. The entire curved walk would meet the barrier free requirements. The slope of the pond would be very gradual. Mr. Yukon asked how deep the pond would be, and Mr. Griffis noted that the deepest part would be three to four feet at the center. There would be a stone retaining wall and large plantings. The grades did not change more than 30 inches, so a metal railing was not required. Mr. Schroeder asked how they would keep the water from becoming stagnant. Mr. Griffis said it would have an aerator fountain.

Mr. Anzek informed that much of the sidewalk layout was dictated by the Fire Department - when they evaluated it for ladder placement and access to the upper floors. He felt that the architects had been very cooperative. He added

that there was no landscaping added between the front sidewalk and the building because of the Fire Department. The materials west of the front sidewalk were intensified. Mr. Griffis had several meetings with the Fire Department, and Mr. Anzek felt that overall, the advantage of the plan was due to the fact that the applicant came before the Commission previously, gathered the input and made refinements.

Mr. Yukon referred to the architectural renderings, and commented that it would be a very nice building. He thought the applicant had taken time with the design, and he said he liked it.

Ms. Brnabic asked if any further consideration was given to renovation of the façade of the adjacent school building. Mr. Griffis said they proposed a lot of landscaping in front of it to improve the overall street appearance of the project, but he was not sure if they were going to do anything with the school building.

Chairperson Boswell asked the Commissioners if anyone had a concern with the Tree Removal Permit or Height Modification requests. Ms. Hardenburg asked about drawing A202, the partial west elevation, which showed three stories. She asked if it should be east, and Chairperson Boswell agreed it should be southeast. Mr. Griffis suggested that it be called the northeast corner of the building at the west side. Ms. Hardenburg pointed out that it would be southeast. Mr. Anzek said that a simple revision would be to label the angled portion the southwest/northeast elevation. Ms. Brnabic moved the following motion:

MOTION *by Brnabic, seconded by Schroeder, in the matter of City File No. 99-007.4 (Rochester American House), the*

Planning Commission recommends to City Council approval of the revised Conditional Land Use, based on plans dated received by the Planning Department on May 8, 2008, with the following fourteen (14) findings.

Findings:

- 1. The development is for a select group of the population, the elderly, whose special needs require the close physical proximity of accessory uses and support facilities.*
- 2. The project consists of a different type of living unit (convalescent care) constructed pursuant to an overall comprehensive plan for an entire parcel.*
- 3. The development is located just north and west of, and will have common Adams Road access with, other existing American House facilities which provide other senior housing and care opportunities.*
- 4. Accessory and support facilities are present in the building and are available to future residents of the subject site.*
- 5. The proposed development is required to provide 9,585 square feet of ancillary facilities and has provided 9,835 square feet.*
- 6. The proposed development is required to provide 2,485 square feet of common facilities and has provided 7,489 square feet.*
- 7. The proposed building is two to three stories in height; three stories can be recommended for approval by the Planning Commission per Section 138-1111(i).*

8. *The proposed development is required to provide 800 square feet of land area for each bed and has provided 1,839 square feet.*
9. *36 parking spaces are required and 42 are being proposed.*
10. *The provision of housing for the elderly is consistent with the intent and purpose of the Zoning Ordinance in general and of Section 138-933(9) in particular.*
11. *The development has been designed and will be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.*
12. *The development is or can be adequately served by essential public facilities and services, and all utilities are available to the site.*
13. *The development is not detrimental, hazardous, or disturbing to existing land uses, persons, property, or the public welfare.*
14. *The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

A motion was made by Brnabic, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

2008-0254 Request for Approval of a Height Modification - American House of Rochester Hills

MOTION by Hardenburg, seconded by Yukon, in the matter of City File No. 99-007.4 (American House of Rochester Hills), the Planning Commission recommends to City Council approval of a Height Modification to allow three stories on the rear portion of the building, based on plans dated received by the Planning and Development Department on May 8, 2008, with the following three (3) findings:

Findings:

