



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Gerard Dettloff, John Gaber, Nicholas O. Kaltsounis, Stephanie Morita,
David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, May 21, 2019

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 8 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, C. Neall Schroeder, Ryan Schultz and John Gaber

Excused 1 - David Reece

Quorum present.

Also present: Sara Roediger, Director of Planning & Economic Dev.
Kristen Kapelanski, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2019-0217](#) April 16, 2019 Regular Meeting

A motion was made by Schroeder, seconded by Kaltsounis, that this matter be Approved as Presented. The motion PASSED by an unanimous vote.

COMMUNICATIONS

Chairperson Brnabic welcomed John Gaber, the Planning Commission's newest member. Mr. Gaber said that he was happy to have the opportunity to work with everyone, noting that he had been on the Commission about 20 years ago.

- A) *Planning & Zoning News dated April and May 2019*
- B) *Friends of the Clinton River Trail Newsletter dated May 4, 2019*
- C) *Adopted 2020-2025 Capital Improvement Plan*

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:05 p.m. Seeing no one come forward, she closed Public Comment.

UNFINISHED BUSINESS

2019-0065

Request for Preliminary Planned Unit Development and Conceptual Site Plan Recommendation - City File No. 18-016 - Rochester Hills Trio, a proposed mixed use development consisting of residential units, office and retail space on 5.77 acres located at the northeast corner of Auburn and Livernois Rds., zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant

(Reference: Staff Report, prepared by Kristen Kapelanski, dated May 17, 2019 and PUD Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Joe Latozas, Mike Pizzola and Greg Ezzo, Designhaus Architecture, 301 Walnut, Rochester, MI 48307 and Fred Haddid, OYK Engineering, owner.

Ms. Kapelanski advised that the proposed mixed-use PUD was planned for the northeast corner of Auburn and Livernois. The property was currently zoned B-1 and RM-1 with an FB Overlay. 125 residential units were proposed in two, three-story buildings, and a two-story, commercial and office building was proposed at the corner. There had been a number of modifications requested, including for the height of the building, the front yard arterial setback, the parking setback and the front yard landscaping. The building design and transparency had been modified, but she indicated that some of those requirements still needed to be met. She noted that the matter had been considered and postponed at the April meeting. The Planning Commission had identified several outstanding issues they wished to see addressed. The proposed right out driveway on Auburn had been eliminated per the City and MDOT's recommendations, and that was no longer an issue. There had been a question about whether the balconies were shown on all the plan sheets. Balconies were now shown consistently throughout the plan set, so the elevations and site plans matched. The applicant had communicated with the adjacent apartment manager and would elaborate. Cross sections had been provided for the rear garage views. The applicants had also made some modifications to the garages to break up the façade, which they would explain further.

Mr. Latozas stated that they were back in hopes of gaining approval to move to the next step of the process. At the last meeting, there had been

additional information requested about the art feature, what the public benefit was, contacting the neighbor in regards to the proposal, any maintenance agreements required for the northern edge of the development, cross access between the two parcels, information about the balconies, the garages and how they interacted with the northern parcel, what the view would be driving west on Auburn, the right in right out issue, which had been removed, the phasing of the project, and the exterior finishes of the project.

Mr. Latozas advised that they had a meeting with the developer and the owners to the north, Dart Properties on April 19th. They discussed the issues from the April 16th meeting and showed them the project, and they were in favor of what was being proposed. They discussed cross access from the proposed site to the property to the north, and they (the applicant) agreed to post "No Thru Traffic" signs so that access into the north site would not be allowed. There would be no construction traffic from the proposed site to the north. The neighbors were concerned about utilization of their dumpsters during construction, and he stated that they would not be used for any construction materials during that process. They discussed the need for a maintenance agreement to work on the retaining walls and garages. The neighbors had agreed that they would work with them to form an agreement, and it would be in place as the project moved forward.

Mr. Latozas showed a slide of what they proposed in April and what was currently proposed, noting that the difference was the size of Building A. Due to the deed restrictions, they were not able to have any residential use on the corner. They made that building smaller and limited it to commercial and office. He said that they had revised their renderings to correctly illustrate the balconies and façade materials to match the elevations. They were proposing that the art be kinetic wind sculptures, approximately 13 feet high and six feet in diameter.

Regarding the public benefit, Mr. Latozas showed a park on Auburn with one of the sculptures. He showed a view looking at the commercial and office building on the corner of Auburn and Livernois. There would be an outdoor pocket park that would provide a view of the Bebb Oak. He explained that it would give the corner a sense of life and action. One of the concerns raised was the view from Auburn going west. They had since removed four of the garages, and the southern edge of the garage would now be approximately 83 feet from the road. Where they removed the garage, they created a boulder retaining wall with landscaping and a split rail fence. The landscaping would provide cover from any

headlights. There were three parking spots where the garages were removed. He showed a rendering of how they would deal with the water transference from the subject property to the neighboring property. They would detain water on the subject site, and it would be released at the current rate through the exact spot. They were releasing it from their property into a spillway so as to not create instability on the neighbor's property. There would not be any erosion on the neighboring property, because the water would dissipate through the spillway. Since the last meeting, they had re-detailed the garages. They proposed a wood-look garage door with the stacked black brick, and all the trim would be the color of the wood on the main buildings. That was to soften the look of the garages. He noted that the proposed materials were not changing. There would be brick, metal panel that looked like wood and other metal panels.

Mr. Latozas noted that after the last meeting, they went to the site and took a series of photographs from spots around the development to illustrate what the garages would look like from in and around the development. They had re-detailed the back edge of the garages and used two different materials to break up the mass. The lower portion would be retaining wall, and the upper portion would be the garages. He felt that the existing vegetation did a decent job of screening the back of the garages. He showed a photo from the highest section of the wall. There was a ridge that hid the back of the garages somewhat. The ground was higher in that area. He showed a photo of the drive between both developments and talked about the grade difference. Looking at the back of Buildings C and B and the garages, he claimed that there was a lot of existing vegetation that would mask the back of the garage.

Mr. Latozas mentioned that another item raised was the public benefit. They had listed eleven items, and first was connection of the pedestrian network. Currently, no access was provided across Auburn or Livernois. The Mosque was under construction, and people would walk there. They created commercial spaces along Auburn to activate the street scape and create an interesting space; they removed the gas station and were proposing a retail/commercial use in its place; there would be an increase of tax revenue; exemplary landscaping; public art sculptures; vest pocket park with gazebo; a mix of residential unit types at a price point that was needed in the community; contribution to the Tree Fund; removal of two curb cuts; and an outdoor dining area at the retail portion of the project. He showed an example of the split rail fence for the southern portion of Auburn where they removed the garages. They had provided details of the balconies, which would have a black finish. It was a pre-engineered system that was finished in a factory, so there was no concern about

deterioration or rust. They were aluminum, and they would be ten feet wide and four feet deep. Another item raised was the grade as it ran across the site and how the garages would interact with the grade. The grade increased across the site to be above the line of the floor of the garages. He showed several views, and said that as the grade went up, the garages stepped up with the grade. The grade behind the garages would increase so that the height of the wall facing the apartments to the north would be much less than the actual height of the garages on the inside. He claimed that someone would never get a chance to see a 17-foot wall. Regarding phasing, if the project moved forward using that, phase one would include all the site work. Phase two would include Building C and two of the garage buildings. Phase three would be the office and commercial building, and phase four would be the central building and the garage building directly behind it. He hoped that they had answered everything that had been raised at the last meeting and gave a better feel of what they were proposing. He asked if there were any questions or concerns.

Mr. Schroeder asked if they had gotten an easement or a method of building the wall. He noted that it was right up against the property line, and he did not see how it could be built without going on to the other property. Mr. Latozas claimed that the wall could be built from their side, but through their discussions with Pine Ridge's ownership, it would not be an issue to get a construction easement agreement from them to build the wall. Once construction was completed, they would enter into a maintenance agreement so they could access the wall. Mr. Schroeder asked if they would not be going on the neighboring property to build the wall. Mr. Latozas said that they might, but they would get a construction easement to do so. Mr. Schroeder said that he would like to see the proposed construction for the wall. He would like to see the detail, and he thought that they would want to have the easement before they started construction. Mr. Latozas agreed that moving forward, they would have easements in place.

Mr. Gaber thanked the applicants for their presentation. He stated that he was at somewhat of a disadvantage since he had not sat through the previous presentations. He knew that the Planning Commission had discussed it a lot in the past, so some of his comments might have been addressed. Looking at the project from the larger picture, he thought that it would be great if it complied with the ordinances, but it did not, which was why a PUD was being sought. To qualify for a PUD, adequate public benefits needed to be provided. He questioned some of those that had been offered. He thought that some were great, such as getting rid of the

gas station property and the curb cuts. He thought that diversification of the residential types of units would be helpful. He thought that the pocket park with the gazebo and art sculptures would really be more of private benefits and would benefit the people in the community as opposed to the public at large. Some of the benefits would occur with any development, whether it was a PUD or not, such as increased tax revenue. He questioned whether the project qualified from that standpoint for a PUD. He had seen other Designhaus projects, and he knew that they did a good job, and they did creative projects to fit specific needs depending on where they were proposed. He mentioned one in Ferndale, for example. He felt that a lot of the features of the proposed project were more suited to that type of venue. The proposed project was innovative and more urban and modern and industrial-looking. It had minimalistic features. He wondered whether the proposed site was right for that type of look. If it were in a downtown community or a walkable community, such as adjacent to downtown Rochester, he would think that the water feature and the gazebo would be perfect, because there was a lot of pedestrian traffic there. He did not see that for the proposed project. He saw that what they were proposing would benefit the residents of the project. He thought that the commercial building on the corner looked great and would serve a great purpose for that location, but he felt that the residential buildings needed to be softened up quite a bit. There was a stark wall, which Mr. Latozas explained was a dark gray masonry, and the light gray would be a metal siding. Mr. Gaber maintained that the whole development looked very stark; there were no awnings or real parapets or design features to soften the look and make it look more residential in character. He questioned whether the project was suited for that area of the community. In terms of landscaping, one of the waivers being requested was for eight trees, and he asked them to explain why they were asking for that.

Mr. Pizzola explained that Rochester Hills had some extensive guidelines as to where landscaping could go, including site triangles, the safety path and the right-of-way. Pulling into an intersection, someone's view could not be blocked by landscaping. In addition, underground and overhead utilities had to be considered. Landscaping had to be placed within a certain distance of property lines and pavement edging. Everything overlapped, and it was difficult to find room to place the required number of trees. There was a provision that allowed them to pay in lieu of into the Tree Fund.

Mr. Gaber said that he understood about corner clearance at the entrance, but he did not think that they had that issue where they eliminated the right out. There were three points in the apartment

buildings that were close to Auburn, and he believed that they were 17 feet from the right-of-way. He wondered if they could add landscaping in front of those areas. He wondered if they could put some of those eight trees in those areas. Mr. Pizzola stated that it was packed in as much as it could be, and he could not get another tree on the site.

Mr. Gaber brought up existing vegetation behind on the adjacent site. He asked if that would be within the temporary construction easement area, and if so, if it would be affected by construction. Mr. Pizzola responded that it would not. The vegetation that they showed was five to seven feet off of their (applicants') property line. They would only need two to three feet. That vegetation was brush. The larger trees were farther out. Mr. Gaber asked if there was a buildable lot to the east. Ms. Kapelanski believed that it was owned by the apartment complex. Mr. Pizzola said that it might be part of their open space. It was a wet area and not likely to be developed.

Mr. Gaber noted that phase one would be building all the site improvements, and he asked if they would propose completion guarantees to ensure that all three structures would be built. Mr. Latozas said that they could definitely work with staff to provide that. It was their intent to not have it a phased project. Mr. Gaber concluded that the project showed a lot of ingenuity and creativity; he just questioned whether it qualified for the PUD option, and whether it was the right project for the site.

Mr. Latozas said that when the project originally came before the Commission, it was similar to what it was now with the exception of the building on the corner. The Commission had commented that moving forward was the right direction. They were asked to come back with a project that was similar and were not asked to make large changes. They talked about the height and the way the site sloped, and three stories seemed to make sense because of the drop in the grade. The parapet height of the three buildings would be consistent across the site; it was the grade that dropped. The materiality of the project was brought up, and it was liked by four or five different members. They felt that the aesthetic was appropriate. That was over a year ago, and they had treaded down the path of that same style of architecture from the direction of the Commission. Mr. Gaber said that he would just like to see it softened more. It would be a real step forward for Rochester Hills, and he was not aware of another development like it in the City. He felt that it might be more appropriate to soften it up with different architectural features to make it more of a baby step than a big step for the City.

Mr. Kaltsounis thanked the applicant for doing due diligence since the last meeting and addressing a lot of the things the Commissioners had mentioned. He felt that they were on much safer ground than at the last meeting. He asked what happened with the deed restrictions and the building on the corner. Mr. Latozas advised that the deed restrictions for that corner did not allow residential uses. Mr. Pizzola added that due to the former gas station, there were leaking, underground tanks and extensive contamination. They had a phase two done for the site, and it was determined that the remediation was compliant. There was minimal further remediation required, but due to that, Speedway put in place a deed restriction for the life of the property that no residential could be on that site, no matter what they did. They did not learn that until the purchase agreement was in place. Mr. Kaltsounis asked him to show the two different renderings. He observed that they had taken a lot of what was proposed for Building A and moved it to Building B, which became a larger mass. Mr. Kaltsounis noticed that a lot of the wood features had been lost. Mr. Latozas said that it was a result of satisfying the façade proportionality of the primary material versus the secondary material. They increased the brick and reduced the metal and wood. Mr. Kaltsounis asked if the number of residential units went up or down. Mr. Latozas said that it stayed the same. Mr. Kaltsounis asked if the renderings shown in the presentation could be made available, and Mr. Latozas agreed that they would submit hard copies.

Mr. Kaltsounis said that the applicants talked about an access agreement where their tenants could not go through the apartment property to the north. He asked if the neighbors to the north were allowed to go through the subject property, which was confirmed. Mr. Latozas said that they currently had access, and they would not be denied future access. Mr. Kaltsounis said that he appreciated that the garages were moved away from Auburn. He said that he was still not clear about some features of the retaining wall. He asked if they could see samples of the materials. Mr. Latozas went over the colors and materials of the proposed wall. The intent was to break up the wall so it was not so monolithic.

Mr. Kaltsounis asked why there was so much more white in the current renderings. Mr. Latozas did not believe there was more white proposed than before. He offered that there was a cap that ran along the building that could be made a darker color, and reminded that the insets of the balconies would provide shadow lines to create some darker contrast. He felt that there was a limitation with the photo renderings. Mr. Kaltsounis said that he liked how the wood had blended into the design, and he felt

that it was being lost. He felt that Mr. Gaber had a point about using a PUD. They just reviewed a development that added a lot of features, such as green space and larger buffers, and they had cleaned up a landfill. He asked what the City would be getting other than more density. He said that he was still fighting with that.

*Mr. Kaltsounis went over potential conditions:
Developer must obtain an easement agreement with the neighbors before the start of construction;
Developer must update the material board to add retaining wall details and materials, including the color of the grout for the garages;
Developer shall work with staff to provide guarantees related to the phases of construction.
He asked the applicants if they agreed to those conditions, which they did.*

Chairperson Brnabic reminded that as part of the PUD Agreement, a timeframe for completion was required. If it was being phased, that information would be added to the timeframe accordingly.

Mr. Dettloff thanked the applicants for taking a lot of the concerns into consideration and addressing them. He thought he heard that the units would rent at a price point that was needed in the City, and he asked how they determined that and what kind of research or data was used. Mr. Latozas replied that the developer had done research about the market average in the City and surrounding communities. He wanted to assure that what he was proposing was not out of reality to attract tenants. He was not proposing high rents, but he was not proposing a lower-end facility. It would be more middle of the road, and there would be opportunities for people of all income ranges to find the right sized unit within their budget. There would be live/work units and accessible units available. Mr. Dettloff asked what the price ranges would be. Mr. Latozas said that the range would be from \$1.50 to \$2.25 per square foot.

Ms. Morita commented that she did not like the way the development looked. She stated that from the rear, it looked like a prison behind a prison wall. There was a black wall with a very square, industrial-looking building. She acknowledged that the aesthetics from Auburn were a lot better, but from the rear perspective, it was really not appealing to her. She indicated that she would not want to live there. She also did not feel that it would provide a public benefit in terms of aesthetics. She appreciated the idea that they were trying to be unique with the black wall, but she felt that it made it worse. It made it more stark and harsher, which

she did not think was what people wanted to look at if they lived next door. She noted that they had listed 11 items they felt would provide a public benefit, but she stated that any time someone put an addition on a property tax revenue should go up. The only way they would really provide a public benefit was if the property owner was willing to agree to not appeal property taxes for eight years from the time a Land Improvement Permit was issued, absent an addition or loss of taxable value she would expect any property owner to be able to dispute. If that was put into the PUD Agreement, she would consider it more of a benefit than just providing an increase in value. She thought that Mr. Gaber had a good point about the pocket parks. They were really private parks, and people from the public could not just sit there - they were in the middle of an apartment building. If she was a tenant living there, and someone was sitting there smoking outside her window, she would be calling management. She did not think that the applicants would necessarily want those parks to be public when there would be residential apartments right next to them. In terms of the wall, she felt that it was really incumbent upon the applicants to not only have a maintenance agreement in a form acceptable to the City and recorded with the Register of Deeds prior to getting a Land Improvement Permit, but to soften up the look of the wall to talk with the neighbor to the north to find a way to plant evergreens or landscaping on that property. She believed that it would be better for everyone, and no one would see a black wall. She did not think that they could rely on the scrub trees or brush on the neighboring property to keep the project from being stark, because it was. The neighboring property owner could come in and completely clear that area. She emphasized that they needed an agreement with the neighbor to be able to install trees. She agreed with Mr. Kaltsounis about the change in materials and how there was more white, and that it was more industrial-looking. She did not like it as much as what they had seen previously. At this point, without the agreements in place and how it looked and not knowing what the owner would agree to in terms of the PUD, she was not in favor of moving it forward to Council. She could not vote in favor, and if it went to Council, she could not vote in favor of it there, either. She hoped that they heard the comments, and that they went back to the neighboring property owner and asked about securing a maintenance agreement and see if he would consider allowing plantings on his property to soften the look. The applicants could come back with a design that was more like what they first saw, which was not so harsh looking. She reiterated that it looked like an industrial-type of building being plopped into an area that did not have anything like it. She said that she was not afraid of new stuff, as long as it was interesting and not so square and industrial-looking. The new Holiday Inn Express at Adams Marketplace had the same type of look,

and she felt that it was one of the most hideous buildings in the City. She did not like it when the design changed. It was not inviting, and the view from the highway was the worst part, and that was what people saw the most. Mr. Kaltsounis had brought up the property that had a Consent Agreement because of contamination. She pointed out that the property owner gave the neighboring properties 100 feet of buffer. There was nothing sitting on the property line. There would be 100 feet of naturalized landscape area sitting in between an apartment building and the residents next to it. The height was four stories in some places, but as it sloped toward the residences, there would be nothing higher than two stories. There would be a park that would connect to Innovation Hills that was intended for use by the public. There would be huge open areas, and many trees would be planted - way more than required. There would be no donation to a tree fund for that site. Not only were the developers dumping \$14 million into cleaning up the site and making it safe for future generations, but they would be providing a very large green space. That was not what was being proposed for the subject site. There was almost no green space, and there would be a contribution to the tree fund. She did not consider that a benefit to the public; she would rather have them find a way to plant the trees.

Mr. Schultz stated that the one thing they really needed to focus on was the public benefit, and he was struggling to find that. He felt that the City was making all the concessions. A mixture of unit types was just that, and it was typical of any apartment. If the applicants said that they would do market rate, 60% or 80% AMI, that would be a public benefit. That would be providing a benefit, because they would bring people to the community who might not be able to afford to live in Rochester Hills. The subject apartments would all be market rate, regardless of whether there was a studio or a two-bedroom unit. He said that he was struggling with the public benefit and why they were utilizing a PUD for which the community was not realizing any benefit.

Chairperson Brnabic said that she held the same opinion, and she had expressed it at the last meeting. Listening to the struggle about the qualifications for using a PUD confirmed to her that there was not a public benefit. She had heard a lot of doubt from the Commissioners, and she thought that they really had to reflect on that moving forward. The project seemed as if it had more of a shadow than a bright spot, and that was not the way they should be feeling to move a project forward as a PUD.

Mr. Kaltsounis said that it was the first time he had taken notes on the motion page. That was when he could tell that a development was not

quite ready to go on to the next step. He felt that they were close, and that every step they had taken had been progressively better for the development. There had been a lot of good changes, but he thought that there might need to be a couple more. Every time he started to propose a motion, he gauged everyone's sentiment about a project, and he did not know if he could get the applicants enough yes votes. If it went to Council, it would probably get shut down there as well. He recommended another postponement until the comments could be processed.

Chairperson Brnabic asked Mr. Kaltsounis what he thought could improve. If there were so many questions about the qualifications for use of a PUD, she questioned postponing again. Mr. Kaltsounis indicated that it was not an easy development. Ms. Morita had mentioned things that could be done that would be beneficial to the public. A styling change was big on his list, and public benefit was number one. Chairperson Brnabic said that the Speedway property could have been developed under the normal zoning. If it was not for the density proposed, the whole project could be done under the regular zoning. There was not enough that stood out, and she felt somewhat that the applicants were using a back door to get density, and that bothered her. She was not wowed. She was concerned about postponing again and asking for a few changes when there were concerns about the public benefit for the community. Mr. Kaltsounis asked the applicants what the benefit to the City would be.

Mr. Latozas responded that they wanted to go back and take another look at it and take the comments and show that there was a true public benefit within the development.

Mr. Gaber summarized that in terms of the public benefits, the ordinance clearly spelled out criteria for qualification. He suggested that it might be helpful for the applicants to take that section, 138-7.103 (d): "A PUD shall meet as many of the following objectives as may be deemed appropriate by the City...", and go through those one by one and tell the Commission if the project was providing something to meet those criteria. That way, the Planning Commission and City Council could have a guide to gauge whether or not the public benefits being provided were substantial enough to merit the project. He also felt that Ms. Morita was spot on with her comments. He agreed that if the garages were softened, it would add more life to the project. Instead of using metals and stone to show differentiation, he suggested putting in trees and landscaping offsite. The City was more accustomed to that, and it would probably be accepted better by the Commission and Council.

Mr. Hooper said that he agreed with most of everything that had been said. They needed to get over the PUD hurdle. He pointed out that the balconies would be black. They needed to do something at the top, whether it was a parapet or something else, and change the color, and add awnings or a different relief treatment. They changed the garages as was suggested. If they could get the easement for the landscaping that would take care of the east and north elevation. He felt that a huge benefit would be the development of a long vacant corner with a former gas station and putting it back into a good purpose that would serve the needs of the community. He said that he would like to find a way to work with the applicant, not against him. Mr. Hooper had walked the property, and he observed that the existing vegetation would more than cover the east wall. He agreed that it would be completely screened. He realized that it was owned by the Pine Ridge Apartments, and even though he doubted that the vegetation would be removed in the future, it could be. He hoped that they could satisfy the criteria for the PUD and work out the other features to make it more appealing and less stark-looking.

Hearing no further discussion, Mr. Kaltsounis moved the following:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of 18-016 (Rochester Hills Trio PUD), the Planning Commission **postpones review of the PUD Concept plans** dated received May 2, 2019 until a later date so the applicant can address the concerns raised by the Planning Commission at its May 21, 2019 meeting.

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Postponed. The motion PASSED by an unanimous vote.

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Schroeder, Schultz and Gaber

Excused 1 - Reece

NEW BUSINESS

2019-0216

Public Hearing and request for Conditional Use Recommendation - City File No. 19-017 - Varishy Senior Living, to allow an existing, in-home adult foster care to go up to 12 adults, located on a one-acre parcel at 1527 John R Rd., located on the east side of John R, south of School Rd., zoned R-4 One Family Residential, Parcel No. 15-24-301-081, Varishy Properties, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and application documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jinesh Chhuda and Mitesh Patel, Varishy Senior Living. 1527 John R, Rochester Hills, MI 48307 and Cheryl Waring, Associate Broker, Remax Encore.

Ms. Kapelanski stated that the applicant was proposing to increase the number of residents at their adult group home from six to 12, which necessitated approval of a conditional use. She noted that the home was located on the east side of John R south of School, and it was zoned R-4. There were no exterior modifications to the site proposed. Interior modifications, if any, would go through a Building permit review process. As part of the conditional use recommendation, the Planning Commission was being asked to examine the exterior effects of a potential use and determine whether those would be detrimental to the surrounding properties or City services. A level of service, and to some extent, interior modifications provided by an adult group home were under the purview of the Bureau of Licensing and Regulatory Affairs (LARA) through the State. The applicant would be required to obtain a license to care for 12 adults. They currently had a license to care for six. There was a process to allow for complaints or concerns to be lodged through LARA, and she had contact information if anyone was interested. The Planning Commission was only asked to look at the exterior impacts of the conditional use, and the State would examine anything to do with the interior, the size of the structure, etc.

Mr. Chhuda thanked the Commission for allowing them to speak. He said that in recent years, there had been a trend among seniors to choose facilities such as theirs as opposed to skilled nursing facilities to live out their lives. There were larger institutions for assisted living, but not everyone could afford them. Theirs was a more home-like environment, and they would like to continue to be that for more residents. They came across a lot of people who wished to move to his place, but they had to respectfully decline because they were full. They had noticed recently that they had to pass accepting adults, especially those moving out of hospitals and nursing homes. Their vision was that if they could increase capacity, they would be able to serve more residents and not have to turn them away. Getting the conditional use was the first step, and they would have to go through the State and the Building Dept. for any internal changes, if needed.

Chairperson Brnabic asked how many bedrooms were in the home, and Mr. Chhuda said that they had six currently. Chairperson Brnabic asked how they would manage with 12 residents. Ms. Waring said that the State requirement was 65 s.f. per resident. The first two rooms were 360 s.f.,

which could be made into two rooms of 180 s.f., and that could house four residents between the two rooms. The next rooms were 210 s.f., which could be made into 70 s.f. rooms for three residents. The bottom block of rooms totaled 300 s.f., which could be broken into two rooms with two residents each. There was an office that could be moved to the basement that was 110 s.f., which would be a large, private room for one individual. There was also a laundry room that was 100 s.f., and the laundry could be relocated to the basement. That would potentially allow 13 rooms, and they would need 12.

Mr. Schultz asked if staff could clarify the Commission's scope of review. There were questions about the inside of the facility, and he was not sure what they were actually approving. Ms. Kapelanski said that she met with the City Attorney earlier in the week. He indicated that the scope of the Planning Commission and eventually City Council was the external impacts - how it affected City services, surrounding properties, and whether there were detrimental impacts. She also went to the State's website to see what they would look at as part of approving a license for up to 12 residents. That included what the applicant had mentioned about the square-footage and those sorts of items. The Commission should focus solely on the external impacts she had mentioned.

Mr. Gaber said that there was a section of the ordinance that talked about nursing homes, convalescent homes and assisted living facilities (Section 138.4.424). He asked if that applied to the facility. Ms. Kapelanski said that would not apply; the application was for an adult group home for up to 12 residents.

Ms. Morita asked how many trips in and out there would be with 12 residents versus with six. She asked how many family members visited on a given day and how many cars would be parked there every day.

Mr. Chhuda said that currently, they had one caregiver, and if the residents increased, there would be two. They would be parked at all times. They had one or two family members who came each day and more on holidays. He stated that not every family member came every day. Ms. Morita asked if there were twice as many residents if there would be twice as many cars. Mr. Chhuda said that they came and went, so there would only be two cars parked. Ms. Morita asked if the food was delivered, and Mr. Chhuda said that they cooked in house. Ms. Morita asked how they got the food to the house to cook it. Mr. Chhuda advised that they shopped for groceries once or twice a week. The caregivers shopped before coming to the house. Ms. Morita asked if there were any

other services that came to the home. Mr. Chhuda said that as needed, a doctor would come. Ms. Morita noted that her mother was in assisted living, and she knew that doctors came almost every day, and there were different doctors for different things. She asked if any of the residents were in hospice care. Mr. Chhuda said that they could be, but not all were. Currently, they did not have anyone in hospice. Ms. Morita asked how often the hospice nurse would come, and Mr. Chhuda said it would be as needed. Ms. Morita said that could be two or three times a day. Mr. Chhuda disagreed. He said it would be two or three times a week. They educated the staff and only came if absolutely necessary. Ms. Morita said that if they were doubling the residents, the trips could double. Mr. Chhuda conceded that they might come every other day. Ms. Morita asked if they had looked at putting in a circular driveway. If there were two cars in the driveway, two nurses and a couple of family members, she questioned how much room for parking there would be in the driveway. Mr. Chhuda said that they had room for six cars plus the garage. Ms. Morita asked if they would expect people to park on John R. Mr. Chhuda said that they would like to be able to expand the parking from six to ten. Ms. Morita asked if they were looking to change the parking configuration, and Mr. Chhuda replied that they would do it, if needed.

Ms. Morita asked Ms. Kapelanski how that would factor into the consideration if they wanted to make exterior modifications in order to accommodate six additional people. Ms. Kapelanski said that exterior modifications were not part of the application. If they were talking about putting in a parking lot, that would change things. It would be something Planning would have to review. If they were talking about adding a concrete pad or expanding the driveway that would be under the Building Dept.'s review. Ms. Morita said that they did not have enough information to know. Ms. Kapelanski asked the applicants if they knew what they wanted to do. Mr. Patel said that they would just like to add cement to increase the capacity from six to ten cars. There was some space on the side where they could add cement and room towards John R where they could add another two cars. Ms. Kapelanski said that would be under the purview of the Planning Commissioners and whether or not they felt comfortable about that. Ms. Morita said that she would also be concerned about drainage and the neighbors. If they were talking about putting cement pads all the way to the property line that would be a problem. If there was more impervious surface, that could be a problem for the neighboring property owners. She said that she would need to see a parking plan before she could consider the request, and she felt that they needed to come back with that. She asked how they would accommodate everyone if there was a Christmas party or a Mother's Day party. She

asked where all the cars would go, because she did not think parking was allowed on John R.

Mr. Kaltsounis said that he was a bit confused as to what they were talking about. He had heard three different references as to what type of facility it was. Mr. Chhuda stated that it was an adult foster care home. Mr. Kaltsounis asked if it was covered in the ordinance. Ms. Kapelanski said that an adult group home for six to 12 children was allowed under the ordinance with conditional use approval. Mr. Kaltsounis said that he used to own a day care center, and the kids were there during the day. He heard that the group home residents would be there at night. Mr. Chhuda agreed that they lived there. Ms. Kapelanski advised that a group home for disabled adults with six or few residents was a permitted use. The request was just to have additional residents. Mr. Chhuda said that the reason they were asking for 12 was because according to the State, there were classifications of one to six, seven to 12 and 13 to 20. They were asking to go to the seven to 12 block, but they would still have to work with the State. The State might tell them they could only have nine or ten. Mr. Kaltsounis said that the Commission recently saw a church facility in a residential home, and they proposed to turn the entire back yard into a parking lot. If the Commission allowed the subject request in R-4, they would have to allow them in other R-4 areas that might not be on a main road. Ms. Kapelanski stated that it was a State licensed residential facility. There were a couple of different requirements for those. It was a permitted use with six or fewer residents, and six to 12 required a conditional use. The ordinance did not require a certain number of parking spaces, but asking where people would park was an external impact that the Commissioners could consider. There was not a specific standard for the parking, but it could be a consideration as part of the conditional use. Mr. Kaltsounis listed off the different types of people who would be coming to the house. Mr. Chhuda said that he was comparing one of the larger facilities to theirs, but he maintained that it was not the same. They would only have up to 12 compared with other places that had 60 or 100, lots of caregivers, chefs, maintenance people, nurses and other ancillary people. Mr. Kaltsounis said that they did mention adding parking, which was not part of the submittal. If the Commission was considering the outside, the first thing he would ask was if there were six cars parked in the driveway and there was a situation with one of the residents, how they would get him out of the house. Other facilities in the City had driveways and awnings and other kinds of things to review, so he questioned whether they were ready.

Mr. Patel responded that for the parking, there was room for six, and it

could accommodate an ambulance. For the future, they could make a circular drive. It was a big lot, and they would not have to cut down any trees. Mr. Kaltsounis said that they should have come to the meeting with that plan. He was curious to hear from the neighbors.

Mr. Chhuda said that they currently had one neighbor on the south side, and he was okay with the plan. There were condos being built on the north side, and he was not sure if anyone had moved in. Mr. Kaltsounis said that he had to look at the proposal as if it could be next door to him. The Commission had to look at and consider that precedent.

Chairperson Brnabic opened the Public Hearing at 8:53 p.m.

Marilyn Lawrence, 972 Pine Trail Dr., Rochester Hills, MI 48307 Ms. Lawrence noted that she lived by John R and Avon. She stated that she was very much in favor of foster homes for adults. She felt that there was a need. However, she indicated that they had to fit into a neighborhood. She saw employees and doctors and nurses that came, and she saw the parking in the driveway. If they were going to double that, the parking would be an eyesore in a residential neighborhood. She did not find that to be something they would want. She questioned the number of bedrooms, which she learned the State reviewed, but looking at the outside, she did not think expanding was something that would fit the neighborhood because of the parking situation and how it would affect the neighbors with garbage and dumpsters. She felt that it would look more like an institution than a residence. The families that placed relatives in foster cares wanted them to be like a residence.

Mr. Hooper noted that there were several similar homes in the community, and he was familiar with a couple of them. They had up to six residents, and one had a single car driveway with expanded parking, and they had at least six cars during the day. The other, on a corner lot, had a circular driveway that exited on both roads. That driveway also had at least six cars. They had not come before the Commissioners for a conditional use, so he assumed that up to six people lived in each of those homes. For the subject home to function, at a minimum, they would need a circular drive for vehicles. They would need more screening of the vehicles and enough parking for 12 residents, plus caregivers and visitors. Based on what he saw, he felt that there was still work to be done. As presented, he stated that he would not be in favor. Additional thought process would have to be put into it, and improvements would have to be made.

Mr. Schultz stated that it was important to put into context where the home was and the context of the greater community. What they were proposing was bordering on a commercial facility in a residential neighborhood. The Commission dealt with some aggravation when a church was proposing a parking lot in the backyard of a home where neighbors' kids played. He said that there was a big difference between having six or eight adults to all of a sudden going to 14 potentially. It was a single-family home, not a structure specifically constructed to run an adult day care. If it was, it would likely have been in a commercially-zoned area. He understood the State law, but it was important for them to be a good neighbor. The Planning Commission was there just as much to protect their rights as they were to protect the rights of their neighbors who had some serious concerns. He was struggling with the impact it would cause from a number of standpoints. He realized that the facility currently existed as a group home, but it would be a wholesale change from what was originally intended. A single-family home generally had two parents and maybe three kids, not two parents and 12 kids. The impacts of that to the neighborhood would be substantial. The Commission had to balance the impact of the proposal and how it would affect the neighbors. He stated that he was struggling to approve a 12 person facility.

Mr. Chhuda said that they might not go up to 12; they might only go to eight or ten. However, they could only apply for the next block. He asked if they could be approved for just nine. Mr. Schultz said that it was not what had been requested. Even at that, nine plus two was 11, and it would still be a wholesale departure from a single-family residential home adjacent to other neighbors. He clarified that Mr. Chhuda did not live there. He said that there was a pride of ownership for someone who lived in a home, but it was really a commercial facility. Mr. Chhuda said that 100 residents would make it a commercial facility. He maintained that 12 or eight or nine was different. Mr. Schultz said that the easiest way for him to explain it was that if it happened next to his house, he would be upset, and he believed that the homeowners next to the applicant were upset with what was being proposed.

Mr. Schroeder stated that it was loose, and they did not have specifics and details. He asked how many shifts were run. Mr. Chhuda stated that there were three, with 24-hour staffing. Mr. Schroeder asked how many caregivers worked a shift. Mr. Chhuda said that there was one and occasionally two. Mr. Schroeder asked if the person on the shift was also the cook, which was confirmed. He asked if the State would agree with the City's requirements for a parking lot. Ms. Kapelanski said that the State would not have any jurisdiction over that. The only thing they needed

from the City was approval of the use. The applicant would have to show that the municipality had approved a conditional use for the facility. Mr. Schroeder did not think that parking in a driveway would cut it. He stated that they did not have enough information, and they needed more detail.

Mr. Kaltsounis said that when ordinances were created, a lot of smart people got together and came up with values of six. That was where a single-family home met its limit. The Commission was required to look at what would happen on the outside, regardless if there were seven or 12. They had to look at parking, buffering and emergency access. They also had to look at whether they would be setting a precedent by allowing more people, because they would have to allow it in other places. They had talked about putting in more parking, and that was not part of the application. He recommended a motion to deny to City Council, seconded by Mr. Dettloff.

Mr. Chhuda asked if they could come back with something more specific. They had not known what was needed, but now that they did, he asked if they could come back with more concrete plans. Mr. Kaltsounis said that he would leave it up to staff. He was not sure he wanted to see extra parking at a house. Mr. Chhuda reiterated that all the cars would not be there all the time. He agreed that on occasion, they would be. For the most part, he claimed that they were quiet and peaceful, and they never had complaints or concerns from the immediate neighbor who had even signed a letter to that effect.

Ms. Morita said that she supported Mr. Kaltsounis' motion. She noted that there were certain findings that the Commission had to make for a conditional use, one of which was that the proposed use had been designed to be compatible, harmonious and appropriate with the existing character of the general facility and adjacent land uses. She pointed out that the project as proposed had not been designed for parking, emergency access and extra trash in a manner that the Commission could understand. As proposed, she stated that the use would be incompatible and not harmonious and not appropriate with the surrounding uses. The proposed development also needed to be served by essential public facilities and services such as highways, streets, police and fire protection, drainage ways and refuse disposal. She did not think that the use as presented met the elements they needed to consider in order to grant a conditional use. They could not tell whether it would be detrimental, hazardous or unreasonably disturbing to the existing land uses, persons and properties or the public welfare, because they had not been given a good idea of how many people would be

coming in and out of the facility. They knew that it should at least double. There would be three shifts, and the workers would be increasing, so instead of one person coming three different times a day, there would be six people coming over three different times a day, not including relatives of residents, health care providers or other people required for the facility. She would expect that because there would be more residents that they would need more repairs, so there would be additional workers to do that. When there were that many people living in a residential structure, there would be issues. The way the site was currently configured, it would not accommodate emergency type situations. The last finding was that the proposed development did not create additional requirements at public cost for public facilities and services that would be detrimental to the economic welfare of the community. If there was parking added or gravel added, the Commission did not know how that would change the drainage and if it would flow towards the storm sewers or towards the neighboring properties. She said that she was not saying they could not present another plan at a later time. She was just saying that the subject plan was not something that she could approve. If the applicants wished, they could come back with a plan for ten people that explained the expected trip volume and how garbage would be handled. There had been other facilities where they had taken a traffic count over a period of time so they knew exactly how many people were coming in and out and how much it would go up based on an increase in residents and then determined the amount of parking needed. With 12 people and no change in the driveway, the answer for her would be no. They could come back with a request for ten people with an explanation as to traffic flow and how it would impact the surrounding neighborhoods and how they would get an ambulance up to the front door. If she was looking at putting a parent in a facility that was what she would be concerned about. She concluded that she could not approve the plan as presented.

Chairperson Brnabic closed the Public Hearing at 9:12 p.m., and she read the motion:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 19-017 (Varishy Senior Living) the Planning Commission **recommends** to City Council **denial** of the **Conditional Use** to allow an adult foster care facility for up to 12 residents, based on plans and application materials dated April 8, 2019, with the following findings.

Findings

1. The proposed use is consistent with the intent and purpose of the

Zoning Ordinance in general, and of Section 138-4.440 in particular.

2. *The proposed use has been designed to be compatible, harmonious and appropriate with the existing character of the general vicinity and adjacent uses of land.*
3. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
4. *The development is not detrimental, hazardous or unreasonably disturbing to existing land uses, persons, property or the public welfare.*
5. *The proposed 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.*

Mr. Gaber asked if they could give the applicant the opportunity to withdraw the application to consider what was said and come back with something more substantive in the future. He asked if that was a viable option. Ms. Roediger agreed that it was. The ordinance allowed an applicant to come back with a new plan, even if denied, as long as there were differences. Mr. Gaber asked the applicants if that was what they wished to do or if they wanted the Commission to vote on the motion.

Mr. Chhuda stated that they would like to withdraw and come back with more preparation, so there was no vote on the motion.

Chairperson Brnabic called for a break from 9:17 to 9:27 p.m.

Withdrawn

2019-0214

Public Hearing and request for Conditional Use Recommendation - City File No. 18-002 - to add a drive-through to a new 8,154 s.f. retail/restaurant outlot building at Hampton Plaza, located at the southeast corner of Rochester Rd. and Hamlin Rd., zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-26-100-007, Kevin Biddison, Biddison Architecture + Design, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Kevin Biddison, Biddison Architecture + Design, 320 Martin St., Ste. 10, Birmingham, MI 48009 and Stuart Frankel, Stuart Frankel Development Company, 1334 Maplelawn, Troy, MI.

Ms. Kapelanski summarized the request for a new outlot at the existing Hampton Plaza at the southeast corner of Hamlin and Rochester Rd. She advised that the property was zoned B-3 with an FB-3 Overlay, and the applicant had elected to develop under the B-3 provisions, under which drive-throughs were a conditional use. She stated that the plan was generally in compliance with ordinance requirements, but there were some minor modifications being requested. A waiver would be needed for the rear and side yard parking setbacks, which could be granted by the Planning Commission when a comprehensive parking plan existed for retail centers. Staff had recommended that the applicant should approach the adjacent multiple-family property management to inquire about potentially placing some additional plantings on their property to better screen the drive-through. There was no space on the applicant's property to do that. Staff had also recommended that some consideration be given to creating more color variation or some other means to break up the building façade.

Mr. Biddison stated that they were proposing an 8,000 s.f. facility with a drive-through on the south side. They had provided a u-shaped drive to keep the ten-car stacking for the drive-through cars out of the existing drives of the center. Regarding adding more plantings, he noted that Mr. Frankel's adjacent neighbor was a part owner of the center, so if it became necessary to have a conversation about plant materials, he was sure the two of them could come to an agreement. They would be happy to discuss it further with staff. In terms of the building materials, there would be metal panels, glass, darker brick and burnished block on the backside. Most of the storefront would be glass. Signage would take place above the glass on the panels. They felt that there was a difference in materials, but they could continue that conversation with staff. He said that he would be happy to answer any questions.

Chairperson Brnabic opened the Public Hearing at 9:38. Seeing no one come forward, she closed the Public Hearing.

Mr. Hooper mentioned staff's recommendation about screening on the south, and he asked if that was something the applicants would consider. It would be left open-ended, and the number of evergreen trees to be added would be determined by staff. Mr. Frankel stated that it was

agreeable to them. Mr. Hooper said that he did not have an issue. It appeared to be identical to the one Mr. Frankel did at Campus Corners, and he did not have a problem with it.

Mr. Kaltsounis had observed that the drive-through for the outlot on Livernois was a decent distance from any of the neighbors. The subject drive-through was different, and someone would have to make a u-turn to get into the driveway. He preferred the one on Livernois, because he had not seen an issue with stacking into the street. He wondered what would happen if someone could not make the u-turn. He was curious about the parking spots in the drive-through that were obscured by the wing of the new island to the north. There was also a fire hydrant at the end. He suggested putting the driveway on the other end of the building, or taking out the new island. Then there would not be a sharp turn for people to get to the parking spots. With the drive-through on the other side, the residents would not hear the speaker boxes.

Mr. Biddison responded that the stacking space was what they were dealing with relative to the two-way drive behind. They were trying to get the stacking space out of the main drive areas of the shopping center. They had looked at doing more of a direct left turn into the u-shaped area as opposed to doing a larger u-turn in order to get the additional stacking that was required. They were one or two cars short, and there had been comments early on from Planning that it might stop traffic, so it might be better to get the traffic farther up before they made a turn.

Mr. Kaltsounis felt that it would still work if the drive-through was put on the other side, and instead of having a u, there could be a half moon. They could get plenty of stacking. He did not think his truck would be able to make the turn as proposed.

Mr. Gaber asked if there was any issues with transparency on the facades. Ms. Kapelanski explained that the standard applied to Campus Corners because it was developing under the FB standards. Hampton Plaza was using the B-3 standards, which had no standards for façade transparency. Mr. Gaber felt that Mr. Kaltsounis had raised some valid points. Mr. Gaber pointed out that Mr. Biddison's drawings showed a stub island separating the inbound versus the outbound, but the Nowak and Fraus drawings showed more pavement marking that went further back. He asked if that was all it was - pavement marking that went back from the little island of separation or if it was part of an island, too, that would not allow people to turn into the site and immediately go left into the parking in front of the building. He stated the drawings were different. Mr.

Biddison said that it was that way currently, and for the development, they would take it back to allow the turn.

Mr. Schultz said that in looking at the Campus Corners iteration, he felt that the straight shot into the drive-through functioned better. He asked how much leeway the Planning Commission had to give the applicant a break on the stacking to be able to accommodate more of a straight shot instead of having the u-turn.

Ms. Roediger cautioned that the stacking for the Pot Belly at Campus Corners worked as it existed, but if it were a Starbucks or something else, she did not expect that it would work. There was concern about having stacking going into the right-of-way on Rochester, and the Planning Commission had some flexibility, but she thought they should consider what could potentially go there. Mr. Schultz said that there was a tropical smoothie in his building, which did not have the volume that Starbucks did at all. Starbucks generally ran a two queue line, and they did not traditionally put the drive-through at the back of the building. He said that he was not that upset about the u-turn to get in, but he agreed that a straight shot might be a little better, or even to flip the drive-through, as Mr. Kaltsounis had suggested. They would have people going across the face of the building, however, come into the development and make a hard left anyway.

Mr. Biddison said that there would be traffic flow through an existing parking lot one way or the other. They thought it would protect the rest of the parking lot from the stacking space. There was a 24-foot drive between the drive lane and the other spaces. He acknowledged that the u-turn would be a tight turn, but the hard left turn was discouraged by staff early on because of possible backup onto Rochester Rd. Mr. Schultz knew that there was a second entrance to the development, so people might recognize that they needed to go to the northern entrance. Mr. Biddison agreed that people who used it frequently would learn that would be the better route to take.

Ms. Morita asked Mr. Frankel if he knew what business would use the drive-through, but he did not presently. Ms. Morita said that she had concerns about the stacking. If there was a Taco Bell or Starbucks, ten spaces would not be enough. People would get stacked on the south drive to make a crazy u-turn to get into the stacking. She said that she would like to see a plan with the drive-through flipped and put on the north side. Mr. Biddison said that they could look at that. He claimed that it would create a different condition in front of the building and for other

places. He thought that a lot of people would be coming from the north or taking the northern drive to the shopping center. Ms. Morita said that if someone was smart, they would use the southern entrance coming from the north. If there was a Starbucks, there would be a lot of people turning left in the morning. Mr. Frankel commented that it was the going home side, not the coming in to work side.

Mr. Kaltsounis said that currently, there was a little median between the driveway to prevent a left turn. That would be taken away. The current left turn was literally one car off of Rochester Rd., which did not make sense to him. He felt that it was there for a purpose so the traffic could be pushed out. If they took it away, someone would stop and wait for someone to be able to go left, and they would get hit. He felt that it had to be looked at. They could not allow one car off of Rochester Rd. He knew that drive-throughs could generate a lot of energy, turns, stops and people driving through. The driveway in the center, with the traffic on Rochester Rd., was always blocked. He visited that development a lot and he used the northern driveway. He strongly felt that they needed to clean up the plans so they knew what they had. The curb was there for a reason, and he thought that it needed to be there. If they could entertain switching the building and the drive-through, it would do two things. It would get the cars away from the neighbors and it would take all the energy of making a turn and take it into the middle of the development where there would be less chance of an accident. He thought that change was all that was needed to move ahead.

Ms. Roediger said that if the applicant agreed to maintain the raised separation at the entrance and to flip the drive-through, staff could make sure revised plans were submitted prior to proceeding to Council. Mr. Frankel said that they were agreeable to that.

Mr. Gaber felt that Mr. Kaltsounis' point about the entry and the barrier to prevent immediate left turns was very valid. The point Mr. Hooper made about the landscaping was also good. Mr. Gaber asked where they were at in terms of moving the project forward.

Mr. Frankel asked if the extra landscaping would still be necessary if they flipped the drive-through. Mr. Gaber asked if flipping the building would change staff's request. Ms. Kapelanski agreed that more screening would not be needed if the building was flipped.

Ms. Morita stated that she would like the matter to come back to the Planning Commission. She felt that there were too many variables and

changes. She would not feel comfortable agreeing to something in theory and having it go to City Council directly without Planning Commission's input first.

Mr. Schroeder asked if there would be any considerations about the back door and trash removal. Mr. Biddison said that there was a little bit of a buffer between the back wall and the double drive, although it was not a green buffer. He asked if it would be possible for them to do a quick layout of the development and get it to staff to see if it was something that made sense. He did not know if they could have the engineering done in two weeks. Mr. Frankel considered that the whole site would have to be re-engineered. Mr. Biddison said that if the layout worked and staff was happy, they could perhaps present it in two weeks.

Mr. Kaltsounis moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 18-002 (New Outlot Building at Hampton Plaza), the Planning Commission ***postpones*** the requests for ***Conditional Use Recommendation and Site Plan***, based on plans dated received by the Planning Department on March 13, 2019 until such time as the applicant is ready to resubmit.

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Postponed. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motion had passed unanimously.

2019-0215 Request for Site Plan Approval - City File No. 18-002 - a new, 8,154 s.f. retail/restaurant outlot building at Hampton Plaza, Kevin Biddison, Biddison Architecture + Design, Applicant

Postponed

2019-0212 Public Hearing and request for Conditional Use Recommendation - City File No. 18-001 - to add a drive-through at a new 8,154 s.f. outlot retail/restaurant building at Campus Corners Shopping Center, located at the southeast corner of Walton Blvd. and Livernois, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-15-101-014, Kevin Biddison, Biddison Architecture + Design, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Kevin Biddison, Biddison Architecture + Design, 320 Martin St., Suite 10, Birmingham, MI 48009 and Stuart Frankel, Stuart Frankel Development Company, 1334 Maplelawn, Troy, MI

Ms. Kapelanski outlined that an outlot retail/restaurant building was proposed at Campus Corners at Walton and Livernois. The property was zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, and the applicant had elected to develop using the FB-3 provisions. She noted that drive-throughs were a conditional use in the FB district, and the applicant was requesting recommendation of the conditional use approval and site plan approval. The plan was generally in compliance with ordinance requirements, but several modifications were being requested as part of the FB Overlay. One was for a deficient building setback. 63 feet had been provided, and the ordinance permitted a 25-foot or an optional 70-foot setback. The minimum façade transparency and the ratio of primary to accent building materials were not met on all of the elevations, which would also need modifications. Staff recommended that some consideration be given to providing more color variation or other means to break up the building façade as well as including at least a minimal amount of the primary building materials. The parking setbacks in the side and rear yards were not in compliance, as the proposed building was part of a larger shopping area. Other than those requested modifications, the applicant had generally met the requirements of the ordinance. There were some minor items to be addressed in additional staff reviews. One of the provisions of the FB Overlay was the inclusion of an outdoor amenity space, and an outdoor plaza was being provided on Livernois.

Mr. Biddison felt that the stacking worked very well coming in the main drive, taking a left and going around the building. There had been a former bank building on the site, and they were basically within the same footprint. Originally, the drive that went behind the building where the stacking space was went straight through to the drive to the north, and staff asked them to consider closing that off to help with the traffic flow. The traffic would continue around the building as people went through the drive through, and there would be a double wide lane for the standard traffic beside it as well. He noted that Mr. Frankel had agreed to provide some community artwork for the amenity space. Mr. Frankel and his wife were very tied in with the Cranbrook Art Academy, and there were conversations about working with them to provide something. They did not see the area as a big pedestrian route. There was a sidewalk on

Livernois, and he did not think people would stop and have picnics, but he thought that a piece of artwork and some green space would give some interest to the parking lot. He pointed out that the building would mirror the building to the south of it in terms of the materials and higher glass. The signage would be on the north and south ends above the windows. There would be a double line between the upper and lower windows and three central bays, which would be a mounting for signage. They had talked about whether there was a need for additional trees and the ability to put them somewhere else on the site as determined by staff. He said that he would be happy to answer questions.

Chairperson Brnabic asked Mr. Frankel if he had an indication of who might go in the building. Mr. Frankel advised that Panera would relocate from the north side of the shopping center, and they would occupy the northerly 4,400 s.f. of the building. Oxford Bank would occupy the southerly 1,800 s.f. It would not have a drive through; it would be in-house banking.

Mr. Gaber asked if the materials used would be the same as those proposed for Hampton Plaza's outlot. Mr. Biddison agreed that the palette was generally the same. There was brick and burnished block, but the proportions would be a little different. They added more glass on the subject building. Mr. Gaber read that staff had asked for more color variation. Ms. Kapelanski said that it was just a recommendation, but she would like to see more brick, stone and masonry-type materials as part of the FB requirements. Mr. Gaber asked the breakdown. Ms. Kapelanski believed that the front elevation did not have any primary materials. Mr. Biddison responded that the front elevation had brick below the glass, glass in the three middle areas, a smooth metal panel above the glass in the middle and an additional metal panel on either side for the signs. Mr. Gaber asked if there was a deficiency on the other three sides or just the front. Ms. Kapelanski believed that there was also a deficiency on the other sides, but it was a deficiency in the transparency on the other sides. Mr. Biddison said that for the transparency on the south side, the glass wrapped around about 25 feet of the front portion of the retail center. On the north end, because of the current layout for Panera, they closed off a portion of that glass because they needed some additional kitchen and bathroom functions in that location based on where the door was on the southern end of their space. They were taking the north half of the building, so their entrance door was in the middle of the building. They were putting some more back door functions on the north end of the building so the glass was shrunk down a little on the drive-through side. Mr. Gaber asked if there would still be glass on the front façade all the way

to the north. Mr. Biddison agreed. He said that nothing was changing on the front façade; they just shifted a door location for Panera. Ms. Kapelanski said that the east, north and south elevations referenced quite a bit of burnished block, and she asked if it would be on a majority of the elevations. Mr. Biddison said that it was for the back side of the building and the south side. Ms. Kapelanski explained that staff did not consider burnished block a primary material. If the Planning Commission wanted to consider that similar to masonry for part of the primary material, she advised that there would then not be deficiencies.

Mr. Gaber said that it would make sense to him to break up the facades. It would appear as one long wall instead of being broken up with some color bands or other materials or colors of the same material. He asked the applicants if that was something they could look at doing, which was confirmed. Mr. Gaber brought up the location of the building. He said that if they were starting with a clean slate, they would move the building back to the east so there would be a double row of parking in front of the building and the drives behind would line up with the outlot building to the south. There would be better traffic flow and more consistency between the two buildings. He asked if they used the current configuration because they were building on the former building pad. Mr. Biddison said that just east of the drive-through and drive lane behind the building, the area above that was owned by someone other than Mr. Frankel. Mr. Frankel added that there was also a significant grade change. Mr. Gaber said that made sense; it just seemed to him to be a little out of alignment going from north to south behind the buildings.

Chairperson Brnabic opened the Public Hearing at 10:17 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Kaltsounis thanked Mr. Frankel for investing in the City. He drove by the center a lot, and he was looking forward to the update. Hearing no further discussion, he moved the following, seconded by Mr. Schultz.

MOTION by Kaltsounis, seconded by Schultz, in the matter of City File No. 18-001 (Campus Corners Outlot) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a drive-through in the FB-3 district, based on plans dated received by the Planning Department on April 23, 2019, with the following seven (7) findings.

Findings

1. The proposed drive-through and other necessary site improvements meet or exceed the standards of the zoning ordinance.

2. *The expanded use will promote the intent and purpose of the zoning ordinance and Master Plan.*
3. *The proposed drive-through has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.*
4. *The proposal should have a positive impact on the community as a whole and the surrounding area by offering other dining experiences as well as supplying jobs.*
5. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
6. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
7. *The proposal will 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 Kaltsounis, seconded by Schultz, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

2019-0213

Request for Site Plan Approval - City File No. 18-001 - a proposed new, 8,154 s.f. retail/restaurant outlot building with drive-through at Campus Corners Shopping Plaza, Kevin Biddison, Biddison Architecture + Design, Applicant *Mr. Kaltsounis mentioned the Hampton Plaza, which they had reviewed prior to Campus Corners (same owner), which he said had challenges relating to the drive-through. The subject development was away from the residents and in the middle of a large parking lot and was much different.*

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 18-001 (Campus Corners Outlot), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on April 23, 2019, with the following nine (9) findings and subject to the following four (4) conditions.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other*

City Ordinances, standards, and requirements, can be met subject to the conditions noted below.

- 2. The proposed project will be accessed from Livernois or Walton Blvd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Sidewalks and a bike rack have been incorporated to promote safety and convenience of pedestrian traffic.*
- 3. The Planning Commission has determined that parking may be located between the building and the street with a building setback of 63 feet as a modification of the FB district intent.*
- 4. The Planning Commission has waived the minimum façade transparency, finding that the modification meets the intent of the FB district.*
- 5. The Planning Commission has waived the requirement for primary and accent building materials, finding that the modification meets the intent of the FB district.*
- 6. The Planning Commission has waived the minimum parking setback, finding that it will not impede future development.*
- 7. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety*
- 8. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the vicinity.*
- 9. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Conditions

- 1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
- 2. Provide a landscape bond for landscaping and irrigation in the amount of \$21,220.00, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*
- 3. Payment into the City's Tree Fund for any trees that are not replaced onsite in the amount of \$216.75 per tree.*
- 4. That the applicant submits updated façade drawings, including varied material colors, based on the Planning Commission's recommendation at the May 21, 2019 meeting, prior to final approval by staff.*

Mr. Hooper asked about the proposed artwork. Mr. Frankel said that there were a couple of options. They could give the City money to pursue a commission piece or students' work or, as his wife was Chair of the Cranbrook Art Academy, they could work with them. He indicated that whatever the community was more comfortable with he would do.

Mr. Schultz referred to the aerial of the site which showed red mulch everywhere in the right-of-way and landscape areas shown. The plans said that the disturbed sod would be replaced with mulch, and he asked if they were planning to put sod back. Mr. Biddison believed that there was still mulch on the right-of-way area, and they would have to add a sprinkler system. Mr. Shultz said that he appreciated that there was new mulch there every year, although he was not a fan of red, but he would prefer green lawn.

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Approved. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motions had passed unanimously.

2018-0173

Request for Final Site Condominium Plan Recommendation - Cumberland Village, a proposed 57-unit site condo development on approximately 23 acres, located on the east side of Livernois, south of Hamlin, zoned R-3 One Family Residential with a MR Mixed Residential Overlay; Various Parcels, Lombardo Homes, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and Final Site Condo Plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Brandon Wagner, Lombardo Homes, 13001 23 Mile Rd., Shelby Township, MI

Mr. Kapelanski summarized the request, location and zoning. She noted that the Preliminary Site Condo Plan had been approved on June 4, 2018 by City Council after a positive recommendation by the Planning Commission. There were a number of conditions with that approval, most of which would be addressed prior to the issuance of a Land Improvement Permit. However, two did affect the site layout and Final Plan. The first was that a center left turn lane was to be added to Livernois in front of the northern access point of the development. The applicant had changed that access point to emergency only, which negated the need for the left turn lane. The second was that trees and shrubs were to be added to the eastern property line to provide screening for the residents, and that had

been included on the plans. She advised that the Final Plan was in compliance with the Preliminary Plan and ordinance requirements, and staff recommended approval.

Mr. Wagner stated that he was present seeking Final Site Condo Plan approval. They currently had permits in order. He said that he would be happy to answer any questions.

Mr. Kaltsounis recalled that some of the Commissioners had voted no for the Preliminary, because they were concerned about the density and layout. Regardless, for the Final Site Condo Plan, it was their job to review it and make sure it was the same as what had been approved for the Preliminary. He moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission recommends that City Council **grants Approval** of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on April 22, 2019, with the following four (4) findings and subject to the following five (5) conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The final plan represents a reasonable and acceptable plan for developing the property.
4. The final plan is in conformance with the preliminary plan approved by City Council on June 4, 2018.

Conditions

1. Engineering approval of all permits and agreements prior to issuance of a land improvement permit.
2. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.

3. *Post a landscape and irrigation bond in the amount of \$74,261.00 plus inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.*
4. *Payment of \$12,355.00 into the tree fund for street trees prior to issuance of a land improvement permit.*
5. *Compliance with all outstanding staff review comments, prior to final approval by staff.*

Ms. Morita asked Mr. Wagner how they envisioned having only one operating entrance for 57 homes during rush hour. Mr. Wagner responded that they felt it would be functional. They felt that by eliminating the northern entrance, it would be better for traffic, and there would be less interference with the roundabout. Ms. Morita asked how many cars would stack in the subdivision before getting to the first street. Mr. Wagner was not sure. Ms. Morita asked if staff had looked at that. Ms. Kapelanski said that Engineering did not express any concerns about having only one entrance or changing the northern to emergency only. Ms. Morita stated that she had concerns. She lived in a similarly-sized subdivision, and they had two entrances. During rush hour trying to get out of the sub, they could easily have three or four cars stacked waiting to turn out. She did not know how it would work with only one entrance. She asked Mr. Wagner if they had thought about that at all. Mr. Wagner thought that they could fit more than three or four cars stacked. Ms. Morita asked the length of lot 27, and Ms. Kapelanski said that it was 144 feet. A parking space was about 20 feet long, so seven cars could stack before the first street.

Mr. Gaber mentioned that he lived very close to the proposed development. There was another Lombardo development to the south, Cumberland Pointe, for which he felt Lombardo had done a great job. It was a beautiful example of what could be done, and Lombardo and the City worked well to come up with the design. He indicated that Cumberland Village was a little different; it was more of a production home instead of a custom home subdivision. He felt that the layout was incredibly unimaginative and as basic as it could be. He also questioned having one drive. The City's policy over the years had tried to provide for multiple entrances and exits into subdivisions, whether on a main road or through another development. He felt that it had aided in traffic flow, especially during rush hour. It was his understanding that they were not

having two entrances for the proposed development, because Lombardo did not want to do any road improvements at the north entrance. Mr. Wagner had said that there was a potential for conflicts with the traffic circle, which Mr. Gaber felt was understandable. He stated that he was not a big fan of gates, and they did not look very inviting. He noted that the proposed gate would probably be aesthetically pleasing and match the entrance features, but he maintained that it was a big gate. He encouraged the Planning Commission in the future to go a different route. He felt that there were other mechanisms, other than gates, that could be utilized to achieve the same purpose.

Mr. Gaber brought up a problem he saw with lot averaging. The ordinance gave the ability to vary a lot size and width by 10%. He felt that the applicant had taken advantage of those options. It worked out well for the lot area. The ordinance said that the minimum lot area in R-3 had to be 12,000 s.f., so they had to have an average lot size of 12,000 s.f. The average proposed was 12,426 s.f., and some lots were larger some were smaller. That made sense. However, for the average lot width, he felt that there was disconnect. The ordinance required 90 feet in the R-3 district, and if that was varied by 10%, a lot could go down to 81 feet. However, the average width proposed was only 85 feet. He thought that it should be 90 feet, so that some should be above 90 and some should be below to average 90. There was no requirement in the ordinance that the average should be 90. That was allowing a developer to go down to 81 feet if that option was being exercised. He stated that there was no trade-off or consequence for doing that in the ordinance. He suggested that it was something that needed to be addressed in the next round of ordinance updates. He nonetheless thought that it would be a nice subdivision, and he trusted Lombardo to do a quality job for the City, and he thanked Mr. Wagner.

Mr. Kaltsounis asked if the gate was in the Preliminary approval, which it was not. He asked if the roads were that tight in the original. Ms. Kapelanski said that the roads were in compliance; it was that a left turn lane would have been required in order to have the northern access public. They could not put that left turn lane in, so the applicants needed to provide the emergency access, which would be gated.

Ms. Roediger said that since the gate was new, that was not consistent with the Preliminary approval. It sounded like the Planning Commission wanted a secondary access for peak times, and they were not fans of the gate. She asked if there had been discussion about right in right out only in lieu of the center turn lane to still provide some access. Mr. Wagner

did not think that there was. Mr. Schroeder felt that a subdivision had to have more than one access. Ms. Roediger agreed for the Fire Department, and they were o.k. with a secondary access being emergency only, but it sounded as if there were concerns about a gate. She felt that a right in right out could help satisfy the goals. It would have to be run by Engineering. Ms. Kapelanski said that right in right out would have likely been discussed directly with Engineering. It was not discussed with Planning, but she could broach that with Engineering.

Mr. Hooper stated that it was a significant change to the approval. He questioned 57 homes using one boulevard entrance. He recalled that years ago, they dealt with a sub called Hazelwood, and it had been quite a hassle with only one boulevard entrance in and out. He did not think he wanted to repeat that. He was not in favor of moving forward unless there was a secondary entrance.

Ms. Morita asked Mr. Wagner if he would be willing to look at doing right in right out and coming back. Mr. Wagner said that he would. He believed that at one time, the right in right out was discussed, but he did not recall if the City or the Road Commission had been against it. Ms. Morita said that she would like some clarification as to why the left turn lane could not go in and if it was the developer or the Road Commission who said no to that. Mr. Schroeder said that it would interfere with the roundabout. Ms. Morita said that they did not have documentation about that, and if it was the Road Commission, she would like it confirmed in writing. Ms. Kapelanski pointed out that the Engineering review memo was written up to show that it was the applicant's request to revise the northerly drive to be a gated emergency access. The way Ms. Morita read it, she agreed that it was the applicant who did not want to put in the left turn lane. Ms. Kapelanski said that she could talk further with Engineering. Ms. Morita reiterated that she had a problem with having only one entrance for 57 homes. If the applicant was willing to do a right in right out, she felt the Commissioners could consider it, but she would like clarification as to why the left turn lane could not be installed and why the northern entrance could not function as an access in some fashion other than emergency.

Mr. Wagner asked if the emergency access would not be an option if the Road Commission was against it. Ms. Morita said that if the Road Commission was against that, she would like the applicant to look at a right in right out only with them. She felt that a second access was needed. Mr. Wagner knew that there had been conversations, but he was just filling in for the applicant, and he apologized that he did not have

enough background. Ms. Morita suggested that he go back to the applicant and inform that the matter was agreeably postponed, because the Planning Commission was not in favor of closing the entrance. She asked if that was what he would like to do, and he said he would if it was his only option. Ms. Morita claimed that it was not, but she indicated that it was probably the best one.

Mr. Kaltsounis decided that after further discussion, there were some things to be considered. He stated that the Final Plan was not the same, and the Planning Commission had concerns. He withdrew his motion, concurred by Mr. Schroeder, and moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission hereby postpones consideration of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on April 22, 2019 so the applicant can provide further information about the northern access, the left turn lane and right in and right out options.

To clarify, Ms. Morita said that if the Road Commission definitely said no to a left turn lane, they needed to know whether the developer was willing to change the plan to allow right in right out.

Mr. Hooper noted that the Preliminary Plan showed the northerly access, so he felt that it had been approved by the Road Commission. He did not believe that one access was a Road Commission-directed issue.

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Postponed. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motion had passed unanimously.

DISCUSSION

2019-0211

Proposed 20 unit, two-story, multi-family residential development on 2.08 acres located at 6780 Old Orion Ct., west of Rochester, north of Tienken, zoned R-1 One Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-03-476-016, Jeff Klatt, Krieger Klatt Architects, Applicant

Present for the applicant were Jeff Klatt, Krieger, Klatt Architects, 2120 East 11 Mile Rd., Royal Oak, MI 48067, Kevin Baird, North Row, LLC, 720 Kimberly Dr., Troy, MI 48098 and Brett Buholtz with Nowak and Fraus.

Ms. Kapelanski noted that the proposed location was the site of the former Silver Spoon restaurant. She had included zoning and future land use maps for reference. The site was master planned for residential use and was currently zoned for single-family with an FB Overlay.

Mr. Klatt stated that they were proposing a 20-unit, multi-family development. They were looking for feedback from the Commissioners or any suggestions they might have so modifications could be made prior to making a formal submittal. They had a concept plan meeting in December with City staff, and they got a lot of good ideas which they were able to incorporate. Prior to a formal submission, they intended to meet with the neighbors surrounding the development.

Mr. Klatt noted that the parcel was located at the corner of Maplehill and Old Orion Ct. The site was about two acres, and there were substantial wetlands on the western side of the site. The development would consist of five, two-story buildings. Each building would be approximately 4,100 s.f. and contain four units. Multi-family dwelling units were permitted in the FB district. They complied with all zoning regulations, except for the northern setback. 25 feet was required, and they were proposing 15 feet. He advised that they chose to separate the buildings to be more in line, from a massing standpoint, with the homes around them. There would be green space and windows between the buildings. The primary entrance would be from Old Orion Ct., and there would be a second access point on Maplehill, which would be left in, right out only. There would be garages at the back of the buildings and some on-street parking. They were required to have 30 spaces or 1.5 per unit, and they would have one space per unit within the garage for a total of four per building. There would be one space per unit in the driveways and some parallel guest parking along the road. He felt that would prevent parking from spilling into the neighborhood to the west. They were required to provide an outdoor amenity space of 2% of the gross land area. They were showing an outdoor barbeque area with a pergola, and there would be walkway around the site. Per staff's recommendation, they needed to adjust the public sidewalk along Old Orion Ct. They were providing a detention basin. They could not go very deep because of the high water table on the site. Regarding the 15-foot setback, they had to position the building a certain way because of the wetlands, detention basin, driveway and green space, and it made it difficult to obtain 25 feet.

Mr. Klatt showed the floor plans. He pointed out the clean line aesthetics of the buildings, which were a bit more contemporary in design, but they wanted to respect some of the materials found in a single-family home.

They were proposing brick veneer, hardy siding and larger windows. There would be balconies and private porches. He showed a flat roof and a peaked roof concept. He said that he looked forward to hearing any comments.

Mr. Schroeder said that he would be interested in hearing about the reactions of the neighbors. Mr. Klatt said that they would meet with them after the meeting and before coming back.

Mr. Schultz noted that he lived slightly up the street by Dutton. He forewarned that the neighbors on Maplehill set up a coalition against the developers of townhomes at the end of Maplehill. He recommended that everything they could do to accommodate the people on Maplehill and get ahead of the mess would be a good thing. He suggested that they should not do the flat roof, mid-century modern look and go instead with a gable. He felt that it would fit in with the context of the neighbors. He said that he had looked at the vacant church for a long time, as it was his shortcut to Papa Joe's. He was very happy someone was bringing that kind of concept. He struggled with the economics of the Silver Spoon project, and he had a feeling it would never go. He thought that the proposed concept could certainly get done. He thought that it was the right scale, and that it had the right feel with the peaked roof. He thought that it would be a successful plan, but he reiterated that they had to get ahead of the mess that was likely going to come from the neighbors. He recalled that they put signs up and were very active. They did not want condos, so they probably would not be too happy with what was being proposed. He acknowledged that they were going in at the end of their street, and the proposed might be a slightly different scenario, but he wanted to caution.

Mr. Gaber asked how big the units would be. Mr. Klatt advised that the first floor units would be 1,300 s.f. and the second floor would be 1,800 s.f. Mr. Gaber agreed that it was a good concept and well thought out. He was also going to ask if they had talked to the neighbors, because there could be an issue as indicated. He observed that the units were a good size and very functional, and he personally liked the flat roof better. It seemed to be a good project to him. Other than the garages and the spaces behind them, he asked how many spaces they anticipated having along the row on the west side. Mr. Klatt advised that there would be eight parallel on-street spaces and two more to the south. Mr. Gaber wondered if someone had a party or some other gathering where people would park. He was sure the neighbors would ask that question. Mr. Klatt responded that per the ordinance, they were required to have 30, and they were

showing 50. Mr. Gaber thought that it was a very attractive design.

Mr. Dettloff asked the price points for rent. Mr. Baird said that they would be developed as condos, but they did not know yet if they would be for sale or lease. It would depend on the construction financing. For a for sale condo, the 1,300 s.f. units would be about \$299k and the upper units would be in the high \$300s. Mr. Dettloff clarified that they would be condos initially. He agreed with Mr. Schultz about the Maplehill residents. Mr. Dettloff lived in Kings Cove, and they were very organized in their efforts to stop the development at the end of their street. They tried to get his association involved, which they were not. He agreed that getting out ahead would be critical, and that it was a great-looking development.

Mr. Gaber noted that the site was zoned properly, but they would need a couple of waivers. He asked exactly how they did not meet the ordinance requirements. Mr. Klatt said that the northern setback was required to be 25 feet, and they were showing 15. He believed that they met every other requirement. Mr. Gaber asked if it was a waiver that the Planning Commission could grant. Ms. Kapelanski agreed. Mr. Klatt added that they showed a ten-foot separation between the buildings, which was a Building Code requirement, and they wanted to have windows, so they lost some setback.

Chairperson Brnabic summarized that everyone was in positive agreement about the project moving forward. She asked the applicants if they had any further questions. Mr. Klatt could not think of any; he said that he appreciated the great feedback, and he thanked them for their time. Mr. Dettloff asked if they owned the parcel, which was confirmed.

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

Chairperson Brnabic reminded Commissioners that the next Regular meeting was scheduled for June 5, 2019.

Ms. Roediger thanked the Commissioners for accommodating staff on an alternative June meeting date. The consultants, Giffels Webster, would be present, and the focus of the meeting would be to discuss Zoning Ordinance amendments as a result of the Master Plan recommendations

for Auburn Rd. and the new R-5 district, and for some housekeeping items identified by staff and through a Zoning Ordinance audit by Giffels Webster. It would be a discussion only.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis (who also welcomed the newly "reminted" Mr. Gaber), seconded by Mr. Gaber, Chairperson Brnabic adjourned the Regular Meeting at 11:05 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary