

June 2, 2020, is adopted by the Rochester Hills Planning Commission on June 2, 2020.

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

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Chairperson Brnabic stated for the record that the motion had passed unanimously. She thanked Ms. Hoyle for the nice presentation and thanked all City staff that came to answer questions.

2020-0200

Request for approval of a Tree Removal Permit - City File No. 19-042 - for the removal and replacement of as many as 48 trees for North Row Development, a proposed 20-unit apartment development on 2.4 acres, located on Old Orion Ct., west of Rochester, zoned R-1 with an FB-1 Flexible Business Overlay, Parcel No. 15-03-476-016, Kevin Baird, North Row, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 27, 2020, Site Plans and Elevations had been placed on file and by reference became part of the record thereof).

Present for the applicant were Kevin Baird, North Row, LLC, 720 Kimberly Dr., Troy, MI 48098; Jeff Klatt, Krieger Klatt Architects, 2120 E. 11 Mile Rd., Royal Oak, MI 48067 and Brett Buchholz, Nowak & Fraus Engineers, 46777 Woodward Ave., Pontiac, MI 48342.

Ms. Kapelanski advised that the applicant was proposing to construct a 20-unit, multi-family development on just under two-and-a-half acres on the west side of Old Orion Ct. The site was zoned R-1 with an FB-1 Overlay, and she noted that the applicant was utilizing the Flex Overlay to develop. The plan was generally in compliance with all Ordinance requirements with one exception. The applicant was seeking a 10-foot modification of the side yard setback along Maplehill. She advised that a Tree Removal Permit was required for the removal of 48 trees, for which all replacements would be paid into the Tree Fund. The site contained one wetland and one watercourse regulated by the City and EGLE. ASTI had reviewed the impacts and had recommended approval of the plan, the Natural Features Setback Modifications, and the Wetland Use Permit. She summed up that all staff had recommended approval subject to some minor plan modifications.

Mr. Klatt introduced their team. He noted that since the discussion last year, they had invited 25 local neighbors to an open house on August 7, 2019. There were 10-12 people in attendance, and he felt that it had been a good conversation. He pointed out that they had modified the design from the last time they met with the Commission. They felt that the style was more harmonious with the single-family homes in the area. He thanked staff for their guidance throughout the project.

Mr. Klatt explained that they were proposing five individual buildings on the site, each with four units at a 4,100 s.f. footprint. They felt that having one large building would be out of scale and look more massive. Separating the buildings also allowed the units more daylight. He showed a slide of the wetland area, and said that it drove moving the buildings and drive to the northeast. There would be two means of ingress/egress connected by an internal street lined with trees with on-street parking. He maintained that they met the parking requirements with 1.5 spaces per unit. Each unit would have a parking space within a garage and one in each driveway, and there would be ten on the street for a total of 50. Per the Ordinance, they were required to provide an amenity area for the residents, and they were proposing a seating area, BBQ, bike racks and fire pit under a pergola. There would be arbor vitae around it to screen. The primary entrances to the buildings would be on Old Orion Ct. There would be covered entries, balconies and porches. Each resident would have access from the garage as well and would be able to come to the front of the units between buildings using sidewalks. There would be onsite detention. He agreed that they were proposing a 15-foot side yard setback on the north, but he felt that they were providing good screening. He showed the floor plans, noting that the second floor units would be slightly larger. He talked about the elevations, which he claimed were a little more modern but still followed traditional forms and shapes. He thought that the roof lines were interesting and would break up the massing. He said that they were open to any questions.

Chairperson Brnabic asked Ms. Gentry if any communications had been received, and none had, but Ms. Roediger saw a person wishing to speak.

