



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Gerard Dettloff, John Gaber, Nicholas O. Kaltsounis, Stephanie Morita,
David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, October 15, 2019

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 9 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder, Ryan Schultz and John Gaber

Quorum present.

Also present: Kristen Kapelanski, Planning Manager
Paul Davis, Deputy Director, DPS/Engineering
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2019-0439](#) September 17, 2019 Regular Meeting

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

COMMUNICATIONS

A) Letter from R. Berry re: 3400 Crooks Land Division Appeal

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:05 p.m. Seeing no one come forward, she closed Public Comment.

NEW BUSINESS

[2018-0426](#) Public Hearing and request for Preliminary Planned Unit Development and Site Plan Recommendation - City File No. 18-022 - Redwood at Rochester Hills, 119 single-story, ranch style rental units with attached garages on 29.96 acres

located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with a MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated October 10, 2019 and Preliminary PUD plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Richard Batt, Redwood USA, LLC, 7510 East Pleasant Valley Rd., Independence, OH 44131.

Ms. Kapelanski outlined that the applicant was proposing 119 ranch-style units wrapping around the corner of Avon and Dequindre. She noted that the property was zoned R-3 with an MR Mixed Residential Overlay, and the development had been reviewed under the MR standards. The applicant was proposing a PUD to facilitate the development, and a number of modifications had been requested. The proposed density was slightly over what was permitted; the perimeter rear yard setback in one area was deficient by ten feet; the size of the front porches was deficient by eight feet; the minimum percentage of required design features had not been provided; the minimum percentage of windows and doors was deficient by four percent; and the proposed exterior finish exceeded the allowable amount of siding. Regarding the public benefit required as part of a PUD, the applicant was proposing a monetary contribution for improvements in the area. Currently, a roundabout was in the design phase by the Road Commission for the intersection of Avon and Dequindre. Some major water main improvements were planned as well, which might require the replacement of a pressure reducing vault (PRV) near the intersection. Staff felt that it would be beneficial to complete the pathway connection around the corner of Avon and Dequindre, which would not include the frontage of the subject property. Given the ambiguity of the design of the intersection, it was hard to pinpoint what the optimal benefit would be, whether it would be the sidewalk connection or the relocation of the PRV, so the applicant had committed \$100k towards those public improvements. She noted that Mr. Paul Davis, Deputy Director of DPS/Engineering was present. She suggested that for a condition, as Mr. Staran had advised, the Planning Commission should specifically mention the PRV and/or the pathway at the corner that the money could be put towards. She pointed out that there were a number of findings noted in Section 138-7.102 of the Zoning Ordinance that would be considered by the Planning Commission and City Council as part of the PUD request.

Mr. Davis provided a little more information than what pertained to the Redwood development so the Commissioners could have an idea of the

broader context of improvements that would happen in the area. He agreed that they were a little uncertain as to where the public improvements would be utilized, but there were a few options they could look at. He advised that there were two large projects in the works for the area. One would be administered by the Road Commission, and it would involve the replacement of the existing Avon Rd. bridge over the Clinton River. It would involve construction of the roundabout at the westerly intersection of Avon and Dequindre. The project was scheduled to start in November 2021. They had a kickoff meeting that morning about doing the design for the project. The schedule could be affected because the City of Rochester intended to do work along Rochester Rd. at the Romeo/Rochester intersection. Their plan was to be under construction in 2022, which would be in conflict with the bridge project. Working with MDOT and the City of Rochester, they would have to try to figure out how the projects could move forward at the same time and how an acceptable detour route would work. It would involve shutting down Rochester Rd. to one lane in each direction and once the bridge was removed, shutting down Avon Rd. The traffic going to John R would be the (unreasonable) option for both of those projects. There was a larger project that would involve replacement of a 96" water main by the Great Lakes Water Authority. That project would take a couple of years for construction, and they were looking to secure the services of a design engineer for the project, and it would take about a year to design. That project would likely go after the City of Rochester's project, but it would be in the same area and be very destructive. A lot of time, residents might complain that they worked with other agencies on purpose to tear up the whole City at one time. In this case, it might be preferable if they could do that, because it would be five years of impact in the area with the Great Lakes Water Authority and the Road Commission projects and the Redwood development, assuming it moved forward. With the Road Commission project, pathway was planned to be constructed with the roundabout because of the proximity to the Yates Cider Mill and pedestrian demands throughout all times of the year. He stated that it would be important for both projects for the City to take the opportunity and really make an improvement to the pedestrian facilities with pathways. As part of the Redwood project for the PUD public benefit, they had talked about possibly having pathway constructed. He claimed that it would not make sense if the Road Commission project just came in and tore it up. They did not know exactly what the project schedule was, and he added that the concept was very conceptual. The roundabout could go even further west of the intersection. They were trying to provide some distance between the bridge and the roundabout. It was not very desirable to have those two items in close proximity. Because of the timing of the project, it was likely

that Redwood would go forward first and be in a position to build pathway, and they would not want that to happen. That was why a donation was suggested. The City had a PRV vault. Some of the proposed pathway for the Road Commission project was going through the small property the City owned. They had talked about relocating the PRV onto some property that could be provided by the Redwood development through an easement. At one time, they had talked about Redwood constructing that in lieu of pathway. A contribution could be used towards that project or pathway. There had been talk about trying to take the opportunity to extend pathway west along Avon. There would be a matching contribution for the pathway built on the bridge, and the Road Commission would look to the City to cover the cost. There was even talk about trying to improve a connection, once they had pathway in the area, to Bloomer Park. The public benefit could be towards the Park. They would like to specifically identify the project the donation would be tied to, but he suggested that there might be other options out there other than pathway and the PRV, although it could be used for either of those.

Ms. Morita asked the purpose of the PRV and why the City would want to relocate it. Mr. Davis said that they would relocate it because it would be in conflict with the pathway and some of the road alignment and by shifting it further to the west, it would potentially be too close to the traffic along Dequindre. It was an important piece of infrastructure for the City's water system. They had a 36" water main east of Dequindre and a 30" west along Avon and a 16" that connected into the 36" currently. There were high pressures coming out of the 36" that were feeding into the 16" and to lower those pressures, they would construct a PRV and reduce them down to a more acceptable pressure for the distribution system. Pressure that was too low was bad, but pressure that was too high, above 100 lbs. per square inch, was poor for people's homes and businesses. Ms. Morita said that regardless of when the road got done, she asked if they would want the PRV to be relocated anyway. Mr. Davis replied "maybe." It would depend on the Road Commission's final configuration as to where the roundabout would be. The PRV had been on the west side of Dequindre for many years, and it had been o.k. Depending on how far west they shifted the proposed roundabout from the current intersection, it could be in conflict. They were just not sure yet, because they had not started detailed design for the road configuration. Ms. Morita said that the County was moving the road over the City's asset. She asked who would be responsible for moving the PRV. Mr. Davis said that the Road Commission had indicated that they felt it would be the City's responsibility, but he would argue that. Before, the area was shown as right-of-way for Dequindre, but it was actually a parcel that was deeded

to the City. Since it was the City's parcel, he felt that it would be a utility relocation that should be included in the project cost for the Road Commission. However, they had not gotten far enough to determine whether they needed to make that argument or not.

Mr. Batt related that Redwood Living developed single-story, ranch, attached apartments. They started in business in 1991, and they were based in Cleveland, Ohio. They currently had 13,000 units and a significant presence in southeast Michigan. They were in a number of cities in Macomb, Oakland and Wayne County. They had over 2,500 units in metro Detroit. The closest to Rochester Hills was Shelby Township. They operated strictly by their core values, the first one being that they did one thing really well - single-story, attached ranch rentals. He maintained that they were very disciplined in what they did. They operated in seven, soon to be eight, states, and they have had success in every state. Their residents were primarily empty nesters (2/3 to 3/4). The residents that were not empty nesters were typically young professionals who were attracted to peace and quiet. They had very strict leases and did background checks and credit checks. If someone had an issue, there was no lease. If people were a problem in the community, they were removed. The management took care of everything. They cut the grass and plowed the snow on their private roads. If someone needed help changing a light bulb or had a heavy package, they would help. If someone could not take garbage out, they would do it. They had a full time, onsite community manager and an onsite maintenance person and most often, they lived in the neighborhood. Their residents typically came from within a three-mile circle. There were people who wanted to stay in the community and age in place.

Mr. Batt said that the interiors were a key to a lot of their success. Typically a two-bedroom, two-bath rental home was about 1,000 s.f. Their bread and butter units were about 1,200 s.f. It was more like a home with larger rooms, a private patio and attached two-car garage. Their units were FHA and ADA compliant. The floor plans were open, with vaulted ceilings. He referenced a site plan showing the wetlands they were preserving. He noted that the different unit types were color coded. All the homes facing the main roads had rear garages. Some units had sun rooms. He showed pictures of the various units, and said that it was good for people to have choices. They understood the situation about the public benefit, having had a number of conversations with the Road Commission.

Chairperson Brnabic opened the Public Hearing at 7:30 p.m. and

advised that everyone would have three minutes, and that all questions would be answered after the speakers were finished.

