

## UNFINISHED BUSINESS

**2023-0321** Public Hearing and Request for Conditional Use Recommendation - File No. PCU2023-0005 - to operate a child care center within the R-4 One Family Residential District at the proposed Primrose School, located on the east side of Rochester Rd. and north of Eddington Blvd., zoned R-4 One Family Residential with an FB Flex Business Overlay, Parcel No. 15-23-301-018, Becky Klein, PEA Group, Applicant

*(Staff Report dated 8/15/23, Revised Plans (partial set) 8/4/23 and Reviewed Plans and Color Elevations 7/25/23, Applicant's letter dated 7-25-23, Applicant HOA meeting invite and address list, Public Hearing Notice, and Draft PC Minutes for 7/18/23 had been placed on file and by reference became a part of the record hereof.)*

*Chairperson Brnabic introduced this item and invited the applicant forward.*

*Present for the applicant were Dan Harris with 814 Services and Becky Klein, PEA Services.*

*Mr. McLeod noted that this is a continuation of the review for the conditional use as well as tree removal permit and site plan approval for the Primrose School, just north of Eddington on the east side of Rochester Road. He explained that based on the Planning Commission comments and staff report comments, the applicant has provided revisions. He pointed out that the tree removal permit and site plan approval lies with the Planning Commission and the conditional use request is a recommendation to City Council.*

*He reviewed the site and surrounding location, noting that the credit union sits to the south, Cedar Valley to the north, and single family residential to both west across Rochester Road and to the east through Eddington. He stated that the site is zoned single family residential with the FB overlay district, and is being developed under the R-4 district and not through the FB district. He stated that the applicant has gone through a number of site plan reviews and at this point has met the site plan requirements. The plan consists of a 13,500 square foot building which is proposed at the southwest corner of the site, with playground and play equipment right behind to the east and a minor playground area to the south side. He explained that area is proposed to be surrounded by vegetative screening in the form of hedge rows along with tree plantings. He pointed out the proposed detention basin and noted that the applicants are seeking for that to be surrounded by a decorative black wrought iron aluminum fence as it is a requirement from the insurance company since there will be children on site.*

*He explained that the applicants are proposing to continue the road from Eddington to Cedar Valley to the north. He pointed out the additional stormwater facility that's designed for water quality measures, and noted that it is designed to clean and pretreat the water and be the first line of defense in terms of stormwater entering the stormwater basin. The stormwater basin then connects into a larger city system going to the south and ultimately to the east.*

*He reviewed the tree removal permit request, noting that 14 regulated trees are proposed to be removed including five specimen trees; 20 replacement trees are being provided, and 16 are being paid into the City's Tree Fund. He reviewed the overall plantings for the site noting that 101 trees are being planted including 80 deciduous and 21 evergreens. He mentioned the landscaping berm at the far east side of the site and noted that it is actually City property. He stated that the City in the past has allowed for the screening mechanism to be provided on that property and will require the appropriate maintenance and planting agreements that can be handled administratively as a part of the project as it moves forward.*

*He noted that last month the Commission spent a significant amount of time discussing the architecture of the building. He stated that the applicant has heard the Commission's concerns and has come back with a full brick and masonry facade with the exception of the turret or the architectural element at the front of the building. He commented that from Staff's perspective the applicant addressed the comment of providing additional masonry on the building and provided updated renderings.*

*Mr. McLeod noted that one point of discussion was screening in terms of light trespass leaving the site for those entering and exiting on an east-west direction, and he explained that the applicant has revised the planting schedule in this particular location and the lights should be screened from view. He added that there is a note on the landscape plan that says those plantings can be adjusted on site should additional screening be necessary.*

*He reviewed the five standards the Planning Commission will ultimately have to review in making their recommendation.*

*Chairperson Brnabic asked the applicants if they wished to add anything.*

*Ms. Klein mentioned that there were some additional images provided including some photographs and details on the playground equipment and asked if she could show them to the Commission.*

*Chairperson Brnabic responded that they were included in the meeting packet.*

*Ms. Klein stated that they took the Commission's comments and added masonry, keeping a little bit of the original siding detail for the proper contrast with Primrose's logo and to provide consistency between the various locations. She added that after reviewing the headlight trespass along the proposed extension of the private roadway, they provided site profiles and found some weak points where they rearranged trees and brought some spruce trees to be immediately opposite the entrance and exit to the school. She noted that to make sure that they have some low level screening immediately, instead of putting in small shrubs, they have moved up to a six-foot Spartan juniper bush. She stated that between those and the larger conifers they should have a pretty tight screening hedge the day that they are planted. She added that they will be happy to work with the City and neighborhood if they need to fill in a few more shrubs as needed. She stated that this is a pretty strong revision and she hopes that all the Commission's comments and concerns have been*

addressed.

*Mr. Harris stated that he would like to compliment their engineer, Ms. Klein and PEA Group, and the architects. He commented that they pulled together these modifications very quickly for this evening, and he thanked staff for providing direction. He noted that they did hold the HOA meeting last night, and mentioned that three letters bounced back with one labeled no-such-number, one unable to forward, and one as no mail receptacle.*

*Chairperson Brnabic asked how many people showed up to the meeting.*

*Mr. Harris responded that he did not have a sign-in sheet, but approximately 15 people came out of 300 invitations. He explained that there was a mix of happy approvals and a lot of questions. He noted that a lot of the questions were covered during the last Planning Commission meeting, and were about stormwater and traffic.*

*Chairperson Brnabic stated that she noticed that 251 notices were sent out including 10 different streets and she commended the applicants for reaching out to the entire neighborhood so they were informed and had the option to attend the meeting, ask questions and express concerns.*

*Mr. Harris commented that he had a couple of young families that expressed an interest in walking to the school. He expressed thanks to HOA President Dr. Lisa Winarski for her help to facilitate the mailing list.*

*Chairperson Brnabic stated that she was impressed with their efforts in sending out beyond the immediate surrounding homes. She commented that she thinks they did an excellent job addressing the Planning Commission's concerns and the building facade has a much nicer appearance with the brick and stone accent design. She mentioned that the color pictures and illustrations provided of the playground equipment and amenities create a much better big picture of the building and property setup surrounding it, including the site profile for the headlights that could have affected one home. She stated that she did not have a problem with approving the wrought iron fencing for the stormwater detention area as it was stated that it is required by insurance and it is a school for preschool-aged children and serves as an extra safety measure. She noted that the Planning Department recommended adding crown-type molding along the top of the facade and asked if they would have an objection to that.*

*Mr. Harris commented that if that would be like a cornice he did not think that would be a problem. He stated that he would just have to ask his architect how to do it.*

*Chairperson Brnabic stated that if Mr. Harris did not have a problem with it, it could just go down on the record that they would move forward with that. She stated that she totally supports what they are doing and is glad that they addressed all of the concerns and questions everyone had.*

*Ms. Neubauer stated that she thought that the applicants did a really good job taking the Commission's notes, and the fact that they came back in one month*

was remarkable. She noted that there were some comments last time as to whether more childcare is needed, and she stated that she knows that there are waiting lists for childcare facilities in Rochester Hills. She thanked the applicants for taking their notes and changing the facade and she would have no problem supporting the project with the additional condition that Chairperson Brnabic mentioned.

Mr. Struzik stated that he thinks that they had a pretty solid plan last time with just a few gaps in it; and the applicants have taken the feedback and addressed it and a much better plan is the result. He stated that he appreciated everyone's hard work to do the quick turnaround to be here this evening.

Dr. Bowyer stated that while she was not in attendance last time, she understood that they had a good conversation regarding the look of the building; and it really looks a lot better than what was originally submitted. She thanked the applicants for being willing to work with those homeowners that might be affected by the lights. She noted that there were a couple of emails regarding the retention/detention pond and making sure that the stormwater stays on site, and she pointed out that they have both the bioswale and the detention basin and she feels like that should take care of it. She stated that she does not have any other concerns, but would thank the applicants for continuing to work with staff and the residents.

Mr. Weaver thanked the applicants for having a good dialogue with the Commission last month to get the project to where it is now. He commented that he likes the elevations and how the lights will affect neighboring buildings. He asked if the Spartan juniper was correctly placed under an Adirondack crabapple as the crabapple tends to be lower branching. He suggested they be offset a bit with the crabapples set back a bit and the junipers placed toward the curb. He stated that he supports the fence around the detention basin and he would much rather see it than risk an accident with a child. He noted that he thought the drainage would actually help the neighbors.

Ms. Denstaedt stated that she would echo what everyone is saying and what they have done is impressive. She expressed appreciation for the applicants reaching out to the HOA, and echoed Ms. Neubauer's comments regarding a need for childcare. She stated that she was excited to see this coming as it would help bring people back into the office.

Chairperson Brnabic noted that this item requires a public hearing, opened the public hearing, and began calling those who turned in speaker cards. She noted that an email was received from Lorraine McGoldrick expressing concerns for the drainage in the area.

Dr. Lisa Winarski stated that she liked the plan and it is a good addition to what could possibly go there. She stated that her only concern was drainage as there is already flooding in the wetlands that used to go to four homes and now goes to eight homes. She commented that the City does not seem to want to do anything and noted that she has put \$3,000 worth of dirt in her backyard to raise the property along with a thousand dollars of sod and raising sprinklers and it still floods. She asked what the City could do to help it not flood more due

*to an increase in structures.*

*Chairperson Brnabic asked if Dr. Winarski was commenting on the general increase in development and was not opposed to the this development.*

*Dr. Winarski responded that she was not opposed; however, every addition to the stormwater makes it worse. She noted that her concerns were to put pressure on the City to do something about it.*

*John Tenny, 2724 Emmons Ave., stated that he did not see a daycare as a good idea at this time as there are two daycares at John R and Auburn and just into Troy on John R that had to close because there was not enough to keep them open. He pointed out a daycare was just constructed in the Brooklands and one at Tienken and Adams, and wondered what would happen if the daycare fails. He asked about overhead and parking lot lighting. He asked if they were bringing soil in to plant the trees as there is clay there that does not absorb water.*

*Chairperson Brnabic asked Mr. McLeod to address the landscaping requirements.*

*Mr. McLeod responded that the site would have some grade changes for plantings, and mentioned that the City requires a two-year maintenance bond. He stated that the trees will typically take within a two-year period, and the City will have assurances that those trees will make it at the two-year point. If they do not make it, the developer will have to replace those trees.*

*He pointed out that there is a photometric plan included with the site plan that has gone through a number of reviews and iterations and the plan complies with City requirements. He mentioned that the City has a requirement that says during off hours and nighttime hours the lights must turn off other than if they are needed for security purposes.*

*Seeing no further public comment, Chairperson Brnabic closed the public hearing.*

*Mr. Hooper stated that the applicants addressed all of the concerns raised at the previous meeting. He noted that as far as any increase in flooding or discharge of stormwater, an agricultural rate exists now and it would not be greater than that. He pointed out that if there is an issue with the ponds, the City's Engineering Department is responsible to check into that and address any concerns. He noted that Mr. McLeod has already addressed concerns regarding warranties for the trees. He stated that there is a demonstrated need for additional daycare facilities in the community, and the City has received correspondence reflective of that in the past.*

*He moved the motion in the packet for recommending conditional use approval. It was seconded by Ms. Neubauer.*

*After a roll call vote, Chairperson Brnabic announced that the motion passed unanimously.*

*Mr. Hooper moved the motion in the packet to approve the site plan, adding additional condition number 4 of providing crown moldings on top of the facade as approved by staff, and condition number 5 that the junipers will be offset for the purposes of screening the headlight glare, for the strict purpose of providing enhanced viability of the plantings as approved by staff. That motion was seconded by Ms. Neubauer.*

*After a voice vote, Chairperson Brnabic announced that the motion for site plan approval passed unanimously.*

*Mr. Hooper moved the motion in the packet to approve the tree removal permit. That motion was seconded by Ms. Neubauer.*

*Following a voice vote, Chairperson Brnabic announced that the motion for the tree removal permit passed unanimously. She congratulated the applicants, noting that the project will move on to City Council regarding the conditional use approval.*

*Mr. McLeod noted that the targeted date for City Council would be August 28. He stated that he would verify this with the applicants tomorrow. He commented that it is shaping up to be a very heavy agenda, so Staff will have to work with the Clerk's Office to ensure that they can get on that agenda.*

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

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, in the matter of City File No. PCU2023-0005 (Primrose School), the Planning Commission recommends to City Council Approval of the Conditional Use to allow a child day care facility on the parcel 70-15-23-301-018 (S. Rochester Road), based on plans received by the Planning Department on July 25, 2023, with the following findings.

### **Findings**

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be 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.
3. The proposal will have a positive impact on the community as a whole and the surrounding area by further offering child day care options along with additional job opportunities.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing

or future neighboring land uses, persons, property, or the public welfare.

6. 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.

#### **Conditions**

1. City Council approval of the Conditional Use.
2. The use shall remain consistent with the facts and information presented to the City as a part of the applicant's application and at the public hearing.
3. That the use obtain, operate and comply with all State licensing and requirements pertinent to child care facilities.
4. If, in the determination of City staff, the intensity of the operation changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

#### **2023-0322**

Request for Site Plan Approval - File No. PSP2023-0009 - to construct a new building for Primrose School, located on the east side of Rochester Rd. and north of Eddington Blvd., zoned R-4 One Family Residential with an FB Flex Business Overlay, Parcel No. 15-23-301-018, Becky Klein, PEA Group, Applicant

#### **(See Legislative File 2023-0321 for discussion).**

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

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, in the matter of City File No. PSP2023-0009 (Primrose School), the Planning Commission approves the Site Plan, based on plans received by the Planning Department on July 25, 2023, with the following findings and subject to the following 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 the cross connection with Eddington Boulevard and have access to the traffic signal at S. Rochester Road, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. In addition, the site will also provide additional cross connections with the development to the north.
3. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety.
4. The proposed improvements should have a satisfactory and harmonious relationship

with the development on-site as well as existing development in the adjacent vicinity.

5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

6. The location of the stormwater detention basin fencing is appropriate given the proposed use of the site.

#### **Conditions**

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans and staff reports contained within the Planning Commission packets (as may be amended by this motion).

2. Provide appropriate planting and maintenance agreements for plantings on City property as may be necessary.

3. Provide a landscaping bond in the amount of \$144,147.25 based on the cost estimate for landscaping and irrigation (as adjusted reflecting the updated landscaping plans), plus inspection fees, as further adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.

4. Provide crown moldings on top of the facade as approved by staff.

5. The junipers for the purposes of screening the headlight glare are to be offset to provide enhanced viability of the plantings as approved by staff.

#### **2023-0323**

Request for Tree Removal Permit Approval - File No. PTP2023-0007 - to remove fourteen (14) regulated trees and five (5) specimen trees and provide twenty (20) replacement trees with the sixteen (16) remaining trees to be paid into the city's Tree Fund for Primrose School, a proposed child care center located on the east side of Rochester Rd. and north of Eddington Blvd., zoned R-4 One Family Residential with an FB Flex Business Overlay, Parcel No. 15-23-301-018, Becky Klein, PEA Group, Applicant

**(See Legislative File 2023-0321 for discussion).**

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

**Aye** 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

**Resolved**, in the matter of File No. PSP2023-0009 (Primrose School) the Planning Commission grants a Tree Removal Permit (PTP2023-0007), based on plans received by the Planning Department on July 25, 2023, with the following findings and subject to the following conditions:

#### **Findings**

1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.

2. The applicant is proposing to remove 14 regulated trees and 5 specimen trees, and provide 20 replacement trees, and plant an overall total of 101 trees (replacement plus



required trees) onsite.

**Conditions**

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. Provide payment, equal to the current required fee for replacement trees, along with any additional fees associated with such, into the City's Tree Fund for the remaining 16 trees identified on the site plan.