April Massimino, 291 Maplehill Rd., Rochester Hills, MI 48306 *Ms. Massimino had heard that there would be ten extra street parking spaces, and she asked if any of those would be on Maplehill. Mr. Klatt responded that they would all be within the development. Ms. Massimino asked if there would be an exit onto Maplehill. Mr. Klatt said that there would be. At one time, they discussed having a pork chop with right out only, but that had been eliminated at some point. The intent was for people to turn*

right to go to Old Orion Ct. The Fire Department had requested connectivity with two egress points. Ms. Massimino was concerned about traffic backing up at the stop sign at the end of Maplehill, noting that there was another development coming at the end of the dead end. She had hoped that the two exits would have gone onto Old Orion Ct. She also hoped the tree removal would not be approved, because many neighbors would have to see the apartments. She had moved to Maplehill because it was a dead end, but now there would be condos at one end and apartments at the other. She hoped that the trees could all stay.

Mr. Gaber felt that it was a great design with beautiful-looking buildings that would add a lot of character to the area. He liked the architecture. He mentioned FB-1 zoning, noting that there was no density requirement and as long as a project met the Ordinance, a site could be as dense as possible. He thought that the proposed project was as dense as it could be for the site, and he thought that it would look nicer with just four buildings rather than five. He had a difficult time approving a modification that allowed a density that could not technically fit on the site without it. He thought that it was over extending what the purpose was of FB zoning, and he wondered if the project could be moved ten feet to the south. He re-stated that he had difficulty approving the requested modification, and he also thought that parking would be tight. He asked Mr. Klatt if he could give an overview of what the project would look like from Old Orion Ct.

Mr. Klatt said that there was a lot of green space in front, but it was not their property - it was right-of-way. He said that the buildings would be set back quite a bit from Old Orion Ct. Regarding density, he pointed out that they could have achieved more density if they placed everything in one large building.

Mr. Gaber asked what plantings would be in front of the residences. Mr. Klatt asked Ms. Kapelanski if she could pull up the landscape plan.

Mr. Kaltsounis brought up parking. He asked about the length of the driveways, observing that there were no vehicles shown there. He mentioned a neighboring city that had a similar development, for which the design had made some people upset. He had driven by and taken photos of pickups that were too long for the driveways and stuck out over the road.

Mr. Klatt claimed that there would be ample space for a vehicle to fit in the driveway. Ms. Kapelanski was looking for a drawing with dimensions, but

in the meantime, she had put up the landscape plan, which showed the plantings on Old Orion Ct. Ms. Roediger pointed out sheet C1-A, Emergency Vehicle Access plan, which showed 20.6 feet from the face of the building to the edge of the walkway, which was five feet wide. Mr. Kaltsounis thanked the applicants for adding the radii for the fire trucks.

Mr. Kaltsounis pointed to the lighting plan, which showed footcandles higher than zero at the lot line, and he thought that zero was required. Ms. Kapelanski believed that they were in compliance, and she said that she would check.

Mr. Klatt referred to parking, and noted that 30 spaces were required, and they had 50. Mr. Kaltsounis asked if they had done similar developments. Mr. Klatt advised that they had designed others. He mentioned one in Ferndale that he said was much tighter. He said that some communities were reducing requirements down to 1.3 per unit. Mr. Kaltsounis considered that it was a multi-family development, and he said that families usually had more than one person. He personally thought that the City's parking requirement was too light, but he acknowledged that it was something for the Planning Commission to discuss in the future.

Mr. Gaber mentioned the reduced setback on Maplehill Rd., and he asked if the trees planted along there would all be deciduous. He felt that there should be an enhanced, dense screen there, and that they should mix in some evergreens, noting that it would look bare in the wintertime. He agreed that providing spacing between the buildings would allow a better development.

Ms. Roediger had observed that along Maplehill, there would be a combination of Crab Apple and Ginko trees as well as some shrubs. She thought that there might a visibility concern having evergreens so close to the pathway. Mr. Gaber said that he would still like the applicants to work with staff to screen the area well with a mixture of deciduous and evergreens as a condition of approval.

Mr. Reece said that his company was working with the applicant on a project, and he asked to be recused.

Mr. Kaltsounis noted that he had a Ginko tree in his front yard which was put in the same time as the Maples in his backyard. The Maple trees were massive and offered a lot of screening. The Ginko was the last tree to bloom, the first tree to drop leaves, and it was no bigger than it was when installed.

Mr. Weaver agreed with Mr. Kaltsounis about Ginkos, and he also thought that some evergreens should be incorporated there. He said that he liked the look of the buildings, but he agreed with Mr. Gaber that it seemed a little jam packed. He thought that the reduced setback was a little self-inflicted, but the applicants were handling it nicely. He liked the look as opposed to having one large building. He really liked the architecture and the materials. He would like to see a little more natural look to the plantings along Orion Ct. Otherwise, he thought that the applicants had done a good job, and he was impressed with how the project had a neighborhood feel.

Ms. Kapelanski had looked at the photometric plan, and the project was in compliance. One-half footcandle at the property line was allowed for this type of development.

Dr. Bowyer said that the buildings looked very nice, and she liked the way they were laid out. She did feel that it was very dense, though. She wondered if staff was working on the FB and parking Ordinances, and if the Commission should not approve projects until they were fixed. Regarding the enhanced landscaping being discussed, she definitely felt that it should cover the amenity area as well. If she lived there, she would rather see greenery than the roadway. She suggested enhancing that area for the residents and for the people driving by.

Ms. Roediger said that the FB Overlay had been in place since about 2011, so it was not a new Ordinance. During the Master Plan update last year, a lot of the discussion was about creating different types of housing. Ms. Kapelanski was working on some amendments, and parking was one of them, and in terms of the FB Overlay, it could be open for discussion, but it was consistent with the recent Master Plan.

Dr. Bowyer suggested that parking in the FB district could be looked at, because more than two people could be living in an apartment. That could cause a problem for the residents of Maplehill if people parked there in the future. She would like to see that worked on sooner than later, as it had been mentioned several times. She wanted to make sure that developments had amenities or green spaces for people to congregate, and it was nice that the proposed development had it, but she wondered when there would be an Ordinance requirement. She clarified that the proposed site plan would not go before Council, and Ms. Roediger added that the Wetland Use Permit would go to Council.

Chairperson Brnabic agreed that they should take a look at the parking standards. She realized that the FB Overlay had been created for a reason, but she did not think that its purpose was to allow high density developments across the City. When they went through the Master Plan, they picked areas for diversity. They developed R-5 to fit areas sporadically. FB in the past was used for larger developments, and perhaps to lessen setbacks, but she thought that using it for the projects they were seeing was a problem, and there was a problem with the parking. She would like the parking looked at and to have a review of the FB Overlay standards.

Chairperson Brnabic asked if the balconies were there just to provide an aesthetic look. Mr. Klatt believed that they were three to five feet and could be walked on. Chairperson Brnabic had observed that one of the plans identified them at a foot-and-a-half. She did not think that would be functional, and she thought it would have been nice to have them, because the first floors provided a patio. Mr. Klatt agreed that they were more Juliette balconies to primarily get taller glass on the second level, but he said that they could be extended a couple of feet to be more functional. Chairperson Brnabic agreed that it would be a nice amenity.

Mr. Hooper also felt that the balconies had to be a minimum of three feet, if not more. He asked for clarification about the balconies in the rear, which were seven by seven feet with a roof overhang. Mr. Hooper considered how they would be enclosed, and claimed that they would be pretty dark locations. He asked if there were only nine spruces planned for the entire project, and was told eight. He noticed that they were all back by the detention pond. He asked if they could be relocated along Maplehill and have the Lindens put by the pond. Ms. Kapelanski advised that three evergreens were required around the pond, so they would have to stay. Mr. Hooper suggested that more evergreens would be needed along Maplehill to have greenery year-round. He brought up parking, for which, he recalled, the Commission had been dealing with forever. He did not know what the right number was - 1.5, 1.3 or 1 per unit. He owned a condo in Dearborn that his son used with 80 units and 120 parking spaces. Half of the units were rented and half owned, and he indicated that the parking lot had never been full in the 16 years they had owned it. In that case, 1.5 spots per unit would be more than adequate. He realized that it depended on the mix of people, and he agreed that if a family lived there, there could be more cars. He said that he was not opposed to another parking study, but he did not want to go back to the sea of asphalt levels. He said that he thought that the architecture was great, and he definitely supported it. He thought that it provided a different type of

housing in the community which was needed. They just needed to add some year-round greenery and widen the balconies.

Ms. Gentry had received an email in the Planning Dept. email from Sue Marus, 250 Maplehill Rd., which she read into the record, and it was placed on file.

Mr. Dettloff thought that it was a great-looking development, and he thanked the applicants for bringing it before the Commissioners. He asked what the rent structure would be. Mr. Baird said that the lower units, at 1,250 s.f., would be about \$2,200 per month. The upper units, at 1,650 s.f. would be \$2,600 per month.

Mr. Gaber wanted to make sure that if the balconies were extended that it did not take away from the aesthetics of the project, and that it did not have any detrimental impact to the first floor units underneath. Mr. Klatt thought that they would look very attractive and provide good covering for the first floor patios.

Mr. Kaltsounis said that he definitely liked the style and look of the development. He agreed with Dr. Bowyer about the density issue with FB. He knew that FB had been around since 2011, but they were now seeing it used. Things were getting tighter and tighter, and they were now rethinking what they did. He would like to see FB re-reviewed, especially for the parking, and he knew that there was data out there for parking. Hearing no further discussion, he moved the following:

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 19-042 (North Row Development), the Planning Commission ***grants a Tree Removal Permit***, based on plans dated received by the Planning Department on April 3, 2020 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 remove 48 regulated trees with 74 tree credits paid 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 into the City's Tree Fund of \$16,040.00 prior to temporary grade being issued by Engineering.*

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

Aye 8 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Abstain 1 - Reece

2020-0201

Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 19-042 - for impacts to approximately .094 acre related to construction activities for North Row Development, a proposed 20-unit apartment development on 2.4 acres located on Old Orion Ct. west of Rochester, zoned R-1 One Family Residential with an FB-1 Flexible Overlay, Parcel No. 15-03-476-016, Kevin Baird, North Row, LLC, Applicant

Chairperson Brnabic opened the Public Hearing at 9:21 p.m. Ms. Roediger saw no one raising a hand or calling, and Ms. Gentry had received no further emails, so Chairperson Brnabic closed the Public Hearing.

Mr. Weaver mentioned the comments some of the residents had about traffic on Maplehill. He did not know if the development would increase traffic on that street, since it was a dead end, but he wondered if the applicants could post a right turn only sign at the exit to Maplehill. Ms. Roediger agreed that they could work with Engineering on that, and it was made a condition of approval of the Site Plan.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 19-042 (North Row Development) the Planning Commission **recommends to City Council approval of a Wetland Use Permit to temporarily and permanently impact approximately .094 acre to construct the outdoor amenity area, site access drive and parking lot, portions of buildings B, C, D and E and the boulder retaining wall based on plans dated received by the Planning and Economic Development Department on April 3, 2020 with the following two (2) findings and subject to the following five (5) conditions.**

Findings

1. *Of the .35 acre of wetland area on site, the applicant is proposing to impact approximately .094 acre.*

2. *Because the wetland areas are of low ecological quality and are not a vital natural resource to the City, the City's Wetland consultant, ASTI, recommends approval.*

Conditions

1. *City Council approval of the Wetland Use Permit.*
2. *Show wetland impacts in square feet, prior to final approval by staff.*
3. *If required, that the applicant receives and applicable EGLE Part 303 Permit prior to issuance of a Land Improvement Permit.*
4. *That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
5. *That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible and implement best management practices, prior to final approval by staff.*

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Abstain 1 - Reece

2020-0203

Request for approval of Natural Features Setback Modifications - City File No. 19-042 - for impacts of up to 450 linear feet for construction activities related to North Row Development, a proposed 20-unit apartment development on 2.4 acres, located on Old Orion Ct., west of Rochester, zoned R-1 with an FB-1 Flexible Business Overlay, Parcel No. 15-03-476-016, Kevin Baird, North Row, LLC, Applicant

Ms. Massimino came on again to speak regarding Mr. Weaver's comment about the sign. She recalled that when they met for a discussion about the project last year, Mr. Klatt had said that there would be a sign. She clarified that the neighbors were not as concerned with traffic going west on Maplehill; they were more concerned with traffic backing up at the stop sign at Old Orion Ct.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 19-042 (North Row Development), the Planning Commission **grants natural features setback modifications** for 446 linear feet for permanent impacts to construct the access drive and detention pond, based on plans dated received by the Planning and Economic Development Department

on April 3, 2020 with the following two (2) findings and subject to the following two (2) conditions:

Findings

1. *The temporary impact to the Natural Features Setback area is necessary for construction activities.*
2. *The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated February 20, 2020, which also states that the areas are of low ecological quality and function and offer little buffer quality.*

Conditions

1. *Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.*
2. *Site must be graded with onsite soils and seeded with City approved seed mix.*

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

Aye 8 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Abstain 1 - Reece

2020-0202

Request for Site Plan Approval - City File No. 19-042 - North Row Development, a proposed 20-unit apartment development on 2.4 acres located on Old Orion Ct., west of Rochester, zoned R-1 One Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-03-476-016, Kevin Baird, North Row, LLC, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 19-042 (North Row Development), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on April 3, 2020, with the following six (6) findings and subject to the following six (6) 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 Maplehill Rd. and Old Orion Ct. thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
3. *The Planning Commission waives the site yard setback to the north requirement of 25 feet to 15 ft, finding that it meets the intent of the FB Ordinance.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
5. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
6. *The proposed development offers another type of housing as outlined in the Master Plan.*

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, plus inspection fees, as adjusted as necessary by staff in the amount of \$69,905.00 to be posted prior to temporary grade certification being issued by Engineering.*
3. *Payment into the City's Tree Fund of \$16,040.00 prior to temporary grade certification being issued by Engineering.*
4. *Applicant to submit a revised landscape plan replacing deciduous trees with extra evergreen screening along Maplehill Rd. and the outdoor amenity area, avoiding Ginkos, and move some evergreens from the detention pond to Maplehill and replace with deciduous, to be approved by staff prior to final approval.*
5. *Juliette balconies shall be a minimum of three feet in depth.*
6. *Place right turn only sign at entrance to Maplehill Rd., prior to obtaining a temporary C of O.*

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

Aye 8 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Abstain 1 - Reece

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. She congratulated the applicants on moving forward with their development. Mr. Hooper thanked them for their investment.

ANY OTHER BUSINESS

Ms. Roediger mentioned the City Council meeting the previous night. Staff had been working with other departments and Mr. Staran to create a temporary COVID Special Event Permit. A lot of communities were allowing expanded outdoor operations as businesses were trying to reopen. With all of the required social distancing and people's comfort level about being indoors, Council passed three resolutions that would allow expanded outdoor dining, outdoor usage for any business and for temporary signage through the end of the year. They also waived the fees associated with those reviews and had committed to an expedited 48-hour review. She felt that it had been a very good meeting.

Ms. Roediger noted that Oakland County had prepared small business re-opening tool kits. The City received 350 of the kits to assist with distribution to local businesses. Ms. Valentik, Economic Development Manager, had been coordinating with the Chamber, the County and the Mayor's office to make sure the businesses got those free resources. The kits included touchless thermometers, spacing signage, sanitizers, gloves and other things businesses would need to re-open.

Ms. Roediger noted that Cambridge Knoll, a 16-unit site condo development, would be coming before them at the June 16th meeting. They were hearing a lot of resident opposition, and they had been in communication with Mr. Jim Polyzois, the applicant. He was getting in touch with the neighbors and there would be an update. That was the only thing on the agenda (shortly after withdrawn).

Dr. Bowyer asked how large the property was, and Ms. Roediger advised that it was about five acres. Chairman Brnabic wondered if Rochester University Townhomes was not ready. Ms. Kapelanski said that the Final