Dennis Hayden, 51172 Dequindre Rd., Rochester Hills, MI 48307 *Mr. Hayden noted that he lived across the street from the development. He said that it was very disappointing to him as a neighbor that there was never any consideration for their peace and quiet and what they might have discussed prior to the development. He thought that \$100k was inadequate to address the public benefit. There had been seven recorded crashes in front of his property, with three fatalities, in the past ten years. He had been to the City, and he was directed to the Road Commission and then back to Rochester Hills, at which point he was told that the signage and the speed limit had been properly engineered. He thought that a guardrail should be part of the package, since there would be an influx of traffic directly across the street from him. They had talked about having a pathway on the left side of the roundabout at Avon and Dequindre, but he did not hear anything about the right. He asked if there would be one there as well. He had a big concern about lighting by the curve. It took skill to get out of his driveway, and less experienced people coming out of the proposed complex would experience some hardship as well. He felt that further planning for the development was in order to take into consideration the surrounding neighbors. They did not want headlights glaring into their window when people exited the neighborhood. He thought that there were more things that had not even come under the radar yet.*

Richard and Christine Stuhlsatz, 51170 Dequindre Rd., Shelby Township, MI 48315 *Mr. Stuhlsatz said that the entranceway would be right by the only two homes in the area. He asked if everyone was aware that there was a landfill adjacent to the subject property. He stated that the traffic on Dequindre was constantly bumper to bumper, and adding the development would only make the problem worse. He asked if everything was on cement, with no basements, which was confirmed. Mrs. Stuhlsatz asked how close the orange units would be to the road. Their main concern was the traffic shining into their front windows, and she felt that the construction of the units needed looking into.*

Pedro Cabalum, 1755 E. Avon Rd., Rochester Hills, MI 48307 *Mr. Cabalum said that his dad owned the corner property between Redwood and the roundabout. He asked if he would be required to put up a fence. They had a farmer who sold vegetables on the corner seasonally. They had a rental house, and the road would come close. He said that the driveway would be hard to get out, and he asked if there would be a stop*

sign to let his tenants out. He put in a water line to the house, and he asked if that would be replaced, depending on where the PRV would be. He did not think the house would attract too many tenants. He did not think the farmer would stay, either, because the traffic would affect his business. He asked if they would be required to put in walls to keep it quiet.

Xiong Vang, 50870 Dequindre, Shelby Township, MI 48317 Mr. Vang said that his house was just south of the subject property. He agreed with the two other neighbors that the traffic was horrible. He saw the infrastructure work on the roundabout. It backed up all the way to Auburn, and he questioned what they planned for the roads. He said that his other questions had been answered.

Chairperson Brnabic noted the question about the possibility of a guardrail being installed. Mr. Batt thought that it was a broader question than just about traffic in the area, which encompassed a number of concerns. Traffic in the area was managed by the Road Commission. They were proposing a number of improvements to the area and requiring a number of improvements from Redwood, such as an excel and decel lane in and out of their neighborhood. With the improvements, he felt that the ball needed to stay in the professionals' court.

Mr. Davis agreed that Avon and Dequindre were under the jurisdiction of the Road Commission for Oakland County. They would approve a permit as part of the development for any road work. It would be up to them whether to install a guardrail or not. As with many traffic items, there were certain warrants that needed to be met, and they had the final decision about what was put on their roadways.

Chairperson Brnabic brought up the question about whether a pathway was planned for the right side of Dequindre. Mr. Davis said that was a low priority and probably not likely. Dequindre was a boundary road for Oakland and Macomb County. Although they had a couple of homes south of Avon on the east side of Dequindre, a pathway extension probably would not serve much in the future.

Chairperson Brnabic stated that the Commissioners were aware that the property was adjacent to a landfill. She noted that there were several questions in regards to headlight glare from traffic, and she asked Mr. Batt if he could respond. Mr. Batt said that where they would come in and out of the community was determined by the Road Commission. To be a good neighbor, they would be willing to donate some landscaping to

those homeowners to block whatever lighting might come their way.

Chairperson Brnabic noted a question about the water valve. Mr. Davis said that the question was whether the future work on the PRV would affect the existing home. He said that there was already a PRV out there. They would construct a new one out of the way of future improvements for the roads or pathway. They would maintain the existing PRV until the new one was built. There might be a short period of time where they were cutting over the existing water system from the old lines to the new vault, and then they would abandon the old vault. There might be a minimal disruption, but it would be similar to how they did the booster station at Tienken and Adams. They built the new one and transferred everything over and then abandoned and demolished the old structure.

Mr. Batt mentioned some general commentary about the level of traffic they might produce. They kept statistics for that. In a typical neighborhood, there were 1.7 residents per unit and 1.5 cars per unit. It was a lot less than they might expect. They had gone to each market in southeast Michigan and chosen seven of their neighborhoods and did traffic counts. Their addition to traffic during peak times was minimal, because the vast majority of their residents were empty nesters.

Mrs. Stuhlsatz came forward again and said that 119 units was over the allowable amount for the area. She asked why they would approve that. There were several other modifications being asked, and she questioned why the City was agreeing to something against its own regulations. Chairperson Brnabic explained that the applicant was using a Planned Unit Development.

Ms. Kapelanski responded that the density allowed was 3.45 units per acre, and they were proposing 3.97. She mentioned the question about whether or not there would be a fence around the corner at Avon and Dequindre, and she said that one was not proposed, but significant landscaping was shown.

Chairperson Brnabic complimented Mr. Batt on his responses and acknowledgement to City staff, which she felt had been done well. There was a request the last time he was before them for additional brick or stone, especially on the front facades. She had not noticed any change, and it varied between 5-13% at the highest. She asked if there was a plan to increase. Mr. Batt remembered talking about that issue. They were trying to achieve a balance of keeping rentals affordable and keeping up the appearance of the neighborhoods. He had suggested that the

Commissioners should take a ride through some of their other neighborhoods. They were not currently proposing anything additional. Chairperson Brnabic said that it was her opinion that it should be increased. She understood he was trying to balance things, but she believed that the facades would benefit from more stone or brick, especially being at a prominent corner. She had hoped that colored renderings were included. She went to the Shelby location last year, and she had noticed a variety of colors. She asked if that was still the plan, which Mr. Batt confirmed. Chairperson Brnabic asked if the colors were standard, and Mr. Batt agreed, and said that they would be somewhat muted, but with some life.

Chairperson Brnabic closed the Public Hearing at 7:49 p.m.

Mr. Gaber felt that they were at a little bit of a disadvantage. He had not seen colored renderings, but he wanted to understand those better. He did not think that the black and white elevations did the development any justice. It looked like there were long expanses of a building with a solid roof line and garages off the front, but black and white did not really paint the picture. He noted that the big expanses that ran from one set of attached units to the other were broken up with some dormers in the roofline. Mr. Batt agreed, and he said that due to the topography, there would be some steps in some of the buildings to break up the roofs. Mr. Gaber asked if there was a difference in the roof height, elevations and rooflines throughout all the units. Mr. Batt said that it would be basically the same from one side to the other except for the units that had steps. Mr. Gaber observed that some brick and stone was proposed for a couple feet from the grade to the windows. He thought that looked good. He asked the square footages for the various units. Mr. Batt said that the Forestwood and the Meadowood were 1,300 s.f.; the Capewood was 1,700 s.f.; the Willowood was 1,400 s.f.; and the Haydenwood was 1,300 s.f. They were all two bedroom, two bathroom units. Mr. Gaber asked if they had an idea of the price points. Mr. Batt said that the smaller units would be \$1,800 and the larger would be \$2,200. Mr. Gaber had observed that the sides of some units were pretty close to the road, and about ten units had side entry garages. There were sidewalks throughout. He asked what they did for guest parking. It did not look as if there was any accommodation for that. Mr. Batt said that there were a few spaces of guest parking, and when they got into final engineering, they would try to add more. Every unit had a two-car garage and two parking spaces in the driveway. Mr. Gaber said that he would also be interested in seeing a colored landscaping plan. He said that he would like to understand the deviations being requested, and why Mr. Batt felt that they were

necessary.

Ms. Kapelanski advised that there were several dimensional ones, but most had to do with the design features and architecture. The perimeter rear yard setback by unit 119 was deficient by ten feet (southwest corner). The entrances and the porches were almost all deficient by about eight square feet. The front porch was required to be 30 s.f., and they were providing a minimum of 22 s.f. For design features, 10% was required. That included columns, cornices, pediments, articulated bases, etc. Some of the facades did contain those features, but some contained none. That was mainly for the rear portions. The windows and doors required only applied to those areas facing Avon or Dequindre. There was one unit facing Dequindre that was deficient by 4%. The exterior finishes were considerably over on the amount of siding. 33% was the maximum allowable amount, and in some of the elevations, they showed close to 100%. They were providing the brick and stone beltline, and trying to keep the product slightly more affordable. Staff was willing to work with the applicant on that. She added that there were about ten to fifteen units over the allowable density.

Mr. Batt responded that relative to some of the deficiencies, it was a very difficult site. There were a lot of wetlands and a lot of slope. They worked with staff to move units around and lose units to stay within slope and wetland setbacks. He claimed that Rochester Hills had more restrictions than most other places. Mr. Gaber asked the distance between the exterior of the homes and the edge of the property along Dequindre. Ms. Kapelanski said that they showed a 30-foot setback to the right-of-way, plus the road. They met the 20-foot requirement.

Mr. Dettloff said that Mr. Batt had mentioned a presence in Oakland, and he asked if it in was Commerce Twp. and White Lake. Mr. Batt added Wolverine Lake and Orion. Mr. Dettloff asked if those were completed or under construction. Mr. Batt advised that only White Lake was under construction - the rest were completed. Mr. Dettloff asked if they each had a comparable amount of units, and Mr. Batt said that they varied. Orion only had 77 units. Commerce had 96, Wolverine Lake had 188 and White Lake had 150. Mr. Dettloff asked if the completed were at 100% occupancy. Mr. Batt believed so. They managed to 95%, which was standard in the apartment industry. He remarked that if they had no vacancies, they were not charging enough rent. Mr. Dettloff asked if the rent structures were comparable in those communities. Mr. Batt said that rents were a little lower, which was reflective of differences in median income.

Mr. Kaltsounis asked Mr. Batt how many conversations he had with the neighbors. Mr. Batt said that they had not had any. Mr. Kaltsounis was fairly certain he was asked that the last time he was there. Mr. Batt said that it was an oversight on their part, and he agreed that the issue had been discussed. Mr. Kaltsounis stated that there needed to be visits with the neighbors, which was always recommended by the Commissioners. He noted unit L by Dequindre. He saw that it had a reservoir right off the back door. PUDs had to have a benefit for the City, and putting a reservoir two feet from a back door was unfair for the people who would live there. Mr. Batt said that he might find that objectionable, but there were a lot of tenants who paid premiums to live in that situation. Mr. Kaltsounis asked the depth of the pond - he thought it was about 16 feet. Mr. Davis said that the City did not allow that, and generally basins were not deeper than four feet. Mr. Kaltsounis said that even if it was eight feet, the City would require a fence. They did not want anyone falling in. Mr. Davis did not think those basins were fenced, but that would be reviewed during construction plan review. Mr. Kaltsounis said that he did not want to set a precedent at ten feet, or to put one right off the back of a house. Mr. Batt said that they would make sure it worked.

Mr. Paul Furtaw, Engineer, said that it would be designed in accordance with the City's engineering standards to eliminate the need for a fence. He agreed that they would work with staff. He also agreed that Redwood found success and people were attracted to that feature. Mr. Kaltsounis said that he wished there was more space between the home and the pond. He said that he was very sensitive about water issues, because he had a river that ran into his basement. He replaced water pumps all the time, and he had water issues all the time. Mr. Batt reminded that the units would be on slab. Mr. Kaltsounis wondered if they were going to put in a fountain in the reservoir or make the water blue. Those were the kinds of things that happened in his sub. Mr. Batt said that they hired pond a maintenance company, and there were no smelly ponds, or people would not rent there.

Mr. Kaltsounis brought up the \$100k. The City typically always had somewhere the money needed to go, and it was typically into the development. He saw a dog park proposed, sidewalks up against the road and a sparsely walkable community without any amenities to even sit down. Mr. Batt said that they had to consider who their residents were. The majority came from single-family developments that did not have those things - pools, fitness centers - so they would buy those services or use the senior center the community provided. Mr. Kaltsounis explained

that he was talking about a small park where someone could sit. His in-laws would like to move into something smaller, and they liked to walk. He did not see that access for the proposed development. He said that the \$100k needed to get back into the development. Mr. Batt said that he was okay with that. Mr. Kaltsounis asked the number of feet between buildings S and U, and Mr. Batt related that there was 50 feet. Mr. Kaltsounis took exception to the way the back of the buildings looked. He would like to see renderings of the backs. Some views just showed siding without trim around the windows or anything to break up the rooflines. He saw something different in Mr. Batt's presentation than in the packet, and it needed to be included in the packet. He had looked a photos of the Canton development, and he said that he wished that was being proposed. If they had those types of sections, with pergolas and different features to break up the walls, it would be much better. He stated that the Canton development was beautiful. The proposed development was thrifed, and that was not for Rochester Hills. He thought that the Canton site should be the benchmark, and it definitely looked high class.

Mr. Hooper went by the Shelby Township location earlier, and he showed some photos on the overhead along the main road. There were some relief elements. It showed the backs of the units, but there was some full brick interspersed. He showed a close up of one that faced the main road, which had masonry every third place. Throughout the development, the back of the houses looked like an army barracks. He said that he understood the economics, but all the rears of all the units, except for those that faced the street looked like that. He felt that they could do better. He had noticed that there was maybe a foot difference between the units. They had uniformed grading, like on a plateau, and they had said that the pond would be shelved, but he stated that it really was not the case. He suggested that they could break up the rooflines, add different pitches or angles on the roofs and add masonry to the siding. The demand for a ranch unit was huge in Rochester Hills, and he felt that it would be an immediate seller. There would be no problem leasing the units. They just had to improve the appearance and quality to fit Rochester Hills. As far as the items not in conformance, he was okay with a little more density if they could get less siding and more masonry, the porches were okay, and they could add some more columns and cornices to match their other units, and he was fine with the \$100k public benefit, and that it qualified for the PUD.

Chairperson Brnabic said that the Commissioners did not have any examples of what had been presented, with full brick. She agreed that the development was lacking. She understood affordability, but there was a

line.

Mr. Schultz said that he would give the benefit of the doubt regarding the pond. The stage water elevation was three feet deep. The contours were not misleading, but the water elevation would not come to the back of the patio. He also had an aversion to the backs of some of the buildings, especially compared with some of their other products. He said that the Canton location had units with pergola elements, more mature landscaping, more fenestration and things going on. All those things helped to soften the barrack look.

Mr. Batt said that he appreciated the comments and direction. He felt that they would have to reassess the affordability issue. There were things they could do that would impact rents, and Rochester Hills could stand higher rents. That was not where they were headed, but he indicated that they could head that way.

Mr. Kaltsounis said that he would like to move to postpone. There had been a lot of comments, and they had people to talk to and amenities to look at, and they knew the direction the Commission was looking to go.

Chairperson Brnabic asked Mr. Batt if he agreed to the postponement, which he did.

Mr. Gaber said that he would like to see more colored renderings of the front and the back as opposed to just black and white. In addition, he would like to see a colored landscape plan.

MOTION by Kaltsounis, seconded by Reece, in the matter of 18-022 (Redwood at Rochester Hills PUD), the Planning Commission **postpones** the recommendation of the Preliminary PUD plans dated received August 27, 2019, until the applicant can address the changes requested and resubmit.

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

Chairperson Brnabic stated for the record that the motion had passed unanimously, and that they looked forward to seeing them again.

2019-0447

Public Hearing and request for Recommendation of the Third Amendment to the PUD Agreement - City File No. 98-047.5 - City Apartments Garageports, to replace approved carpports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an

FB-2 Flexible Business Overlay and governed by a PUD, Parcel No. 15-11-103-012, Designhaus Architecture, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated October 10, 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 Francesca Schovers, Designhaus Architecture, 301 Walnut Blvd, Rochester, MI 48307 and Dominic Moran, Aragona Properties, 37020 Garfield Rd., Suite T-1, Clinton Township, MI 48036.

Ms. Kapelanski advised that the applicant was proposing an amendment to the PUD Agreement which was originally approved in 2004 and amended two other times. The apartments were currently under construction at the southeast corner of Tienken and Rochester, and the applicant wished to construct garageports instead of the previously approved carports. That required an amendment to the PUD. The locations of the garageports had been slightly adjusted from the carport locations. A Hold Harmless Agreement had been provided at the request of Engineering, since some of the garageports were located over a water main. She advised that staff had recommended approval of the amendment, and she was available for any questions.

Ms. Schovers noted that the City Apartments project was approved in November 2015 with 41 carports. The proposed plans showed 36 garageports, which were basically a carport with an overhead door and sides. They removed the carports from the center island because once they had sides, they could not be seen through, and they were concerned with visibility and circulation. They put the proposed garageports at the south property line. There were two easements that ran through the area. When it was originally approved, the carports overhung into the easements, but it was not a big issue. They looked at a masonry structure to match the existing garages onsite. She stated that it would take almost half of the existing landscape buffer. It would require all of the lightpoles in the area (6) to be removed and replaced. She showed where there would have to be a complete reworking of the catch basin/storm system in the area. The masonry structure would have to be placed on the edge of the water main easement, and because a footing for that structure was more intensive, it would be in the easement even if the wall was placed on the easement line. She showed the existing retaining wall on the east side, which would need to be removed and replaced. That was against a single-family home, and they did not want to disturb the buffer there. The landscaping was planted in 2007, and it was established and had filled in appropriately. The location of the existing trees dictated

the location for the structures, and they did not want to have to remove a healthy tree. The south property line was the same. The biggest reason they wanted to change to garageports was because the public had almost demanded it. When people came to talk with Mr. Moran, they asked if there were garages, and they were not looking for carports.