1. *The side and rear yard setbacks are at least equal in depth to the height of the proposed building.*
2. *The proposed roof slope and building will be consistent with other buildings on the entire development.*
3. *The increased height will be compatible with the surrounding and nearby topography, existing and reasonably expected development, the Master Plan for the area, and the health, safety and welfare of the City.*

A motion was made by Hardenburg, seconded by Yukon, that this matter be Recommended for Approval to the City Council Regular Meeting.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

2008-0244 Revised Tree Removal Permit - City File No. 99-007.4 - American House of Rochester Hills

MOTION by Yukon, seconded by Schroeder, in the matter of City File No. 99-007.4 (Rochester American House), the Planning Commission grants a revised Tree Removal Permit, based on plans dated received by the Planning

Department on May 8, 2008, with the following two (2) findings and subject to the following one (1) condition.

Findings:

- 1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.*
- 2. Of the 76 regulated trees on the subject site, the applicant is proposing to replace 69 regulated trees with 69.5 replacement trees on-site.*

Condition:

- 1. Address conditions in City's Landscape Architect's letter dated May 12, 2008, prior to Final Approval by Staff.*

A motion was made by Yukon, seconded by Schroeder, that this matter be Granted.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

2008-0245

Request for Approval of a Revised Site Plan - American House of Rochester Hills, a proposed 80,500 square-foot senior housing facility on 3.4 acres on Adams, north of South Boulevard, zoned SP, Special Purpose, Fusco, Shaffer & Pappas, Inc., applicant

MOTION by Schroeder, seconded by Brnabic, in the matter of City File No. 99-007.4 (Rochester American House), the Planning Commission recommends to City Council approval of the revised Site Plan, based on plans dated received by the Planning Department on May 8, 2008, with the following six (6) findings and subject to the following eight (8) conditions.

Findings:

- 1. The proposed phase is a continuation of the existing American House Community, which serves the*

population with several types of senior care living, from independent living to convalescent care.

- 2. The revised site plan and supporting documents demonstrate that all applicable requirements of the Rochester Hills Zoning Ordinance can be met, subject to the conditions noted below.*
- 3. The location and design of the driveways and walkways, providing vehicular ingress to and egress from the site, have been designed to promote safety and convenience of both vehicular and pedestrian traffic, both within the site and on access and adjoining streets.*
- 4. Parking areas have been designed to avoid common traffic problems and promote safety.*
- 5. There is a satisfactory and harmonious relationship between the development on the site and the existing development of contiguous land and adjacent neighborhoods.*
- 6. The proposed development does not have an unreasonably detrimental or an injurious effect upon the natural characteristics and features of the parcel being developed and the larger area of which the parcel is a part.*

Conditions:

- 1. Approval by City Council of the revised Conditional Land Use.*
- 2. Provision of a performance and maintenance guarantee in the amount of \$146,637.00, 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. *Correct table on Sheet A001 regarding Terrace Level common area calculations, adding Chapel Activity square footage to total and revising Total Building Common Area Required, prior to Final Approval by Staff.*
4. *Appropriate approvals from the Road Commission for Oakland County for work in the Adams Road right-of-way must be obtained prior to issuance of a Land Improvement Permit.*
5. *Soil Erosion Permit from the Oakland County Drain Commission must be obtained for sedimentation control, prior to issuance of a Land Improvement Permit.*
6. *A Land Improvement Permit must be obtained prior to beginning any work on the site.*
7. *All references and notations stating "Assisted Living" shall be changed to "Congregate Care" on all sheets, prior to Final Approval by Staff.*
8. *Delete all Junipers and other shrubs shown on Sheet L3 within 5 feet of the asphalt sidewalk, prior to Final Approval by Staff.*

A motion was made by Schroeder, seconded by Brnabic, that this matter be Recommended for Approval to the City Council Regular Meeting.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

Chairperson Boswell stated for the record that the motions had passed unanimously and thanked the applicant.

2007-0448

Revised Tree Removal Permit - City File No. 07-009 - Crittenton/Karmanos Cancer Treatment Center, for the removal of 5 trees for the development of a 30,343 square-foot facility on 5.1 acres, located south of Star Batt, east of Crooks, zoned B-4, Parcel No. 15-28-151-006, Crittenton Hospital Medical Center, applicant.

(Reference: Staff Report prepared by Ed Anzek, dated May 20, 2008 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Michael Strother, and Mike Pacheko, Albert Kahn Associates, 7430 Second Ave., Detroit, MI 48202-2798; and Teon Sujak, Mickalich & Associates, 2359 Avon Industrial Dr., Rochester Hills, MI 48309.

Mr. Anzek stated that Staff had been working with Mr. Strother since the last approval, noting that the health care industry was a dynamic process. As the applicants continued to work on refining the interior spaces, the plan evolved. It now had a slightly different look, and there were other changes driven by the need for less parking. Staff thought it was important for the matter to come back before the Planning Commission for approval of a Revised Site Plan due to the elevation changes and the increase in size of the building.

Mr. Strother showed an image of the first project. They tried to come up with a building to accommodate the land, which was somewhat unique in shape, and there were buildings around it that they tried to connect to with pedestrian ways. They also wanted to have the building recognizable from different vantage points. One of the primary themes was the tall element that was referred to as the "beacon."

Mr. Strother explained that the new building would be in almost the same location, connecting to the hotel and restaurant. They increased the program by about 5,000 square feet, and looked in more detail at the objectives of the project. The biggest thing was to have a place that was welcoming, and they used natural stone, and the glass would provide a lot of daylight. They adjusted the roofline height slightly, but it would still be below 30 feet. They felt they had a really nice design, and they were ready to move forward if approved. He said he would be happy to answer questions.

Mr. Anzek advised that the Site Plan had gone through a complete technical compliance review. It had been approved by the Fire, Engineering, and Building Departments and all applicable reviewers.

Ms. Hardenburg noted that there would be a metal roof. She questioned the drawing that showed straight lines going down and the colored rendering showing rectangular pieces. Mr. Strother said that at one point they were going to use a metal roof with a little bit of a pattern, but they decided to go with more of a standard seam for the roof material and a more traditional look. Ms. Hardenburg said that she liked that one better.

Ms. Brnabic asked for a brief summary of the types of treatments planned for the facility.

Mr. Pacheko said there would be an infusion area, linear accelerator area, machines for radiology, exam rooms, diagnostics for general x-ray and for simulation before the linear accelerator and radiation therapy. It would all be tied in to cancer treatment. Ms. Brnabic noted that there would be a designated timeframe for people to have radiation

therapy. It was stated in the report that “the nature of the medical center for cancer treatment does not generate high levels of traffic turnover.” She was not quite sure that was a fair statement, because of what a cancer patient went through for treatment. Radiation was scheduled for many weeks, and there would be a constant stream of traffic, even if it were the same people. The cancer rate was high and people could overlap as they came and went.

Mr. Strother agreed there would be patients coming in and out, but he did not think it would be high volume. It would be a fixed number, based on the size of the building and its capacity. Ms. Brnabic said that she speculated that every half hour or 20 minutes, people could be coming for radiation, so she was not sure the statement about traffic was totally accurate. She said she liked what they did with the building. She was happy to see that it was being dedicated to cancer treatment, and she felt that was wonderful.

Mr. Schroeder asked the applicants if they had considered green building and the LEED program while developing the site. Mr. Strother said they had gone through the LEED checklist, but they were not pursuing LEED certification. In their materials and some specifications, they were definitely looking at sustainable ways to build. Mr. Schroeder said there were LEED roofs that were similar to what they were proposing. Mr. Strother said they were trying to pursue LEED specifications, but they had not looked at the exact roof material yet. Mr. Schroeder asked if they were going to treat the stormwater before it exited the site. Mr. Sujak noted that the stormwater treatment had already been provided, and it had been designed for the impervious surface of the proposed center.

Mr. Yukon asked how much change in elevation there was

with the Revised Site Plan compared with the first Plan. Mr. Strother pointed out the mullions, the piers in between with natural stone, the color of the metal, and he said that the biggest difference was that everything, including the materials, was exactly defined, where before it had been conceptual. He showed some colored samples of the stone. He went into detail about the illustration, and said that the building would have an inside/outside appeal to it so people could feel relaxed. Hearing no further discussion, Mr. Schroeder moved the following motion:

MOTION by Schroeder, seconded by Yukon, in the matter of City File No. 07-009 (Crittenton/Karmanos Cancer Treatment Center), the Planning Commission grants a Revised Tree Removal Permit, based on plans dated received by the Planning and Development Department on April 15, 2008, with the following three (3) findings.

Findings:

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to replace 5 regulated trees with heavily landscaped trees and shrubs, far exceeding the requirements of the TCO.*
3. *The original Tree Removal permit was granted by the Planning Commission on July 17, 2007 and the revision is for one additional tree removal.*

A motion was made by Schroeder, seconded by Yukon, that this matter be Granted.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

2007-0018 Revised Site Plan Approval - City File No. 07-009 - Crittenton/Karmanos Cancer Center.

MOTION by Yukon, seconded by Schroeder, in the matter of City File No. 07-009 (Crittenton/Karmanos Cancer Treatment Center), the Planning Commission approves the Revised Site Plan, based on plans dated received by the Planning Department on April 15, 2008, with the following seven (7) findings and subject to the following six (6) conditions.

Findings:

1. *The revised 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 proposed improvement will promote safety and convenience of vehicular traffic both within the site and on the adjoining street. Walkways have been incorporated to promote safety and convenience of pedestrian traffic and access to adjoining services.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
5. *The proposed development will not have an unreasonably detrimental nor an injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

6. *The improvements will allow Crittenton Hospital to expand the cancer treatment services it provides to the region.*
7. *The original Site Plan was approved by the Planning Commission on July 17, 2007 and the building is increasing less than 5,000 square feet; no other significant changes are occurring to the Site Plan.*

Conditions:

1. *Tree Protection Fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.*
2. *Provide a landscape bond for replacement trees and landscaping in the amount of \$168,935.00, prior to issuance of a Land Improvement Permit for this development.*
3. *Appropriate approvals from the Oakland County Drain Commissioner must be obtained prior to issuance of a Land Improvement Permit for this project.*
4. *Address all comments in the memo from the City's Landscape Architect dated May 15, 2008, prior to Final Approval by Staff.*
5. *Address comments from Building Department memo dated April 29, 2008, prior to Building Plan approval.*
6. *Address comment two in the HRC letter dated April 29, 2008, regarding site distance for the proposed drive approach, prior to Construction Plan approval.*

Ms. Hardenburg recalled that when the applicants came previously, they proposed a private healing garden. She asked if that was now gone. Mr. Strother said that the project still had it. Ms. Hardenburg asked where it would be, and Mr. Strother pointed out the area south of the building. The sidewalk went by it and people on the inside could look out onto it.

A motion was made by Yukon, seconded by Schroeder, that this matter be Approved.

The motion CARRIED by the following vote:

Aye 6 - Boswell, Brnabic, Hardenburg, Hooper, Schroeder and Yukon

Absent 3 - Dettloff, Kaltsounis and Reece

ANY OTHER BUSINESS

Mr. Anzek announced that the Master Thoroughfare Plan was being reviewed by McKenna Associates, for correlation with the Master Land Use Plan and to see if there were any issues or concerns. They would be bringing the Plan forward in the near future for adoption by the Planning Commission.

NEXT MEETING DATE

The Chair reminded the Commissioners that the next Regular Meeting was scheduled for June 3, 2008.

ADJOURNMENT

Seeing no further business to come before the Commission and upon motion by Yukon, the Chair adjourned the Regular Meeting at 8:56 p.m., Michigan time.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary