

Commission in January 2015 but redesigned due to cost restraints.

6. *The development meets the intent and standards of the zoning district with regard to municipal buildings.*
7. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
8. *With the noted conditions, the proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinities.*
9. *With the noted conditions, the proposed improvements will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the sites or those of the surrounding areas.*
10. *With the noted conditions, the proposed improvements should have a positive impact on the community as a whole and the surrounding areas in which they offer support services.*

Conditions

1. *Proposed landscaping be increased to meet Ordinance requirements.*
2. *Provide landscaping cost estimate, including irrigation costs, prior to temporary grade certification being issued by Engineering.*
3. *Provide an irrigation plan, prior to final approval by staff.*
4. *Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*

A motion was made by Hooper, seconded by Schroeder, that this matter be Approved. The motion carried by the following vote:

Aye 6 - Brnabic, Hooper, Morita, Reece, Schroeder and Schultz

Excused 3 - Dettloff, Kaltsounis and Yukon

2016-0378

Public Notice and request for a Tree Removal Permit - City File No. 16-018 - Cedar Valley Apartments, for the removal and replacement of as many as 182 trees for a two-story apartment complex with 86 units on 3.57 acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family

Residential with an FB 2 Flex Business Overlay, Parcel No. 15-23-152-022, Bret Russell, Michigan Income Fund 2, LLC, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated February 17, 2017 and Site Plans and Elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Peter Stuhlreyer and Francesca Aragona, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307 and Paul Tulikangas, Nowak & Fraus Engineers, 46777 Woodward Ave., Pontiac, MI 48342.

Ms. Roediger noted that the applicants had been before the Planning Commission in September 2016 for a discussion and to see what they thought of the concept. She advised that the property had an FB-2 Overlay, which allowed for multiple-family. The proposal was for an 86-unit apartment complex in two buildings with access from the existing approach off Rochester Rd. The plans called for a connection to a future road to the south. She related that the City was in the process of redesigning Eddington Blvd. to connect to Drexelgate with a signal on Rochester Rd. In discussions with the owner of the property to the south, they talked about having a north-south road that would connect from the Cedar Valley property all the way to Stonecrest, which was currently under construction, and potentially going through Bordine's property to Hamlin Rd. to help relieve the traffic on Rochester Rd. in the area.

Ms. Roediger reviewed that the site was under the Tree Conservation Ordinance, and the applicants were requesting a Tree Removal Permit to remove 182 regulated trees, which would be accommodated with replacement trees on site and payment into the City's Tree Fund. A minor Natural Features Setback Modification of 63 linear feet was also being requested for impacts in the northeast corner due to construction of the storm water facility. Kyle Hottinger, from ASTI, the City's environmental consultant, reviewed the plan, and it was his opinion that the natural features were of low quality and based on the design of similar stormwater facilities in the past, it was common for the City to grant a modification.

As part of the FB Overlay, there were two modifications being requested that the Planning Commission could grant. The first was for a front yard setback. The Ordinance required a 15-foot minimum and 25-foot maximum front yard setback. The intent of that was to have buildings fronting onto a street. The proposed project was unique in that it was tucked behind the Fifth Third Bank, so pushing the buildings close to the property line would not serve the purpose intended by the requirement.

The Fire Department had also requested a fire lane in front of the building, so the building was sited as close to the property line as possible, while still providing health and safety. It was staff's opinion that the requested modification was appropriate in the circumstance. She noted that the property was bordered by single-family residential in the northeast corner and the east and south property lines. A Type C Buffer was normally required, which could consist of a 20-foot space with landscaping or it could be reduced to eight feet when a solid evergreen wall was constructed. Along the south property line, the applicant was requesting an eight-foot buffer width with a solid screen, and they were asking for a waiver from the requirements along the eastern property line due to the fact that there was a wetland and mature vegetation area. There would be about 200 feet of wetland and vegetation in between the development and the adjoining neighborhood. Staff recommended planting the required evergreens in the north and south corners to shield the residential and for the Commissioners to grant the waivers, but it was up to their discretion. The plan, with conditions, met applicable regulations, and staff recommended approval. She said that she would be happy to answer any questions.

Chairperson Brnabic asked the applicants if they had anything to add. Ms. Roediger advised that they had a presentation, which she put up on the screen.

Mr. Stuhlreyer stated that the parcel was behind the Bank, and he maintained that it was quite hidden, which was one of the features they were trying to amplify. There would be heavier than normal landscaping around the buildings to give the development a natural feel. There were 3.5 acres, and they were proposing two identical buildings, both two-and-a-half stories set into a low slope that ran from west to east. As they got to the back of the building, a half of a third-story could be seen coming out of the ground. That conformed to the 30-foot maximum height and was a few feet shorter. There would be luxury apartment ceiling heights inside the buildings. There would be a blend of unit types from studio to three-bedroom. The primary unit would be two bedrooms, and he confirmed that the total count was 86 units. The building would consist of maintenance-free exterior, fiber cement and pre-finished cedar siding. There would be a galvanized metal panel on part of the building and stone veneer. The percentages were listed, and they talked with staff to make sure they met the FB Overlay requirements for material percentages. The parking exceeded the requirements by two spaces. There would also be seven handicap spaces near the front doors. Each of the buildings would have a common hallway and elevator and two

means of egress from separate sides of the buildings. There would be large windows and reasonable daylight inside of each unit. He mentioned that there would be some nice features - a continuous walking path throughout the perimeter and heavy landscaping, as mentioned. There would be a quite large common space island in one of the parking areas. One of the amenities that was invisible was the acoustics from room to room and floor to floor. The units would feel very upscale. He said that he could answer any questions.

Chairperson Brnabic called the first speaker.

Sean Barrett, 154 Grosvenor Dr., Rochester Hills, MI 48309. Mr. Barrett stated that he lived at the northeast corner by the subject site. He asked if he could discuss other items besides tree removal, for which he received notification, and he asked if he should have been notified of anything else. Regarding tree removal, he had no issues with trees being removed because most were dead, however, he had thought there would be a better barrier, preferably thick evergreens. He claimed that two or three parking spaces would cause headlights to shine directly into his and his daughter's bedrooms. He indicated that he did not have much of an opportunity to review the plans. He also suggested that perhaps a wall could be constructed so he would not see car lights. He thought the plan was good in regards to dealing with the water. There was a creek at the back of his property, and he asked that no wastewater be dumped into it. It flooded currently in the spring halfway up to his house. He looked at the photometric and at the types of lights, and he asked where the light would dissipate at the property line and how much would shine into his property. He noted that 182 trees would be removed and that only some would be replaced on site. He asked how many would be replaced versus credits (money) added to the Tree Fund. He wanted to make sure the developers had enough financing to complete the project before they started so he was not left with an eyesore. Regarding construction cleanup after completion, including the wetlands, he asked that it be appropriately taken care of prior to the developers leaving. He asked where the dumpster(s) would be located, and Ms. Roediger pointed out the location. Mr. Barrett confirmed that it would face south and not impact him. Overall, he thought that the development looked beautiful, and he had no issues with it, and he just really wanted to make sure his view of the parking lot was handled.

Tom Hughes, 148 Grosvenor Dr., Rochester Hills, MI 48307. Mr. Hughes stated that the property was currently vacant, with no trees or lighting. Having the buildings put up with a parking lot facing his property

was somewhat concerning. He also wanted to make sure that there would be a proper barrier. They preferred an evergreen wall to block car lights. Another concern was whether there would be protection from the new lighting and if there would be deflectors to keep the light from coming onto his property, because they would be going from dark space to light pollution. He hoped those issues were taken into consideration.

Chairperson Brnabic brought up Mr. Barrett's question about receiving notification of the Site Plan and Natural Features Setback Modification, noting that he said he only received something about tree removal. Ms. Roediger explained which matters required Public Hearing notices (Rezoning, Wetland Use Permits, Ordinance changes, Site Condo and Plat plans, Planned Unit Developments and a public notice was required for a Tree Removal Permit). She stated that a Public Hearing was not required for something permitted by right, which the proposed use was. As was mentioned at the last Planning Commission meeting, the City had recently uploaded a development map to the website, which showed all developments in various stages of review. People could make comments, and there was a direct link to the Planning Department email.

Chairperson Brnabic asked if the applicants had taken note of the questions, and Mr. Stuhlreyer addressed them. Regarding tree screening, he said that at the beginning of the meeting, Ms. Roediger had noted that staff was requiring more trees in the northeast corner to better screen, and screening would also be provided along the west edge of the retention pond. They would supplement with additional screening on the east side for headlights. In terms of the light coming off the property, the photometric study showed zero footcandles at the property line. The lights would be shielded, and the poles would only be ten feet high. Mr. Stuhlreyer said that he could not really comment about having money to finish the development, but he assured that he had been working with the developer for many years, and they had always completed projects. He added that cleanup would be monitored by the Building Department.

Chairperson Brnabic mentioned a concern about the creek and possible flooding due to the development. Mr. Tulikangas responded that the system they were proposing was a combination of 40" diameter underground pipes that would flow from the collection system and outlet slowly through the open detention pond, which would then flow through a controlled outlet to the existing storm sewer at the northeast corner of the site. It would then eventually flow through the creek. He noted that all the collected stormwater would run through a pre-treatment structure in accordance with the City's requirements. He added that all other

applicable requirements in terms of storage volume, etc., would also be met.

In response to Mr. Reece, Mr. Stuhlreyer showed the photometric plan on the overhead for members of the audience and explained the grid for the parking lot. He said that the parking lot ended nearly 80 feet from the back property line and 60 feet from the north property line. There would be quite a bit of distance from parking lot lights or headlights. The study showed the amount of light that hit two to three feet above ground from the lights on a dark night. He pointed out the pole mounted lights, ten feet tall, which would be LED with adjusted color temperature. The lights would be screened so that people could not see the source unless they were standing in the parking lot. They had to provide a certain number for safety in the parking lot, and they were high enough to thwart crime and get someone to a building and moving away from the lot, the lighting would be dimmer and dimmer until zero. He did not believe that the City allowed crossing the property line with any footcandles when adjacent to residential. There would also be a lot of landscaping, and he did not think there would be any issues with light pollution based on the analysis.

Chairperson Brnabic noted a question about tree replacement and the Tree Fund, and she advised that the applicant was proposing to replace 182 regulated trees with 54 tree credits and pay 128 credits into the City's Tree Fund. She thought that the resident's concern about cleanup was for after construction. They would like assurance that nothing would be left unsightly or damaged.

Mr. Stuhlreyer assured that everything would be cleaned up. When the apartments were ready to be leased, one of the key ingredients would be how nice the site looked.

Mr. Schroeder asked if they had considered covered parking. Mr. Stuhlreyer said that they considered it and also under the building parking, but they were not proposing it, because there were some height and density issues. Mr. Schroeder considered that the residents would like that better. Mr. Stuhlreyer agreed that might be true, but he suggested that the comparative product out there might not provide it.

Mr. Hooper asked Mr. Tulikangas to show the boulder wall and the area for the Natural Features Setback Modification. Mr. Tulikangas said that it would be at the farthest east edge of the parking. Mr. Hooper asked if there was a spillway on the corner. Mr. Tulikangas agreed, and he noted that it was an existing outlet for the storm sewer where it spilled into the

creek. There were a couple of manholes just upstream which they were proposing to tap into for their stormwater outlet. They were proposing a boulder wall adjacent to the east property line and adjacent to the east edge of the parking lot. Mr. Hooper asked if it would start at the spillway and wrap to the south. Mr. Tulikangas explained that at the east end of the parking lot, there would be a three-foot tall boulder wall to get down in elevation to hold a portion of the stormwater volume. They would build the grade up to retain that volume and come back down at the property line to match the existing grade. Mr. Hooper asked where the trees in the corner would be planted if it was three feet down. Mr. Stuhldreier said that they could be planted on the edge of the basin on the inside slope. Mr. Hooper confirmed that it would not be an emergency overflow spillway; it would be the actual outlet riprap spillway. Mr. Tulikangas responded that it would be where the emergency spillway would be. There were overflow mechanisms designed in the detention system as well. Mr. Hooper asked about that. Mr. Tulikangas said that there would be a standpipe structure as the overflow. Mr. Hooper clarified that there would be a standpipe with a smaller hole that outletted which would flow over the top.

Mr. Hooper asked if they were proposing ten evergreens on the inside slope. Ms. Aragona related that there would be five and five - five in the northeast corner and five in the southeast corner. Mr. Hooper asked about the size and diameter. Ms. Aragona said that they would match the ones being planted, so the evergreens would be ten feet tall, and there would be a variety. Mr. Hooper wanted to make sure there would be an effective opaque screen, so he wondered if five on each corner would be adequate. Ms. Aragona said the five would be in addition to what they had planned. Mr. Hooper asked what they planned, and Ms. Aragona pointed out the trees and shrubs. They left space for access to the basin. Mr. Hooper wanted to make sure the screen would be opaque, and Ms. Roediger pledged to work with the applicants to make sure the landscaping provided the screen. Mr. Hooper asked if more than ten trees should be considered. Ms. Roediger said that she would ensure the right number after everything was laid out.

Mr. Reece strongly recommended that to address the concerns of the two neighbors that the applicants met with the families to demonstrate the plan so they had a better understanding. He noted that the Planning Commission had worked with residents in the past and if additional trees were needed to satisfy concerns that was accommodated. He said that he appreciated that the developer had the right to do what he wanted with his property, but the residents also had a right to privacy. It might mean that a couple of trees had to be added onto the residents' property, which

had been done in the past, if they were amenable. He thought that there was a very simple and cost effective solution without going overboard to satisfy everyone. He knew that there would be a lot crammed into the corner of the property with the basin, the wetlands, the trees and the parking lot, and it was not something that would be worked out at the meeting. He trusted Ms. Roediger to work with the residents and the developer to come up with a solution. He agreed with Mr. Hooper that they would probably need more than five trees in each corner to maintain a sense of privacy. He stated that the applicants had done a great job with the rest of the development, and he hoped that they would not stumble at the finish line over a couple of trees.

Mr. Reece asked what constituted a luxury apartment and if it was defined by the rent, the amenities or something else. He asked what the rent structure would be.

Mr. Stuhlreyer believed that it would be \$1.50-1.75 per square foot. They would not be the highest rental units, but perhaps a level below. They would fit the area and demographic. Mr. Reece stated that the market had changed. Younger people did not want big houses like people did in the past, and they wanted to welcome everyone to the community. The product looked like a high end one, and it would attract the right people, whether they were renters or homeowners in an upscale subdivision, and he felt that they would be doing the right thing.

Mr. Schultz suggested what he thought might be an easy solution, noting that he was very sympathetic about the headlight issue and the fact that the neighbors would be living next to a use that was much different than it was currently. He was not as concerned about the parking light lots and the cut-off fixtures - they were highly effective at controlling the light. He thought that they had to be more concerned about the headlights. Regarding the retaining wall proposed, he suggested that if there was any way to pull it back three feet closer to the detention pond and line the set of parking stalls with an evergreen hedge, it would not give an opportunity for the light to carry over and into the yards. From an economic standpoint, it would be a good, cost effective solution. He recommended that they explored that, and he felt the neighbors would be happy if the headlights were cut off there.

Ms. Morita thanked the applicants for bringing the project before the Commission. She appreciated the fact that they came previously for a discussion, and she could tell from the plans that the applicants did take the comments into consideration, in particular by moving the trash

container farther west on the property. She would also like to see the applicants work with the neighbors on screening to make sure the headlights did not shine in, and she also thought they should consider covered parking. That was something people looked for in higher-end apartments and if they did not get it, they would go somewhere else. She moved the first motion, seconded by Mr. Schroeder.

MOTION by Morita, seconded by Schroeder, in the matter of City File No. 16-018 (Cedar Valley Apartments), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on January 20, 2017, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace 182 regulated trees with 54 tree credits and pay 128 credits into the City's Tree Fund.

Conditions

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Payment of \$26,304 for replacement tree credits that cannot be provided on site, prior to temporary grade certification issued by Engineering.

A motion was made by Morita, seconded by Schroeder, that this matter be Granted. The motion carried by the following vote:

Aye 6 - Brnabic, Hooper, Morita, Reece, Schroeder and Schultz

Excused 3 - Dettloff, Kaltsounis and Yukon

2017-0068

Request for Natural Features Setback Modifications - City File No. 16-018 - for impacts of approximately 63 linear feet associated with the construction of Cedar Valley Apartments, a two-story apartment complex consisting of 86 units on 3.57 acres location east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB-2 Flexible Business Overlay, Parcel No. 15-23-152-022, Bret Russell, Michigan Income Fund 2, LLC, Applicant

MOTION by Hooper, seconded by Reece, in the matter of City File No.

16-018 (Cedar Valley Apartments), the Planning Commission **grants Natural Features Setback Modifications** for permanent impacts to approximately 63 linear feet from the placement of boulder rip-rap around an existing stormwater outlet, construction of the proposed boulder retaining wall and from construction and associated grading of a proposed detention pond., based on plans dated received by the Planning Department on January 20, 2017, with the following two (2) findings and subject to the following one (1) condition.

Findings

1. Natural Features Setback Modifications are needed to construct the retaining wall, boulder rip-rap and detention pond.
2. Because the Natural Features Setbacks are of poor floristic quality, sparsely vegetated and offers minimal buffer quality to the linear wetland, the City's Wetland consultant, ASTI, recommends approval.

Condition

1. Any temporary impacts must be restored to original grade with original soils and seeded with a City approved seed mix, where possible, prior to final approval by staff.

A motion was made by Hooper, seconded by Reece, that this matter be Granted. The motion carried by the following vote:

Aye 6 - Brnabic, Hooper, Morita, Reece, Schroeder and Schultz

Excused 3 - Dettloff, Kaltsounis and Yukon

2017-0064

Request for Site Plan Approval - City File No. 16-018 - Cedar Valley Apartments, a proposed two-story apartment complex totaling 86 units on 3.57 acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel No. 15-23-15-022, Bret Russell, Michigan Income Fund, LLC, Applicant

Mr. Hooper noted that the applicants had said that they met the 60% for each façade for the amount of stone and cedar fiber cement, but the rendering in the packet did not reflect that change. Mr. Stuhlreyer agreed, and said that they added stone on the stair tower. Ms. Roediger advised that staff had not received updated plans showing the 60% minimum, so a condition was added that staff would confirm the updated elevations.

Regarding Mr. Schultz's suggestion about landscaping (inside curb versus outside), Mr. Hooper asked the applicant their thoughts. Mr. Schultz reiterated that he wondered if they could put the boulder wall three

feet farther to the east and run a row of hedges. He realized that it might affect the detention basin. Mr. Tulikangas said that it would impact the volume because of the contours for grading. The wall was only three feet, so he wondered if trees were planted at the lower level if it would provide more screening. Mr. Schultz reminded that a typical evergreen would be conical. They could cut off the headlight with a solid hedge on the topside. Mr. Tulikangas agreed that they could make it work, and Mr. Schultz commented that the residents would appreciate it.

MOTION by Hooper, seconded by Reece, in the matter of City File No. 16-018 (Cedar Valley Apartments), the Planning Commission approves the Site Plan based on plans dated received by the Planning Department on January 20, 2017, with the following seven (7) findings and subject to the following ten (10) 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 requested front yard setback is modified based upon the Planning Commission's determination that the proposed project is set back appropriately for a unique site located behind another parcel; the building is located appropriately on the site and is set back from the property line to accommodate adequate buffering and fire access around the building; the building is sited as close as possible to the front lot line while meeting other competing ordinance requirements; and the site is designed with the buildings as close to the front of the property as feasible to minimize views to the residential neighborhoods near the western portion of the property.*
3. *The Planning Commission waives the Type C Buffer requirement for the east property line, finding that the addition of the request evergreen trees along with the presence of the wetland and mature vegetation east of the property adequately protects the residential neighborhood from negative impacts.*
4. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*

5. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
6. *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.*
7. *The proposed development will provide an alternate housing option, as outlined in the City's Master Plan.*

Conditions

1. *The amount of stone and cedar fiber cement of all elevations must be confirmed by staff to show a minimum of 60% of each façade (stairwell and the south elevation), prior to final approval by staff.*
2. *Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.*
3. *Coordinate with DTE Energy to obtain an access easement to construct a continuous north-south road that will connect to an intersection with a traffic signal at a realigned Eddington Boulevard on the DTE property.*
4. *Provide a landscape bond for landscaping, irrigation and replacement trees in the amount of \$63,797, plus inspection fees, as adjusted by staff if necessary, prior to temporary grade certification issued by Engineering.*
5. *Provide the required 10 evergreen trees at the eastern corners of the site to meet the intent of the buffer landscaping requirements the adjacent residential.*
6. *Revise proposed Buffer C along the south property line to show a solid opaque screen that will be at least six feet high within three years of planting, in addition to the required deciduous and ornamental trees, prior to final approval by staff.*
7. *If a waiver is not granted by the Planning Commission for Buffer C as outlined in the Planning memo dated February 6, 2017, additional plantings will be required to meet the Ordinance requirements, prior to final approval by staff.*

8. *Compliance with applicable department memo comments, prior to final approval by staff.*
9. *Applicant shall meet with the residents to present a revised landscape plan to meet their concerns about headlights leaving the property, prior to final approval by staff.*
10. *Review an addition to the landscape plan for an opaque hedge on the east side of the curb between the parking lot and the detention pond to shield headlights and provide more privacy for the residents, prior to final approval by staff.*

Chairperson Brnabic asked if the applicants had read the staff report and agreed with condition three regarding constructing a north-south access road to connect to a road to the south and to a traffic light on Rochester Rd.

Mr. Jeff Cuthbertson, Attorney for the applicant, responded that they had been working with staff to address the matter and a number of other questions that concerned the development to the south. They were certainly willing to work in good faith with DTE Energy to connect to any road that might be built by the developers to the south when they built that road consistent with the plans they brought forward. At this point, they did not know specifically who would own the property, what uses would be undertaken, where the road would be located or about any potential re-alignment necessary. To the extent that they could connect to that road, they would work in good faith to do so.

Mr. Schroeder emphasized that the road would really be an advantage and would be very desirable for the proposed development to have access to a traffic signal on Rochester Rd. He stated that it would be very important. Mr. Cuthbertson said that he agreed as a general matter, but they did not have specifics currently.

Mr. Reece asked the applicants when they anticipated starting construction and if it would be in the spring if they received all applicable permits. Mr. Stuhlreyer stated that it would be as soon as possible.

A motion was made by Hooper, seconded by Reece, that this matter be Approved. The motion carried by the following vote:

Aye 6 - Brnabic, Hooper, Morita, Reece, Schroeder and Schultz

Excused 3 - Dettloff, Kaltsounis and Yukon