Mr. Moran said that there were six units on the second floor at City Walk, and every time there was turnover, that was one of the first questions asked. It was becoming more of a deciding factor - people wanted enclosed parking spaces for safety and security, and it made renters decide on whether to lease or not. Ms. Aragona said that they wanted to have metal structures, because they had less invasive footings. Because of where the easements were, they were not left with a lot of room to manipulate within that area. They had a few conversations with staff, and she believed that the City Attorney had approved the Hold Harmless Agreement. She noted that the proposed metal would match the building. If there were any issues with headlights shining into the neighbors' property, the garageports would remove that. She added that there would be two ADA compliant garageports. The standard space for the garageports was 12 x 21 feet, and the ADA spaces were 21 x 17 feet. The number of parking spaces onsite was still sufficient. 474 were required, and 489 were proposed, including the garageports. There would be one garage per unit in the City Apartments. All of the factors she went through helped them determine where the structures would go, and unfortunately, they had to go into the water main easement a little bit. They felt that it was the best solution for the garageports.

Mr. Gaber said that he was still unclear as to the distinction between the space a garageport took and the space a masonry structure took. Ms. Schovers had said that the masonry was more intrusive, but he had not heard a comparison between that and a metal structure to see the difference.

Ms. Schovers responded that the footings on the masonry structure were more invasive into the easement. The garageports had posts, not giant trench footings. Mr. Gaber said that explained part of it, but he wondered about the other side. If they did masonry, they would reduce the east landscape buffer by nine- and-a-half feet and the south landscape buffer by eight feet. He asked if that was nine-and-a-half feet more invasive into the buffer than the metal garageport would be, and Ms. Schovers agreed. Mr. Gaber asked the dimensions of one versus the other. Ms. Schovers said that the masonry unit was thicker than the metal unit, and the space on the inside would need to be a little bit wider. Mr. Gaber questioned the

eight to nine-and-a-half foot difference. He asked if they would have to move it all back, because they could not put the footings of the masonry building within the easement. Ms. Schovers said that was correct; the wall could not be within the easement. Mr. Gabers concluded that it was why they would be pushed back towards the property line. He asked Mr. Davis if that was the way it needed to be constructed to stay out of the easement. They were talking about footings coming out perpendicular to the easement, or the walls, as opposed to the where the garage doors would be. Mr. Davis believed that there were competing interests, whether it was room for landscaping or retaining existing vegetation versus the water main location and easement. It had been a compromise. The water main crews that would respond to a break in the middle of night did not want to have to deal with areas that were in conflict with the water main easement. Ideally, there would be no encroachment into the easement. In order to meet the competing constraints, the City agreed to a minor encroachment into the water main easement and to the metal structure, which would be less of an impact if they had to dig a wider trench to get in. There was concern about what type of material they would have to deal with adjacent to the water main during an emergency. He agreed that the City wanted a Hold Harmless Agreement.

Mr. Gaber said that he understood the competing constraints; he was just not a fan of metal carports. He had seen them, and he did not think that they were that attractive. He thought that the apartment building was beautiful, but he did not think that carports would do it justice.

Mr. Kaltsounis recalled that there was an applicant before them recently who brought forward carports that were brick with straight walls, and they were horrific. He stated that the proposed garageports were worse. The applicant came back with a plan that used features to break up the wall and made the outside look a lot better. They had talked about barracks with the other applicant, and he felt that the proposed garageports were as unsightly. He thought that there was more engineering work to do. They were getting into the trees, and they would have to put in some type of water trench, because it would flow into the garages. The fire hydrant was in the dripline of the evergreen trees, and that was generally not allowed for any projects. He understood the easement issue, but they knew about it from day one. He said that he could not approve it unless there were some changes.

Ms. Schovers said that there would have been a dripline with the carports. Mr. Kaltsounis said that they would be going into the trees with foundations. Ms. Schovers said they would not to the extent he was

thinking. There would be posts, not wider trench footings. People could not see the back of the garageports, because they would be in the landscape buffer. From the front, people would only see the overhead doors, which would be seen with a masonry structure as well. Mr. Kaltsounis said that it looked like an industrial complex, and they had a much better development than that. There had been a little more green previously. Ms. Schovers asked if it would be better if they added a green buffer by the bollards. Mr. Kaltsounis suggested that they should go back and take a look at the trees and the driplines and how the carports would affect them and also address the drainage.

Mr. Moran said that they wanted to keep the same drainage that existed. The back side of the carports would be posts to which a wall would fasten, and all the drainage and existing curb and gutter would still be effective to push the water into the catch basins. Mr. Kaltsounis asked if it rained if all the water would go into the garages. Mr. Moran indicated that the existing drainage was the same whether the garageports were constructed or not. There was nothing impeding the flow of water into the storm drains. Mr. Kaltsounis asked how far the garageports would be off the ground, and Mr. Moran said four to six inches. Mr. Kaltsounis thought about putting a car inside and having water pour underneath it with all the moisture built up inside. That would cause a bigger problem. Mr. Moran said that they had garageports at another development in Royal Oak, and they had been well received. It had the same conditions with an existing lot with existing storm drainage and grades, and they were able to construct the structures and keep the storm drainage the way it was. They had not had any complaints about water passing underneath into catch basins. He maintained that the garageports were not made for storage. They were just for parking cars. In the main building, they offered storage areas in the basement. Mr. Kaltsounis said that it needed some work. Ms. Schovers asked if it was the material, and Mr. Kaltsounis agreed that was one thing. They would have to deal with residents complaining about cars being covered with snow on the inside of the garages because they were four inches off the ground. Mr. Moran said that it had not happened in Royal Oak.

Mr. Dettloff recalled that the rents were not really affordable, but that was the market they were after. He asked if the garageports would increase the rents. Mr. Moran said that they would typically include garage space in the rent, so it would not. The covered garages were usually an extra amenity. If people did not choose a garage, they typically included a garageport space in the rent. Mr. Dettloff asked what the garageports required, maintenance-wise. He was not familiar with that specific metal

product. Mr. Moran related that it was a low maintenance product. It had a hard finish that withstood elements, and it was tough against salt and snow. Mr. Dettloff heard that they would be used for vehicles only, and he asked if that would be a lease stipulation. He lived in a development where they wanted that to happen, but many people used their garages for storage, and it caused all kinds of grief. Mr. Moran agreed that it would be a stipulation.

Ms. Morita said that her concern with the Hold Harmless Agreement was that it was not enough. If they ran into an issue with the sanitary sewer or the water, they needed that agreement, but their costs would increase. They might have to move a garageport or two cars out of the way. She did not know if staff talked with the applicant about submitting a bond for those additional potential costs.

Mr. Davis said that it was not talked about. He said that as much as a water main break could occur, it was a hypothetical. It would be a new main, and they would not want to hold a bond for decades. The compromise had been to go to a post-type structure without a more robust footing people out in the field would have to deal with. The purpose of the HHA was so that the City's costs would not increase. He did not think it would be more to deal with than when people put landscaping on top of utilities. Ms. Morita read that "the owner shall defend the City against any claims from someone else," but she did not see anything in the HHA that necessarily required the owner to reimburse the City for additional costs. She thought that it absolutely needed to be added.

Ms. Kapelanski pointed out the email from Mr. Staran. Ms. Balint from Engineering had that same concern, and Mr. Staran thought that the indemnification section made the owner responsible for costs or damages caused by the encroachment. Ms. Morita said that there was more than one way to read the indemnification agreement, and she respectfully suggested that if both she and Ms. Balint had a disagreement with Mr. Staran that it might need to be reworded.

Ms. Morita had noticed that there were no colored renderings of the backsides. She asked if the back of the units would be black. Ms. Schovers advised that they would be the same color as the building, and they would be completely screened with landscaping. The actual color was a dark bronze or similar. Ms. Morita said that she was on Council when the project first came through, and she had not been in favor of it. She thought that it was too tall, and there was too much for the site. She felt that it had been short-sighted because there was not garage spaces

for all the units. Her big problem with the development was that they were relying on the neighbors' landscaping in order to justify the additional height. The problem with the neighbors' landscaping was that a lot of it was deciduous and not evergreen. She could not tell from the plan how many of the trees were made up of each and whether the neighbors who lived behind it would be looking at a huge, dark metal wall all winter. There was a school, and she wondered what the kids would have to look at. She said that she would like to see what the backside would look like, along with a better view of plantings to remain. If they were just deciduous, it would not work. She thought that the proposal looked like a big, long shipping container from the back, and she did not think the neighbors would appreciate it. She asked if the applicants had talked with them about the change. Mr. Moran said that it had not come up, and Ms. Morita felt that was a conversation they needed to have, and she would like to hear from the neighbors.

Mr. Reece said that he agreed with Ms. Morita's comments about the HHA. If the City had to start ripping things up, there would be significant costs they should not be responsible for. He asked if the posts would be anchored to the asphalt paving in the back. He asked if there was foundation for them. Mr. Moran agreed, and said that it would have a post footing, 42" deep.

Mr. Schultz said that he was surprised about not having a slab on grade where all the water would go into the garageports. He asked if they would have a galvanized or aluminum material. Mr. Moran said that the underlying structure would be galvanized. The walls would be sheet metal attached to the posts with the garage door attached to the front. It would not be a continuous wall along the perimeter like a masonry structure would be. There would be a vertical post element and a horizontal element to which the panels would attach. There would be free flowing water underneath. Mr. Schultz asked how long the ones in Royal Oak had been in place, and Mr. Moran said that it had been three years. Mr. Schultz said that he was concerned that they would allow water to move underneath the structures with a galvanized material. When it started to rust, he wondered what they would look like. He was amazed that they would allow water to run underneath, and that they were not slabs on grade. They would be shaded areas with no heat in them, so someone could get out of his car onto an ice rink in the garage. If the grading was different, he felt that it might be a different story. There was one storm sewer in the middle of a proposed garageport, so they would be sending storm water from the parking lot underneath the structure, which he thought was crazy. He indicated that it was not good practice to throw a

bunch of water at a building.

Mr. Hooper said that he was looking at it from a different perspective. They approved carports, it remained a carport, and it would be a carport; it would just have a side and a garage door on it. He stated that nothing had changed other than that. Ms. Schovers agreed. Mr. Hooper said that the drainage with the carports would be the same drainage after putting on a side and a garage door. It would not be fully enclosed or airtight. It would not be a secured structure, because there would be gaps underneath for the water to run, like with a carport. He asked if there would be separation between the individual units, which Mr. Moran confirmed. Mr. Hooper thought that they were way overthinking everything. The project was approved with a carport, so the headlights would have been screened by the vegetation in place. He went to the site, and it was heavily screened. The neighbors and the school could not be seen. He went on both sides, and he could not see anything. He acknowledged that there might be some deciduous trees, but they were primarily coniferous. The color would match the garages being built, and he assumed that the garage doors would match. He said that he was missing the boat from the comments, and he really did not get it.

Mr. Kaltsounis had pulled up the applicants' development in Royal Oak. It showed the back of the garageports. He noticed catch basins where the water would drain. He asked if the garageports were put in as an afterthought as well. Mr. Moran said that it was part of the original approval. Mr. Kaltsounis observed that they were about two inches off the ground. They did not get as much water flowing as the proposed would. He noticed how the light posts protruded into the building. He said that he understood Mr. Hooper's comment about approving carports, but he maintained that a carport was more transparent.

Ms. Schovers referred to the view of the back of the Royal Oak garageports, and she pointed out that it would not be seen in Rochester Hills because of the existing, mature buffer. She reiterated that they did not want to go all the way in to the easement, so they pulled back some, which pushed them into the buffer. It was a give and take, and she remarked that they were literally stuck between a rock and a hard place to make it function.

Mr. Kaltsounis questioned what they could do to make it look better - different materials and ways to break it up. There were no gutters, so the water would just drip down. Ms. Schovers suggested that it would be the same water runoff as the carports would have had. Mr. Kaltsounis stated

that he just wanted to get away from the port container look, which should not be a part of the City. He asked the applicants if they would like the Commissioners to vote, or if they would rather it be postponed. Mr. Moran agreed to a postponement.

Chairperson Brnabic opened the Public Hearing at 9:12 p.m. Seeing no one come forward, she closed the Public Hearing. She summarized that the Commissioners would like to see colored renderings and material samples and a colored landscape plan showing the types of trees. She stressed that they would like to get away from the container look.

Ms. Morita said that she would like staff to look at amending the Hold Harmless Agreement to include reimbursement to the City by the property owner for any additional costs incurred because of the placement of the garages.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 98-047.5 (City Apartments Garageports PUD), the Planning Commission ***postpones the recommendation of the Third Amendment to the PUD Agreement***, dated received July 3, 2019.

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

2019-0448

Request for Site Plan Approval - City File No. 98-047.5 - City Apartments Garageports, to replace approved carports with garageports, located near the southeast corner of Rochester and Tienken at City Walk, zoned B-2 General Business with an FB-2 Flexible Business Overlay and governed by a PUD, Parcel No. 15-11-103-012, Designhaus Architecture, Applicant

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 98-047.5 (City Apartments Garageports PUD), the Planning Commission ***postpones the request for recommendation of the Site Plans***, dated received October 1, 2019 by the Planning and Development Department until a later date when the applicant can address the items mentioned during the meeting.

Postponed

Chairperson Brnabic stated for the record that the motions had passed unanimously, and she thanked the applicants. There was a break from 9:14 to 9:24 p.m.

2019-0440

Public Hearing and request for Conditional Use Recommendation - City File No. 19-029 - to add 60 parking spaces at the Detroit Chinese Alliance Church, located on Auburn, east of Crooks, zoned R-4 One Family Residential, Parcel No. 15-33-128-010, Congyue (James) Wang, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated October 10, 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 Congyue Wang, 4425 N. Castlewood Ct., Auburn Hills, MI 48326, and Qian Lin and Zhenguo Yuan, representing Detroit Chinese Alliance Church.

Ms. Kapelanski stated that the applicant was proposing to add 60 parking spaces to the existing Chinese Alliance Church on the south side of Auburn between Crooks and Livernois. She advised that places of worship were conditional uses in the R-4 district. The site plan generally met the Ordinance requirements, and staff recommended approval. She noted that a landscape Buffer D was required along the east and west property lines. Along the west property line, it would only be required in the area of the new parking. In lieu of the buffer, the applicant had proposed extending the existing privacy fence along the east property line. It was staff's understanding that they had worked with the neighbors there, who were fine with the addition of the fence. Along the west property line, there was existing vegetation that would be maintained by the three additional spaces. She also noted that a Tree Removal Permit was required for the removal of three regulated trees, all of which would be replaced on site.

Chairperson Brnabic opened the Public Hearing at 9:25 p.m. Seeing no one come forward, she closed the Public Hearing.

Chairperson Brnabic had noticed that a letter to the neighbor at 3209 Fantail Ct. was included. She asked if they had received any response from that neighbor. Mr. Yuan said that they talked to all 12 neighbors around them, but they had a hard time getting in contact with one, so Mr. Wang wrote him a letter. They showed the plan to the neighbors, and everyone gave their blessing. Chairperson Brnabic noted the general letter to the neighbors, and she asked if they had gotten any responses. Mr. Wang said that they did not receive any feedback. Mr. Yuan said that they had three teams, and each team talked to four neighbors face to face. Some gave them coffee. They included a small chocolate gift, and the neighbors were pretty happy. Chairperson Brnabic complimented them on the letter informing their neighbors.

Chairperson Brnabic asked where the dumpster was currently located. Mr. Wang pointed it out - in front of the parsonage home, and Mr. Lin pointed out the future site.

Mr. Kaltsounis thanked the applicants, who were not even told by the Commissioners, for talking to the neighbors. He joked that giving chocolate was a good benchmark for all developers. He indicated that the application was very straight-forward, and the Commissioners appreciated the work that was done. Hearing no further discussion, he moved the following:

MOTION by Kaltsouins, seconded by Schroeder, in the matter of City File No. 19-029 (Detroit Chinese Alliance Church Parking Lot), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow an expansion of the parking lot at the subject, existing church on Auburn, east of Crooks, based on plans dated received by the Planning Department on August 29, 2019, with the following six (6) findings.

Findings

- 1. The use will promote the intent and purpose of the Zoning Ordinance.*
- 2. The parking lot 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 growing church community.*
- 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 should 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.

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

2019-0441

Request for Tree Removal Permit - City File No. 19-029 - for the removal and replacement of as many as three regulated trees associated with the addition of parking spaces at the Detroit Chinese Alliance Church, located on Auburn, east of Crooks, zoned R-4 One Family Residential, Parcel No. 15-33-128-010, Congyue (James) Wang, Applicant

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 19-029 (Detroit Chinese Alliance Church Parking Lot), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on August 29, 2019, 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 3 regulated trees and replace on site.*

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. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$216.75 per tree.*

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

2019-0442

Request for Site Plan Approval - City File No. 19-029 - for a 60 space parking lot addition for the Detroit Chinese Alliance Church located on Auburn, east of Crooks, zoned R-4 One Family Residential, Parcel No. 15-33-128-010, Congyue (James) Wang, Applicant

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 19-029 (Detroit Chinese Alliance Church Parking Lot), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on August 29, 2019, with the following six (6)

findings and subject to the following two (2) 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 Auburn Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
- 3. The off-street parking area has been designed to avoid common traffic problems and promote customer safety.*
- 4. The Planning Commission modifies the Type D Buffer requirements on the east and west property lines finding that the existing wall and vegetation meet the intent.*
- 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.*

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 cost estimate for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff in the amount of \$78,128.00, and posting of bond prior to temporary grade certification being issued by Engineering.*

Mr. Hooper observed that with the parking lot expansion, there was an area left on the east side of the church for future expansion. He asked if that was the purpose. Mr. Wang said that they still needed 40 parking spaces. They wanted to reserve an area for the future. Mr. Hooper said that it looked boxed out as if there could be a future expansion. Mr. Lin

said that the box was the children's play area, but there were no future plans to turn that into a parking lot. Mr. Hooper asked if the house in the southeast corner of the property was the pastor's house, which was confirmed.

A motion was made by Kaltsounis, seconded by Dettloff, 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.

2019-0446 Public Hearing and request for Recommendation of Approval of a Land Division - City File No. 19-035 - a .52-acre parcel at 3400 Crooks Rd., located at the southwest corner of Crooks and Alsdorf, zoned R-4 One Family Residential, Parcel No. 15-32-426-071, James Batu, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated October 10, 2019 and application documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant were James and Mike Batu, 3400 Crooks Rd., Rochester Hills, MI 48309.

Ms. Kapelanski stated that the applicant was appealing staff's denial of a land division. Parcel B would contain the existing house that would front on Alsdorf, and Parcel A would be at the corner of Alsdorf and Crooks. Since the existing home would now be addressed off of Alsdorf, the orientation of the structure would change in terms of setbacks and location of the accessory structure. The accessory structure would now be located in the front yard, and the property would also have a deficient rear yard setback. Per Section 122-29 of the City Code, land divisions were appealed to City Council after a Public Hearing and recommendation from the Planning Commission. She noted that the planning review noted that Parcel A would be addressed off Alsdorf, but it could continue to be addressed off of Crooks Rd.

Chairperson Brnabic asked the applicant if he had anything to add. Mr. James Batu said that he did not have a presentation. He wished to build a house for himself, not to make a profit. He said that none of the neighbors complained when he talked with them, and he noted that no one had showed at the meeting to speak against. Chairperson Brnabic asked how long he had owned the home, and Mr. Batu said it had been a year. He said that if the address was changed to Alsdorf, the back would abut common area, and there would be no neighbors. He added that they

could remove the garage if they needed.

Chairperson Brnabic had noticed several problems with the request. The garage would be located in the front yard, which was not permitted by Ordinance, although they had offered to remove the garage. There was a zero side yard setback on the east, and five feet was needed. Ms. Kapelanski said that the exhibits that staff reviewed showed a zero-foot setback, but when the applicant submitted for Planning Commission review, they had revised the plans to show that the deck was five feet from the property line. Chairperson Brnabic said that in regards to the rear yard setback, the applicants were showing 21 feet, and the requirement was 35 feet. Chairperson Brnabic said that even if the garage was removed, the rear yard setback would still not meet the Ordinance by 14 feet. Mr. Mike Batu said that it was the reason they came before the Planning Commission.

Chairperson Brnabic said that the problem she had was that it would be self-creating a nonconformity. Removing the garage would help, because she could not have agreed to a garage in the front yard at all, as it would set a precedent City-wide. The rear yard setback was deficient by quite a bit, and she did not think that she could go along with that.

Mr. Mike Batu said that the land towards Crooks was a lot bigger than many of the lots in the subdivision. He agreed that it might be nonconforming, but he felt that they could put in another house to benefit the City, and their family would benefit.

Mr. Kaltsounis indicated that sometimes, the Commissioners had tough jobs. When they saw a proposal, they had to make decisions that could affect things in the future. He had wondered about connecting the garage to the house, but there would still be a problem with the setback. The Commissioners had to determine if something was harmonious and compatible with the environment. Looking at the property down the road, they would have a deficiency with the setbacks. If they let one person do something a certain way, they would have to let everyone else. He appreciated the effort to come before them, but the situation was tough even for them.

Mr. Mike Batu said that if everyone looked from Crooks Rd., and they took the garage down, it would be a lot nicer to have a new house on the corner, and it would fit in more. The houses that were smaller looked a lot worse than if they put in a new house and made the lot look more like the rest of the subdivision. From Crooks Rd., people could see the small

house and the empty lot in the front, which he felt looked uglier.

Mr. Kaltsounis said that the Commissioners had to go by what was in front of them. If what was in front of them did not allow for an approval because it did not meet the Ordinance, they had to go forward with a denial. Mr. Mike Batu said that the only problem was the setback in the rear. He reiterated that there was a common area which was 55 feet, and no one was using it. He thought that the Planning Commission had the opportunity to give an approval for that. There was peace and quiet between them and the neighbors. They did not hear anything from the neighbors, and he felt that people would be glad to see a new house.

Mr. Kaltsounis said that he appreciated the effort. Hearing no further discussion, he moved the following.

MOTION by Kaltsounis, seconded by Gaber, in the matter of City File No. 19-035 (Land Division request for 3400 Crooks Rd.), the Planning Commission **recommends to City Council denial** with the following findings.

Findings

1. The proposed land division would not meet the setback requirements for a single family home in the R-4 district.
2. The proposed land division would not meet the requirement for the location of an accessory structure.
3. The proposed land division does not otherwise comply with the standards of Section 122-30(c) 3. of the City Code.

Chairperson Brnabic opened the Public Hearing at 9:46 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Schroeder asked what the easement was; he thought it could be for a gas line. Mr. Gaber asked who owned the 55 feet behind the property. Mr. Mike Batu said that all he knew was that it was common area for the subdivision. He thought that it could be for a utility. Ms. Kapelanski said that she could find out.

Mr. Schultz asked if the applicant could get a Variance before asking the Planning Commission to approve the split. Ms. Kapelanski said that they were following the typical procedure per Ordinance for an appeal of a land

division. She could consult with Mr. Staran to see if they could go to the Zoning Board of Appeals, but she felt that would be out of order.

Mr. Mike Batu referred to the letter they had written with the application. He said that they would not try to do something bad, and there would be ingress and egress according to the laws. Chairperson Brnabic said that she also questioned why it did not go before the ZBA. However, even if it went before the ZBA, she would still take into consideration that the applicant was self-creating a situation that was nonconforming with the rear yard setback. She did not think that the applicants would have a better result at the ZBA.

Mr. Gaber felt that the applicant stood a better chance of getting relief going to the ZBA rather than the PC route. He did not think that the Planning Commission had any discretion. They did not have the ability to recommend something that that did not meet the Ordinance for approval of a land division. He thought that staff could look into it, and the applicant could probably go to the ZBA and request a Variance. He reminded that Variances could be granted with conditions. One could be that the garage had to be taken down, and that a land division was approved. The ZBA might find that the situation was self-created, but they might not, because the house was where it was. He could not anticipate what the ZBA would do, but he thought that the ZBA had some discretion if the criteria could be satisfied. That was the only avenue he could see for the applicant to pursue, and he recommended exploring that with staff further.

Mr. Kaltsounis had looked at an aerial, and he advised that the common area was open space for the development to the south. That land had to remain as an easement that could never be developed.

Ms. Morita thanked the applicants for their willingness to build in the City. She thought that they had something to consider. She said that she would prefer to see them come in with a clean slate and look at potentially demo-ing the existing house. She did not think they would then have a problem getting a lot split, and they could build two new homes. They had heard the comments and concerns about setting a precedent, and the Commissioners did not want other property owners saying that someone else was allowed to have an accessory structure in the front yard, so the City would have to allow them to do the same. She hoped that staff would be willing to work with the applicants to look at what they could possibly do with the entire parcel in terms of redeveloping it to meet the needs of their family.

A motion was made by Kaltsounis, seconded by Gaber, that this matter be Recommended for Denial to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motion had passed unanimously, and that she was sorry that the request had been denied for all the reasons discussed. She asked if the applicants were open to exploring different options. Mr. Mike Batu asked what the other options were, and Chairperson Brnabic mentioned the suggestion by Ms. Morita about demolishing the house and doing a land division. They could explore a Variance from the ZBA, and although she did not know that it would be a productive route, it might be an option.

UNFINISHED BUSINESS

2019-0372

Request for Conditional Use approval - City File No. 19-020 - to add a drive-through to a new, 4,638 s.f. credit union for Lake Michigan Credit Union, located on the north side of Tienken, west of Rochester, zoned O-1 Office Business with an FB-1 Flexible Business Overlay, Parcel No. 15-03-451-029, Lake Michigan Credit Union, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated October 10, 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 Steve Compeau and Marty Peltier, Lake Michigan Credit Union, P.O. Box 2848, Grand Rapids, MI 48501; Steve Witte, Nederveld, 217 Grandville Ave., Suite 302, Grand Rapids, MI 49503 and, Chris VanDoeselaar, Newco Design Build, 4131 Roger B Chaffee Memorial Blvd., SE, Grand Rapids, MI 49548.

Ms. Kapelanski noted that the matter had been postponed at the August 20, 2019 meeting. The applicant had made a number of changes to the plans in order to address the Planning Commission's concerns. The site layout had been altered to decrease the number of parking spaces, and the building had been reduced by approximately 2,000 s.f. The updated elevations and renderings showed a considerable amount of stone and glass along with some accent metal panels. The ten parking spaces at the front of the building had been removed. Additional information about the operation of the temporary building had been provided, and the temporary building was relocated to be parallel with the Bedford Square Dr. The requested east/west cross section had also been provided. The applicant was still requesting a parking modification to allow for 23 spaces instead of the maximum 18 required, and she concluded that staff reviews

had all recommended approval.

Mr. Compeau introduced Mr. Peltier, and said that he was a local resident who worked in southeast Michigan for Lake Michigan Credit Union (LMCU). He noted that they were new to the Rochester Hills area, but they had other locations including Farmington Hills, Troy, Livonia and as far north as Saginaw.

Mr. Peltier gave some background for LMCU and how they supported the communities in which they were located. LCMU started in 1933 in Grand Rapids as the Grand Rapids Teachers Credit Union in the basement of a school teacher's home, and they currently had 58 branches in Michigan and Florida. They were the largest credit union in Michigan in terms of branches, assets, employees and members, and they served over 450,000 members. They had over 1,300 employees, and they were very active in the communities. In 2018, they gave back \$472k in philanthropic support and were rated the number one financial institution in Michigan by Money Magazine. He advised that anyone could join LMCU, and they looked forward to supporting Rochester Hills and their members in the area.

