

Planning Commission's determination that it is compatible with a comprehensive parking plan.

5. *The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the 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.*

Conditions

1. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
2. *Provide a landscape bond for landscaping and irrigation in an amount to be determined, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*
3. *Payment into the City's Tree Fund for any trees that are not replaced onsite in the amount of \$216.75 per tree.*

Chairperson Brnabic asked the applicants if they had considered some color variation to break up the building façade. Mr. Biddison said that they had looked at some additional things, but they felt that with the brick and the other three or four colors and materials that it would be sufficient to break up the façade. Chairperson Brnabic clarified that no changes had been made since the last meeting. Chairperson Brnabic asked if staff found that acceptable, and Ms. Roediger said that they were fine with that.

Mr. Kaltsounis said that when he first saw the revised plans, he had the same thought. He had observed the applicant's development on Livernois (Campus Corners) which was similar, and he felt that it brought the inside out.

Chairperson Brnabic said that she had no doubt that the other comments by staff that had not been addressed would be before final approval. She was a little surprised that the handicap parking spaces were not relocated. There had been more than one comment that it had not been properly addressed. Mr. Biddison said that because they were adding double rows of parking across from the new drive-through, they thought that it made sense to try to center the spaces on the parking areas. They were willing to flip those to the other side of the center island if staff felt that was a better location. It would not affect the property either way. Chairperson Brnabic agreed that she thought that it was. Ms. Roediger noted that the Building Code required ADA spaces to be as close to the doors as possible, and staff would make sure they were relocated.

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

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicants. Mr. Hooper thanked the applicants for their investment.

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

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 12, 2019 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Greg Windingland and Brandon Wagner, Lombardo Homes, 13001 23 Mile Rd., Shelby Twp., MI 48315.

Ms. Roediger noted that this matter had been tabled at a previous meeting. The applicants were hoping for approval of the Final Condo plans, for which Preliminary approval had been granted a little over a year ago. At the last meeting, there was one outstanding item regarding the northern access. There was discussion about whether it should be an emergency only access with a decorative gate or a right in, right out only access. The applicant was amenable to either option. They had worked with the Road Commission and staff and had provided additional information from the City's Engineer who believed that one access was adequate for the size of the development. The applicants realized that there were mixed feelings on the Commission, so they tried to downplay the presence of the gate and created more of a fence-like detail. That was option A, which would satisfy the Fire Dept. Alternatively, the applicants were willing to put in a pork chop to allow a right in, right out onto Livernois as well. She noted that Mr. Davis, City Engineer, was present to answer any questions related to access. The applicants hoped to get consensus from the Planning Commission as to how it should be resolved. She said that she would be happy to answer any questions.

Mr. Windingland said that their preference would be for the modified gate entrance, because they already had a Road Commission ROW permit and Engineering plan approval, subject to Planning Commission approval. If they went with the right in, right out option, which they would agree to, it would cause them to have to go back to the Road Commission and revise the plans and permit and also revise the Engineering plans with the City.

Mr. Kaltsounis said that it sounded as if the Commission would have to have a straw vote, and his vote would be for the pork chop and right in, right out.

Mr. Gaber stated that contrary to his colleague, he preferred the gated option. The reason he felt that it was the way to go was because of the traffic and safety issue that staff had raised. In Mr. Shumejko's memo in the packet, he had outlined that a curb cut would be minimized onto a busy road close to the traffic circle which could get congested. In addition, it would be hard to enforce the right in, right out, because it was not a large pork chop, and it would not force a right turn out of the subdivision. He thought that there would be violations, which would create a safety issue. He felt that the applicant had done what the Commissioners had suggested when it was tabled at the last meeting in terms of looking at alternatives to increase the aesthetics of the gated entrance, making it look less like a fortress barrier and making it blend in to the

surrounding area. For those reasons, he felt that the gated option was the way to go.

Ms. Morita asked the applicants the plan for handling snow and ice removal with a gated emergency access. Mr. Windingland said that the gate would be locked. The streets would be private, and the HOA would have to engage a private company to plow them. The contract would include the obligation to open the gate, clear the access and reclose and secure the gate. Ms. Morita asked if there was a safety path in the area, which was confirmed, and she asked how it work clearing the snow across the path.

Mr. Davis said that even with right in, right out only, it would be a private road entrance. The snow would have to be removed from the path as well, and the contractor would probably remove snow before the City got to clearing the pathway. Whether the entrance was gated or a right in, right out configuration, the contractor would remove the snow and later, the City would go and plow the pathway after doing the road network.

Ms. Morita asked what material would be used under if the gate option was selected. She knew that the Fire Dept. had given a couple of options. Mr. Windingland agreed that the Fire Dept. gave three options - concrete, asphalt and stamped concrete. The only criteria was that it had to support 75,000 lbs. for their vehicles. Ms. Morita asked which material they would use. Mr. Windingland said that they would be glad to let the Planning Commission make the call, as they did not have a preference. Ms. Morita asked how wide the emergency access would be, and Mr. Windingland advised that the opening would be 20 feet. Ms. Morita said that she would be in favor of the emergency access, but she would like decorative, stamped concrete used to make it look more like a pretty sidewalk as opposed to concrete where someone could get confused and think it was a place they could turn into and figure out how to unlock the gate.

Mr. Hooper said that the only way he would vote yes would be for the pork chop option. Going back to the beginning when the project was first before them, if it had been presented with only one access, he never would have voted for it. He said that he was looking at the bigger picture for future developments. The proposal was for 57 units, but someone might ask what was wrong with 80 or 100, and he questioned where it might stop. He stated that he supported the development. He observed that with a gate, there would be more parking for lot one. He appreciated that it was a private road, but it would not be enforced, and people would park there. He reiterated that his only support would be for the pork chop.

Mr. Schroeder said that his personal preference would be for the pork chop, but he agreed that it would be violated, and people would still make a left turn out, which would be worse. He would prefer the gated entrance with stamped concrete to make a difference between the driveway and sidewalk.

Mr. Dettloff said that he supported the gated emergency access and Ms. Morita's idea to have stamped concrete. He felt that Mr. Shumejko had outlined some good reasons.

Chairperson Brnabic said that she also supported the gate for the reasons mentioned, with stamped concrete.

Mr. Kaltsounis confirmed with the applicant that they would work with staff on the agreed upon gated option, and hearing no further discussion, he moved the following:

MOTION by Kaltsounis, seconded by Morita, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission recommends that City Council **grants Approval** of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on April 22, 2019 and July 3, 2019 with the four (4) following findings and subject to the following seven (7) conditions.

Findings

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

Conditions

1. The northern access, as depicted in the provided sheet titled "Emergency Exit Details" shall be gated for emergency purposes only and styled as such that it does not look like a driveway with decorative stamped concrete that holds appropriate vehicle weight as approved by staff.
2. Engineering approval of all permits and agreements prior to issuance of a land improvement permit.
3. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.
4. Post a landscape and irrigation bond in the amount of \$72,234.00 plus inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.
5. Payment of \$12,355.00 into the tree fund for street trees prior to issuance of a land improvement permit.
6. Compliance with all outstanding staff review comments, prior to final approval by staff.

7. *The emergency access gate shall be built in conformity with the plans presented to the Planning Commission at the July 16, 2019 meeting.*

Mr. Kaltsounis indicated that he would be watching the development. He would vote yes based upon the discussion, but he wondered if it was setting a precedent and how it would work out, noting that someone else could come in with the same plan or the applicant could come back to change it, because the residents were upset (Mr. Windingland promised that would not happen).

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

Aye 6 - Brnabic, Dettloff, Kaltsounis, Morita, Schroeder and Gaber

Nay 1 - Hooper

Excused 2 - Reece and Schultz

Chairperson Brnabic stated for the record that the motion had passed six to one, and she congratulated the applicants.

2019-0065

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

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 12, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Peter Stuhlreyer and Joe Latozas, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307 MI 48315, Fred Haddid, OYK Engineering, 30700 Telegraph Rd., Suite 2665, Bingham Farms, MI 48025 and Aaron Fales, Attorney, 1080 Canyon Creek Dr., Rochester Hills, MI 48306.

Ms. Roediger noted that the project had been seen several times by the Planning Commission and was most recently tabled at the June 5 Planning Commission meeting. There had been some outstanding issues: The Planning Commission wished to see more clarification regarding the public benefit; there was direction to soften the façade of the elevations; and there were many concerns about maintenance, construction and screening of the garages. She advised that the garages along the northern property line had been replaced with carports, and a row of evergreens were added along the property line. The applicant was adding a safety path along Auburn to extend beyond their property line east to connect to the bridge that went over M-59.

Mr. Stuhlreyer recalled that in March of 2018, they approached staff with a