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CITY OF ROCHESTER HILLS

**P**lanning and  
Development

DATE: March 28, 2006

TO: City Council

RE: Wal-Mart Site Plan

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This memo is being submitted to advise the City Council that the Site Plans for the proposed Wal-Mart store at the relocated Adams Road and new Adams/M-59 Interchange has been found to be in **substantial technical compliance**.

In accordance with the directions as set by the Amended Consent Judgment, this memo is to be considered as the Technical Review Committee's written recommendation in regards to the Wal-Mart Stores Site Plan.

The Plans have gone through 5 complete submittals; one additional to address issues identified by the City's Landscape Architect, and a 7<sup>th</sup> one to address some final issues as requested on the attached letter dated March 21, 2006. The last submittal was received March 28, 2006. The Engineer of Record has provided a letter describing how the final requested changes have been met (letter attached).

The Technical Committee consisted of representatives from the Building, Engineering, Fire, Planning and Development, Parks and Forestry, and Assessing Departments, along with the City's Landscape Architect and the City's Engineering Consultant. In the first submittal (September, 2005) the plans were forwarded to outside agencies such as the Oakland County Drain Commission, Road Commission, DTE, Consumer's Energy, MDOT, and the like. Their comments were forwarded on to the Engineer of Record, Atwell-Hicks for incorporation in the plans.

Each member of the Technical Review Committee evaluated the plans against the provisions of the Consent Judgment along with applicable codes and ordinances if they were not specifically accounted for in the Consent Judgment. The Consent Judgment also called for an expedited review that required the City to complete all reviews within 21 days upon receipt. The City met this timeframe all but once. A discussion was held with a representative of Grand Sakwa advising them of the delay of a few days. Mr. Eisenberg of Grand Sakwa advised that it was not a problem.

The proposed Wal-Mart contains 203,819 square feet inclusive of a seven bay tire and lube center and a drive through pharmacy. The plan also shows a future fueling station but inasmuch that no plans were submitted the fueling station IS NOT part of this approval.

The plans dated received March 28, 2005 are attached as part of this report. The plans as submitted are found to be in compliance with all applicable ordinances and provisions of the Consent Judgment and a recommendation to approve is in order as contained within the Amended Consent Judgment, Section 9. Approvals/Additional Requirements: 4. 3: subject to the following buffer modification, payment to the City Tree Fund, and posting of landscape bonds.  
City Council

1) That with this site plan the City Council approves a Buffer Modification for the retaining wall with guardrail located along the eastern edge paralleling the exit ramp off M-59. The City's Zoning Ordinance, Sec. 138-1216 and 1217, requires a Type D screening that includes a distance of 25 feet from the property line to the first structure. This "no structure" buffer requirement excludes landscaping. Traditionally, retaining walls have been considered a structure and not permitted without a buffer modification granted by the Planning Commission. [Note: The Consent Judgment vests all decision-making authority usually held by the Planning Commission or Zoning Board of Appeals with the City Council. Therefore, this buffer modification rests with the City Council.]

The retaining wall ranges in height from 3 feet at the northernmost point to a height of 14 feet at the southernmost point. However, at the southern point it is field estimated by staff that 8 to 9 feet will be below the road grade and 5 to 6 feet will be above the road grade appearing to be a screening wall. The difference in grade is due to the fact that the site is lower in this location coupled with the drainage design for the exit ramp. As this wall location was reviewed it was pointed out by the City's Landscape Architect that by placing the retaining wall in this location it enables the tree screening to be planted at a higher location thus being a more effective screening of the building. If the retaining wall were built at the 25-foot distance the trees would be planted in the lower area and would be ineffective as a screen for the southern parking area and a portion of the rear of the Wal-Mart building.

This wall is not being built to raise the building but rather to level the site with a low southeastern corner. The finished floor height of the building is near that of the elevation of M-59. There is extensive landscaping proposed for the entire length of this property line abutting M-59 and the exit ramp. (Please see the Landscape Plan Sheet 10.)

Following this report is the section from the Zoning Ordinance that establishes the basis for the granting of a Buffer Modification. Staff recommends that the modification is in order, as the resulting tree plantings at a higher elevation will serve as a more effective screen meeting Sec. 138-1218 (1), (2) a. and c.

The second and third conditions are:

2) That the applicant pay \$31,110.00 into the City's Tree Fund prior to the issuance of a Building Permit for the 170 tree credits that are not being replaced on site. (See Landscape Architect's letter dated March 7, 2006)

3) That a bond or letter of credit in the amount of \$191,436.00 be posted with the City prior to the issuance of a Building Permit to provide a performance and maintenance guarantee for the proposed landscaping. (See Landscape Architect's letter dated March 7, 2006)

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The only other outstanding issue to be addressed is a request by Wal-Mart to increase the height of their light poles to 27 feet sitting on a 3-foot base. Please see the letter submitted by Atwell Hicks dated March 28, 2006.

The Consent Judgment sets the height at 24 feet as measured from the top of base to the top of the fixture. Previously submitted plans have shown a 30-foot pole height as measured from grade to top of fixture. Wal-Mart is requesting the City Council to approve an increase of 3 feet. Typically a pole base is about 3 feet in height and they are asking to place 27-foot tall poles on these bases. The language for this requirement can be found in the Consent Judgment under Item 5, Site Design Standards, F. Lighting where it states:

*“(1) Uniform street lighting may be installed along the internal street system. Poles and wall mounted lights along the site perimeter (excluding M-59) and within the site shall be a maximum 24 feet tall from the top of base, unless the zoning ordinance or City Counsel [Council] permits a taller height, and then not to exceed 30 feet.”*

The attached letter asks for Council’s consideration to increase the 24-foot height to 27-foot poles on top of a 3-foot base.

As a point of history, the Planning Commission has been working to lower the light poles of every proposed development that includes lighted parking areas. Generally, the Planning Commission has requested the poles be lowered in height and that the lumens (a measurement of light intensity) be reduced as well. Based on input from the Planning Commission this effort began about 10 years ago to reduce the light pollution in the community. The Planning Commission, with the input from lighting experts, evaluated levels of light. The Commission has also used the level of lighting in the City Hall parking lot as an example to follow.

In recent years the Planning Commission has approved light pole heights in the 16 to 20 foot range. The amounts of lumens vary based on the fixture used, how it might be screened, and the wattage.

The Technical Review Committee has no recommendation regarding the height of light poles other than to evaluate the height as permitted in the Consent Judgment. The Consent Judgment vests the approval right to increase the height exclusively with the City Council

Thank You.

cc: Mayor Pat Somerville  
Mayor Pro Tem Rosen

The following Section from the Zoning Ordinance is provided for Council's reference for the basis in granting a Buffer Modification.

**Sec. 138-1218. Modification of screening and buffer zone requirements.**

Because of the wide variety of land uses and the relationships between them and because of many different circumstances, the Planning Commission may reduce or waive the screening and buffer zone requirements of this chapter after a detailed review and evaluation of an alternative screening plan. Whenever the Planning Commission modifies the screening requirement, it shall find that the following standards have been met:

- (1) The landscape/screening plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
- (2) The Planning Commission shall determine the screening, width and type of buffer zone needed to ensure compatibility based upon the following criteria;
  - a. The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.
  - b. The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other conditions which offer screening consistent with the standards set forth in this chapter. The Planning Commission shall require the retention of these natural features as a condition of site plan approval.
  - c. The arrangement, design and orientation of buildings on this site lends itself so as to maximize the opportunity for privacy and isolation from negative impacts of this project.