Mr. Witte believed that they had addressed all the recommendations from the last meeting. He noted that they showed a new sign centered on the building rather than keeping the existing one at the corner. The parking north of the east/west drive and at the temporary office building had been removed, and the temporary building would be south of that access drive. He agreed that they had included a narrative about the temporary building. He said that as a result of the changes, they were down to 23 parking spaces instead of 51. LMCU anticipated having approximately 12 employees who would get between 10 and 15 customers at a time, which was why they were asking to have slightly more than the Ordinance required. He noted that the landscaping plan had been modified accordingly, as had the drainage, grading and utilities plans. The cross section that had been requested by a Commissioner was shown on C-301.

Chairperson Brnabic said that she liked the addition of the stone, and to her, the building was much more aesthetically pleasing. She did not have a problem with the additional parking, and she thought that they knew their business and customers better. Regarding the temporary building, she asked if the construction traffic would only use the first entrance and never interfere with the temporary building. Mr. Witte said that was correct. He had created a separate plan to clarify the

construction sequencing. He said that there would be construction fencing placed all along the south side of the temporary office building to separate the northern part from the main construction area. All of the construction traffic would stay towards the front.

Chairperson Brnabic asked how they felt about the suggestion from staff to use the grassy area in back for employees with a bench or some amenities. Mr. Witte said that they were open to that and would work with staff to come up with something for the employees to use. Chairperson Brnabic pointed out that the Building Dept. review had incorrect dates (extra pages subsequently deleted).

Mr. Gaber said that the Commissioners appreciated the fact that the applicants were able to accommodate the concerns and suggestions raised at the last meeting. He thought that the building looked great, and that the changes were a substantial improvement. He was curious, however, as to how they could reduce the parking they needed from 51 to 23 spaces. He thanked them for accommodating their concerns.

Ms. Morita said that she would like a condition added that required the applicants to remove the temporary building within two weeks of the final Certificate of Occupancy being issued, and Mr. Reece suggested 60 days.

Mr. VanDoeselaar showed pictures of their existing locations on the west side. The proposed building had more metal panel and stone and less EIFS. He showed interior shots at other locations and evening shots to see how the building was lit at night.

Mr. Kaltsounis echoed some of the comments. He said that it was a bit tough for Mr. Witte, but he definitely came back with something appealing. Mr. Kaltsounis felt that it was a better development than was shown before, and it would be positive for the community and the property. He thanked everyone for their hard work and for coming back with something that he looked forward to seeing.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 19-020 (Lake Michigan Credit Union), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a drive-through at a proposed credit union on site at 310 W. Tienken Rd., based on plans dated received by the Planning Department on September 17, 2019, with the following six (6) findings.

Findings

1. *The use will promote the intent and purpose of the Zoning Ordinance.*
2. *The building 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. The site previously held a bank, which will be demolished.*
3. *The proposal will have a positive impact on the community as a whole and the surrounding area by further offering jobs and another financial institution.*
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*

Mr. Hooper recalled at the last meeting that the elevations were not correct, and they still were not, on the architectural plans. North was really east, and south was really west and west was south and east was really north. Mr. Witte said that they would get that fixed.

Ms. Morita said that she had been advised by staff that for the issue with the 60 days, whether it was from the issuance of a temporary C of O or final C of O, they would want to defer whether it was 60 days from the temporary or final and leave that to the Building Dept. to make the final determination.

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

2019-0373

Request for Site Plan Approval - City File No. 19-020 - Lake Michigan Credit Union, a proposed, 4,638 s.f. new build with drive-through on 1.8 acres located

on the north side of Tienken, west of Rochester Rd., zoned O-1 Office Business with an FB Flexible Business Overlay, Parcel No. 15-03-451-029, Lake Michigan Credit Union, Applicant

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 19-020 (Lake Michigan Credit Union), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on September 17, 2019, with the following seven (7) findings and subject to the following five (5) 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 Tienken Rd. to two access drives on Bedford Square Dr., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote customer safety.*
4. *The Planning Commission has waived the parking requirement due to the applicant's stated need for more parking.*
5. *Parking is allowed in the front yard setback as the site will be landscaped in accordance with Section 138-12.301.B.*
6. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
7. *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 cost estimate for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff in the amount of \$30,110.00, and posting of bond prior to temporary grade certification being issued by Engineering.*
3. *The applicant will work with staff to provide pedestrian features such as benches in the grassy area in the rear.*
4. *Based on Building Dept.'s recommendation, the temporary building must be removed either 60 days from the temporary or 60 days from the final Certificate of Occupancy.*
5. *The applicant shall revise the plans to show the correct elevation names (directions), prior to final approval by staff.*

A motion was made by Kaltsounis, seconded by Reece, 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 in Rochester Hills.

2019-0444

Request for Planned Unit Development Agreement Approval - City File 18-016 - Rochester Hills Trio, a mixed-use development on 5.77 acres, located at the northeast corner of Auburn and Livernois, zoned RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay and B-1 Local Business with an FB-2 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated October 10, 2019 and site plans, PUD Agreement and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Peter Stuhldreier, Mike Pizzola and Joe Latozas from Designhaus Architecture, 301 Walnut Blvd, Rochester Hills, MI 48307 Fred Haddid and Motaz Kaakarli, OYK Engineering, 30700 Telegraph Rd., Bingham Farms, MI 48025.

Ms. Kapelanski summarized that the proposal was to add 120 residential units plus 21,000 s.f. of retail and office space at the northeast corner of Auburn and Livernois. She noted that the Preliminary PUD was recommended for approval and approved by City Council at its August 12, 2019 meeting. The applicant was requesting recommendation of the PUD Agreement and Final PUD Plans and approval of a Tree Removal Permit and Natural Features Setback Modification. There was one

condition that needed to be included in the Agreement, which was a completion date and that the project would not be phased, and those items were addressed. Staff had recommended approval, and there were no plan changes proposed from the Preliminary PUD.

Chairperson Brnabic brought up a Planning Commission request at the July 16, 2019 meeting that Mr. Stuhlreyer provide a letter that apologized and corrected inaccuracies listed in the June 20, 2019 letter. A letter dated July 31, 2019 was submitted to staff, but she stated that the apology letter was far from adequate and did not correct any inaccuracies or untrue statements in the June 20th letter. A letter of clarification dated October 7, 2019 was submitted referencing inaccurate statements made in the June 20, 2019 letter in regard to the term unanimous, correcting the contamination stats of the Speedway site and acknowledging that the Planning Commission never asked the developer to purchase the Speedway site. She said that she would have liked to see a few other inaccuracies addressed. The June 20th letter was a blatant misrepresentation of facts, and the Planning Commission had never received a letter like that. She did not expect to ever receive something like that again. She mentioned that the dates in the October 7th letter did not coordinate. It stated that there was a letter written on July 2, 2019, but it was June 20, 2019 and July 22, as stated in the October 7th letter, should have read July 31. She asked that those dates be corrected before the matter moved forward to City Council.

Mr. Stuhlreyer said that they were in a position to start immediately. They had finished construction documents on one building completely. They had finished civil engineering of the entire site. That had been submitted two weeks or three weeks ago. They were ready to clear and mass grade and begin underground this year. Chairperson Brnabic asked how long they projected the project to complete. Mr. Stuhlreyer said that he did not believe it would be more than 24 months.

Chairperson Brnabic asked the timeframe for commencement and completion for the entire project. She noticed that no phasing would be done and that everything would be done simultaneously, but there was not a start and finish date. The wrong version had been included in the packet, but the correct one was put online, and she was shown a copy. 3 (c) included the requested information.

Chairperson Brnabic read "both public infrastructure improvements and internal site improvements shall commence upon the developer obtaining site plan approval and applying for building permits within one

year of the effective date of the PUD Agreement. In association to the PUD both public infrastructure and internal site improvements shall be completed and constructed in continuous sequence, not exceeding 36 months after all relevant permits are delivered.” That was the correct version that was online, and nothing else had changed from the hard copy.

Chairperson Brnabic mentioned page C-601 under Public Benefit Markings. 2a. listed remediation and development of a contaminated site, and she wished to see the word “previously” added in front of contaminated before it went to Council. Also, under G-002 under Allowable Stories and Height and what was proposed, she questioned the two stories, 39.4 feet. That appeared to be more than two stories. She asked how high of a parapet there would be. Mr. Latozas said that the 39.4 was to the tallest tower parapet in the corner of the building. The parapet was four feet. Mr. Stuhlreyer clarified that the 39 feet was the tall tower in the corner, which included a four-foot parapet. Chairperson Brnabic said that two stories was 30 feet and with a four foot parapet, it would be 34 feet. Ms. Kapelanski said that the Ordinance allowed two stories up to 35 feet. A parapet was not specifically called out in the Ordinance as an architectural element that could be above and beyond the height. The Ordinance defined building height as to the top of the top roof beam of a flat roof, which would not include a parapet. For the subject building, the applicant was proposing a 35-foot high building to the top roof beam and a four-foot parapet on top of that. Staff was working on Ordinance amendments to clarify how tall a parapet could be.

Chairperson Brnabic said that under General Building Heights and Area, it showed that three stories, 75 feet were allowable for Building A; five stories, 75 feet for Building B; four stories, 60 feet for Building C; and for D, E, and F, the allowable height was 55 feet. She stated that it was not correct information, because the PUD did not allow more than three stories.

Mr. Latozas explained that it was referencing the allowable building height per the 2015 Michigan Building Code. He suggested that they could revise it to be more aligned with what the zoning allowed, and Chairperson Brnabic said that she would appreciate that. Mr. Stuhlreyer added that the Building Dept. requested that those metrics be included in the drawings.

Mr. Gaber stated that he was still not clear about the timing of the project. He thought that provision 3.(c). was somewhat confusing as written. He

asked if they were giving themselves one year from PUD approval to get all approvals and pull building permits. Mr. Kaakarli said that they would like to start as soon as possible. He suggested that they could add specific dates. Mr. Gaber thought that they wanted one year to pull all permits, and after that, they would have three years to complete everything. He asked if that was the intent, and Mr. Kaakarli said that they were just conditions they felt were appropriate. Mr. Gaber asked if they were outside parameters that they felt they could live with, which Mr. Kaakarli confirmed. Mr. Gaber said that he would like that clarified. He felt that it was not written well because it talked about infrastructure improvements and internal site improvement, but not about buildings at all. He asked about having some type of security for construction of the public improvements. He knew that other communities required letters of credit or cash bonds to ensure that all the public improvements were constructed if something happened. He was not sure if the Commission had ever considered that, but it was not uncommon. The PUD Ordinance required, "a timeframe for commencement and completion of improvements associated with the PUD, including public infrastructure improvements and internal site improvements, along with the means of ensuring that all public improvements are constructed and maintained." To him, that meant implementing some type of security provision.

Ms. Kapelanski asked what public improvements Mr. Gaber would include. Mr. Gaber said that it would be the pathways and the offsite pathway. Mr. Davis asked Mr. Gaber if he was asking about something the City typically required with private developments. The City required performance bonds for the utility work to be done. The water and sewer would be a utility the City owned, so they would typically require a 100% performance bond posted. Once the City took preliminary acceptance of the utility, it would be reduced to a 25% maintenance bond. After a couple of years, a final inspection would be done and if everything was fine, they would take final acceptance of the utilities. They did the same thing for pathways. They would not do it for storm sewer. If Mr. Gaber wanted it in the PUD Agreement, it could be added, but it was common for the City to already require bonds. Mr. Gaber said that if it was part of the standard engineering requirements, he felt that was fine. He would just request that timing clarifications be made. Mr. Kaakarli read, "shall be completed and constructed within 36 months." Mr. Gaber read, "in association with the PUD, both public infrastructure improvements and internal site improvements" and said that it should include buildings. He suggested saying, "developer shall be required to get site plan approval and pull building permits and commence improvements within one year from the approval of the PUD. All improvements will be completed within

36 months after all building permits are obtained.” Mr. Kaakarli thanked him for the suggestion.

Mr. Schroeder noted on the plans that the parking structures had been moved, and they were not on the property line any longer. Mr. Stuhlreyer said that was correct. Mr. Schroeder asked if the last two pages showed the walls at the back of the site behind the parking - A-207 and A-209. Mr. Latozas agreed that they were the low walls at the edge of the carports.

Mr. Kaltsounis asked who wrote the apology letters. Mr. Stuhlreyer said that he did. Mr. Kaltsounis said that at the last meeting, everyone called him off and said to hold back about the letter, because Designhaus would do the right thing. Chairperson Brnabic had said that the right thing was not done. Mr. Stuhlreyer said that he did his best to forensically put together the dates and the statements that were made through minutes and through his own files. He might have missed a couple of dates on certain letters. He believed that he set straight the record that the City did not make any guarantees, the City did not promote the idea that they had to make any purchases, and although the minutes of the original meeting stated that five members spoke well of the architecture, it was not unanimous, and the latest letter clarified those issues. He apologized for the dates, but it was an 18-month process. He said that he would go back and study the dates in the October letter and clarify. Mr. Kaltsounis asked why they got the letters. Mr. Stuhlreyer said that it was due to frustration. Mr. Kaltsounis said that they hoped to see him in the future, but they wasted a lot of time with it. He said that he appreciated the Chair’s diligence in going through everything. He thought it had been put to bed at the last meeting, but it was not. He would add a condition that a letter be written to correct inaccuracies. Chairperson Brnabic said that in the October 7 letter written to correct inaccuracies, it stated that on July 2, 2019, Mr. Stuhlreyer prepared a letter summarizing issues regarding the project status of Trio. Members of the Planning Commission expressed displeasure with the letter. She said that it was the June 20th letter that they were displeased about. Mr. Kaltsounis went over that condition as well as one regarding clarification of timing for 3 (c). Chairperson Brnabic mentioned C-601 under Public Benefit Markings. 2 a. listed it as remediation and development of a contaminated site. She would like the word previously added before contaminated. She also noted the information that talked about stories up to 75 feet and asked that to be corrected. Mr. Latozas claimed that the information was a requirement from the Building Dept. as part of the submittal. Mr. Stuhlreyer said that a few pages later, there were charts and tables about the allowable height by zoning (S-100). Chairperson Brnabic had noticed it on G-100 and

knew that five stories would never be allowed regardless of whether it was a PUD. Mr. Kaltsounis added one more condition about Exhibit C in the PUD being updated to match the print in the site plan.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 18-016 (Rochester Hills Trio PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received August 29, 2019 with the following five (5) findings and subject to the following seven (7) conditions.

Findings

1. *The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.*
2. *The proposed Final PUD is consistent with the approved PUD Concept Plan.*
3. *The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.*
4. *The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City, and mixed-use was anticipated at this corner.*
5. *The proposed plan provides appropriate transition between the existing land uses surrounding the property.*

Conditions

1. *City Council approval of the PUD Agreement.*
2. *The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.*
3. *Address outstanding comments at building and construction plan permit review.*
4. *All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.*
5. *Revise the October 7, 2019 letter to correct the dates of other letter(s)*

referenced (June 20, July 2 and July 31), to be confirmed by staff, prior to the matter going to City Council.

6. *Clarify the timeline in 3.(c). as stated in the discussion, as approved by staff, prior to the matter going to City Council.*
7. *Update Exhibit C in the Agreement to match the site plan, to be approved by staff, prior to the matter going to City Council.*

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

2019-0443

Request for a Tree Removal Permit - City File No. 18-016 - for the removal and replacement of as many as 57 trees for Rochester Hills Trio, a proposed mixed-use development on 5.77 acres at the northeast corner of Auburn and Livernois, zoned RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay and B-1 Local Business with an FB-2 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 18-016 (Rochester Hills Trio PUD), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on August 19, 2019, 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 and replace 57 regulated trees on site.*

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. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$216.75 per tree.*

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

2019-0445

Request for Natural Features Setback Modifications - City File No. 18-016 - Rochester Hills Trio, for permanent impacts to as many as 1,000 linear feet for a proposed mixed-use development on 5.77 acres at the northeast corner of Auburn and Livernois, zoned RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay and B-1 Local Business with an FB-2 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 18-016 (Rochester Hills Trio PUD), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impacts to as many as 1,000 linear feet of natural features setbacks associated with the development, based on plans dated received by the Planning Department on August 19, 2019, with the following three (3) findings and subject to the following one (1) condition.

Findings

1. *Natural Features Setback Modifications are needed for development of the project.*
2. *The Planning Commission has the ability to waive the natural features setback modifications as a part of accepting the site being developed as a PUD.*
3. *The City’s environmental consultant, ASTI, has determined that the natural features areas are of poor floristic quality.*

Condition

1. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*

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

2019-0065

Request for Final Planned Unit Development (PUD) Approval - 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, Designhaus Architecture, Applicant

MOTION by Kaltsounis, seconded by Reece, in the matter of City File

No. 18-016 (Rochester Hills Trio PUD), the Planning Commission **recommends** that City Council **approves** the **Site Plan**, dated received August 19, 2019 by the Planning and Economic Development Department, with the following six (6) findings and subject to the following four (4) 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 location and design of the driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.*
3. *There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.*
4. *The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.*
5. *The proposed Final Site Plan promotes the goals and objectives of the Master Plan by providing an alternative housing option and mixed-use office and commercial.*
6. *The design and site layout modifications requested were approved with the Preliminary PUD and are included in the PUD Agreement.*

Conditions

1. *City Council approval of the PUD Agreement and Final Site Plans.*
2. *Provide landscape bond in the amount of \$127,109.00, plus inspection fees, for landscaping and irrigation, as adjusted as necessary by the City, prior to issuance of a Land Improvement Permit by Engineering.*

3. *Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.*
4. *Page C-601 under Public Benefit Markings, 2a. add the word previously before contaminated, prior to the matter going to City Council.*

Mr. Gaber wanted to confirm that the final site plan had not changed from what was reviewed previously, which Ms. Kapelanski confirmed.

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motions had passed unanimously, and she thanked the applicants.

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Special Meeting was scheduled for October 28, 2019.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Reece, Chairperson Brnabic adjourned the Regular Meeting at 11:02 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary