

Final Site Condo Plan Approval and Building Permit Approval.

6. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
7. *The addition of a traffic calming plan/device shall be developed and approved by staff, prior to Final Approval by staff.*
8. *A plan for appropriate screening shall be installed for the Covington Place Subdivision as approved by staff, prior to Final Approval by staff.*

Mr. Hetrick wanted to confirm his support for the traffic calming devices. He recognized that they would not be able to solve all of the safety issues, but they could at least try to slow the traffic down, because people would go into the street. There was an opportunity to at least provide some solace for the residents of Cumberland Hills.

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be recommended for approval to City Council. The voting was as follows:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously.

Mr. Windingland thanked the Planning Commission for its time, and Chairperson Boswell thanked the audience members who spoke.

DISCUSSION

- 2010-0094** Conceptual review of a development called Eddington Square on approximately 27 acres of property located on the east side of Rochester Road, between Hamlin and Avon, zoned FB-2, G&V Investments, Applicant
(Reference: Memo prepared by Ed Anzek, dated July 15, 2014 and conceptual plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Bill Gilbert and Cornell Vennettelli, G&V Investments, 990 South Boulevard, Suite 300, Troy, MI 48085 and Robert Gibbs, Gibbs Planning Group, 240 Martin Street, Birmingham, MI 48009.

Mr. Anzek summarized that the conceptual plan was brought about from action that happened last fall. Mr. Gilbert, through his attorney, requested that the City Council vacate the Planned Unit Development (PUD) Agreement that was put in place in 2010. One of the items that the City Council and residents were concerned about was what could happen on the site, given any changes to the street or any type of development. They did not want to take up the single issue of realigning Eddington Blvd. to line up with Drexelgate without some type of development plan. At the urging of Council and Staff, Mr. Gilbert secured the services of Robert Gibbs Planning Group to come up with a plan that utilized the Flexible Business 2 provisions of the Zoning Ordinance. FB-2 was a hybrid, form-based code approach to development. Mr. Gibbs met with Mr. Anzek and Mr. Breuckman (former Manager of Planning) on several occasions, working through various alternatives. Mr. Gilbert had expressed the issue of the alignment of the road, and Council wanted to know how it could be aligned and still work within the context of connecting the parcels to the north, east and south, including the Fifth Third Bank and Bordine's. Mr. Anzek recommended that the applicants first went before the Planning Commission and presented their concept to get the Planning Commission's input. He was fairly certain that if the applicants had gone straight to Council, that they would be advised to go back to the Planning Commission for input. He asked the applicants to present the concept plan to get the Commission's thoughts and insights as to the plan's potential for validity. He wanted the Commissioners to understand that the buildings were not cut in stone; the key issue was the road system and how the buildings could work off of it. He turned the discussion over to the applicants to provide further details.

Mr. Gibbs advised that they were asked to design a new street that provided a connection from Eddington Farms to where MDOT was requiring a street to align with Drexelgate to allow a signal. It was his understanding that there were warrants for a signal there, and that there was a very serious health, safety and welfare issue that required a signal so the cars turning southbound onto Rochester Rd. would have a four-way signal. It was also his understanding that there were approximately 60,000 cars per day on Rochester Rd., and that it was very difficult and risky for traffic to turn southbound. He knew that the property was zoned for a form-based type development, which they were very appreciative of. That gave them a lot of flexibility in laying out the street and for future development to occur on the property. As the Commissioners were aware, form-based zoning allowed for a variety of uses within the envelopes of the buildings, whether it was residential, office or retail. He had prepared several alternatives, and the one he presented for the

layout of the street appeared to be the best and safest. He also showed a plan of how the site could be developed under FB-2 zoning. It was not intended to be a site plan that would be developed. It was only intended to show that the site could be developed following the FB-2 zoning with the street alignment. He was very concerned about the residents having to make two or three turns to get into their subdivision, so he designed a very large, sweeping radius coming off of Rochester Rd., so that going into the subdivision, people would only have to stop and make one right-hand turn. There were alternative designs, which called for a straight street to come in and T into a left and right, and a left and right, but that would require the residents to make two turns, a left-hand and a right-hand turn to get into the subdivision. There were also discussions about having two roundabouts, which he felt would be a burden for the residents. It was his intent to design a simple curve, and the radius was about the minimum allowed under street design standards, and it had been reviewed and approved by the City's Engineer. They would maintain the existing setback and berm, which was currently a 30-foot berm behind the homes. They were showing another street west of the berm that would have a 60-foot right-of-way, which would require the buildings to be set back another 60-70 feet. With the streets shown, it would provide an additional 60-80 foot setback between the existing homes and the building, plus a 30-foot setback.

Mr. Gibbs stated that the plan represented the engineering plan prepared by MCS Engineering, and it showed Rochester Rd. going north and south, and the proposed curved street which went to the bank and the turn the residents would make going into the subdivision. The other parts of the plan showed how it could be developed under FB-2 zoning. They were not proposing a site plan except for the street alignment and a park. They were proposing a park and a square - two open space areas which totaled more than an acre. He thought that it would be nice for the residents to drive through a park rather than through commercial property. Mr. Gibbs showed a preliminary sketch of the proposed entryway monument with landscaping. They were proposing to have street trees and a fieldstone and limestone monument sign along Rochester Rd. He stated that there was not a lot of flexibility in the site, because it was only 400 feet deep. He showed the beginning and ending points, and he said that the geometry required radiuses of 180 feet to the center, so there was not a lot of flexibility for the street design. He concluded that their choice was to make it a radius rather than a T with two stops, they decided not to do two roundabouts, and they added an acre of parkland for the residents to drive through.

Chairperson Boswell asked the Commissioners if they had any thoughts or comments.

Mr. Kaltsounis said that he was intrigued by the proposal, and he appreciated that they showed what it would take to move the road and what the balance might be. He thought that it was the first time they had actually seen the road relocated. He advised that the applicants were not presenting a site plan for discussion, and Mr. Kaltsounis said that he really did not want to discuss it either and would like to just stick to the subject of the road. He liked the way the road was laid out, and he liked the plan for a park and square. If things moved forward, he felt that they should be aware of whether or not the roads between the two developments were considered loop roads. The site abutted a separate property, and he would be concerned about the extension to the bank and the one across the back. He thought Staff should consider that, but he said that the road layout was somewhat intriguing, and he appreciated it that it was brought to the Commission.

Mr. Anzek asked Mr. Kaltsounis to expand a little on the loop road concern. Mr. Kaltsounis said that typically, there was a requirement in the Ordinance about loop roads and the chance for headlamp sweeping. Someone would have a road by their home, and he understood for the Eddington Farms people there would be one bend, but if it was extended to the south, it might have to be run through the different buildings instead. Mr. Anzek said that they did have a brief discussion with Mr. Gibbs about the sweeping road entry, and Mr. Anzek felt that leaving the berm intact would resolve any headlight issues, but he agreed that there could be some to the south.

Mr. Gibbs stated that he did not point to the south, but they were showing that a street could go along the south and connect to a stub street to Eddington Farms. That was a site plan issue, and they were not intending to get into site plan design at the meeting.

Mr. Reece felt that in general, he liked the concept and the approach as far as the entrance and the parklands. He asked if they considered a boulevard entrance into the development, similar to what was there currently. The plans did not appear to indicate one.

Mr. Anzek said that Mr. Gibbs went to MDOT and worked with the City's Traffic Engineers, and it was determined that a boulevard entrance and a left turn signalization would not work with the activity across the street at Drexelgate. In fact, the boulevard at Drexelgate would have to be

removed to make things work.

Mr. Reece commented that the residents of Eddington Farms had been there forever, and they had a nice entry boulevard with a stone sign now, and with the revised entry, he would like to see something replicating that at Rochester Rd. He felt that there should be something to recognize that Eddington Farms was still there in a principal portion of the development, so that people who might be visiting people in Eddington Farms would know that it was there. Mr. Gibbs agreed that they could expand on that. Mr. Reece said that he liked the park, the green space and the separation, and he had the same concern about the road going to the south. He asked if it would eventually connect with Farnborough. He realized that would be further down the road. Mr. Gilbert responded that it would depend on what the City required. It would not be something they would want or need, but the stub street was there. Mr. Gibb stated that as a professional planner, he did think it was better to connect streets and have a network of streets rather than stub streets.

Mr. Reece stated that just so everyone understood, if the matter went forward, MDOT would not allow a boulevard entrance at Drexelgate or Eddington Blvd.

Mr. Dettloff said that given the area they had to work with, he thought that Mr. Gibbs had created the best win-win scenario. He supported the concept, and he also supported Mr. Reece's comment to appease the residents of Eddington Farms regarding the entry sign. He asked how big the park area was. Mr. Gibbs pointed out a square that was 100 feet wide and 220 feet long. He said that there would be sidewalks on all sides and trees and a lawn area for activities. He showed the area that would be heavily landscaped to buffer the headlights. There would be sidewalks on all three sides of the triangle park, as well. Mr. Dettloff said that he also supported the idea of connecting the streets, and Mr. Gibbs agreed that was important.

Mr. Schroeder thought that Mr. Gibbs had done a very good job, and had handled the situation very well. He agreed with connections, and he mentioned that Mr. Bordine requested the connection. Mr. Schroeder noticed that there was no through traffic shown on the drawing. There was a left and a right turn at the entrance, but if it were shifted, there would not be a conflict for left turns at the intersection with Rochester Rd.

Mr. Gilbert said that it was a requirement by MDOT. He noted the situation at Barclay Circle, where people making a left turn, or going

south, would get an arrow. It might not be shown exactly properly, but that was the concept. Mr. Schroeder said that he wondered about crossing Rochester Rd. Mr. Gibb said that the north lane could go straight across Rochester Rd. to Drexelgate. Mr. Schroeder said that the drawing only showed a left or right turn. Mr. Gilbert indicated that it was just an error on the drawing.

Mr. Gibb thanked the Commissioners. He commented that the site had so many constraints that it sort of designed itself.

Mr. Hetrick referred to the area to the south, and he asked if the road was part of the concept connecting to the Bordine's property. Mr. Gibbs confirmed that, and showed the stub that ended currently, which would be extended to the Bordine's property. He reiterated that it was simply to show how it could be developed under the existing zoning; they were not intending it to be a site plan design. Mr. Hetrick said that he understood that. He asked if the north side would connect to the bank's entrance, to which Mr. Gibbs agreed. They wanted to show that it could accommodate all the stubs and entries and meet the FB-2 zoning.

Chairperson Boswell noted that he had received several cards from people wishing to speak. He opened the Public Comments at 8:35 p.m.

Louis Sardelli, 1650 Farnborough Dr., Rochester Hills, MI 48307 Mr. Sardelli stated that he lived in Eddington Farms. He said that they valued their entrance as it was. He did not know if the City agreed with the proposal, but he wondered if it would set a precedent in the City, where a developer could come in and move streets for his benefit. Mr. Sardelli indicated that it would not benefit the residents.

Chairperson Boswell said that somewhere along that stretch of Rochester Road, there needed to be another light, and the proposed location was the logical place for one. It was where the State wanted the City to put it. He was not sure if Mr. Gilbert wanted to move the street or not; the City was asking him to do it for the safety of the residents of the City, primarily.

Mr. Sardelli said that there was another instance where there was an offset light on Adams Rd., which had been mentioned before. He remarked that they loved their entrance, and it was beautiful. Fire engines and police cars could come in off of Rochester Rd. in one straight shot and be in the subdivision. Now, they would end up being a hidden sub behind "who knows what," and he claimed that if there were million dollar homes in the sub, it would never be approved to change the street.

Glen Sorensen, 1604 Colony Dr., Rochester Hills, MI 48307 Mr. Sorensen said that his concern, having lived across the street on Drexelgate and Colony for the last 20 years, was about the type of traffic the development would generate. He asked if they were sure there would be a light if it was approved, or if having a light would be a condition of approval. He stated that he was definitely concerned about the traffic and the fact that they had no sidewalks or speed bumps. There were quite a few people who walked their dogs and children. He would like that concern addressed and to see what was planned for his side.

Sheila Sorensen, 1604 Colony Dr., Rochester Hills, MI 48307 Ms. Sorensen said that she also lived on the west side off of Drexelgate. They were concerned about the cut-through traffic coming from the west (Livernois) - people who wanted to avoid Rochester Rd. altogether. It was a safety issue for them. They hoped there could be some bike paths, because Drexelgate was a race track. She liked the fact that there could be a light because of the safety issue. She thought that the park area was a good idea, and she would like to see it even bigger. She felt that the more green, the better. She knew that the west side of Rochester had not been talked about much, but she wanted them to know that they did care.

Lorraine McGoldrick, 709 Essex Dr., Rochester Hills, MI 48307 Ms. McGoldrick stated that once again, they were fighting misinformation. She maintained that there were no warrants for a light. The conditional approval that was granted was based on a Planned Unit Agreement, and now that had been removed. According to Kim Avery, Regional Director of MDOT, there were no approvals, and all conditions were off the page. They were starting back at the first steps, unless Kim Avery was telling her something that was not true. They had been meeting and discussed changing two of the right angles to more of an S curve. It would be a traffic calming device and a great improvement from what they had seen previously. However, Eddington Farms had a platted right-of-way agreement recorded with the Oakland County Register of Deeds. City Council could not just close Eddington Blvd. and design a new road system without going to the circuit court or gaining the residents' approval and sign-off giving up their right to use Eddington. If they were to go ahead with the plan, she questioned whether Eddington Farms would have dual exits on main arteries as was discussed with the previous applicant in line with the standards and policies of Rochester Hills for every sub. She thought that the concept plan was an improvement and a step in the right direction, but as one of the Commissioners had stated, she would also like to see a plan where Eddington Blvd. remained. If the

properties were flipped, it would move them 250 feet one way. They would be building over wetlands. There were a lot of conditions they needed to consider to maintain Eddington. She did not tell people that she lived on Essex Dr. She said that she lived in Eddington Farms. If their sign was put behind a building, someone could not find the sub. She tried to get directions to Concordia, which was behind Speedway, but no one knew it was there, and it was hard to describe where it was. Their identity would be impacted. She stated that the homeowners were beginning to lose faith with the Planning Commission. She knew that City Council had to deal directly with the politics, but she stated that the Planning Commission should be free of politics and should not have a mindset that a light would be best at the proposed intersection. A light had been planned for 20 years at Meadowfield and Yorktowne, and that intersection was aligned at the property owners' cost, because that was the best place for one. She noted that there was an injury accident the previous evening that would have been mitigated by a light placement at Meadowfield and Yorktowne. There were no accidents that would be mitigated with a light at Drexelgate. She claimed that the best light placement from her research was a staggered light, such as the one on Adams. There was only one hour of high volume time where making left turns out of Eddington Blvd. was difficult. She said that they did not need to stop the traffic on Rochester Rd. all day long with a light; they just needed to do it for one hour in the morning and one hour in the evening, and, in her opinion, the problems would be solved. She asked the Planning Commission to represent the neighbors. She said that she was tired of being told by Mr. Hooper and the Mayor and other elected officials that it was a done deal, because there was no statement about their rights.

Donna Drogosh, 448 Farmridge Ct., Rochester Hills, MI 48307 Ms. Drogosh advised that she was the President of Winchester Village, which was the property directly to the west across Rochester Rd. She agreed that the speed on Drexelgate was definitely a concern. She was not sure if she had missed a meeting, but at the last Planning Commission meeting she attended, Mr. Gilbert was going to get with Calvin Bordine and look at other options for accessing Mr. Gilbert's development. She was a little surprised to see the proposed concept, although she acknowledged that it was better than what she had seen in the past. She was not totally opposed to a light at Drexelgate; she was more opposed to the development. If it were going to happen and the light was installed at Drexelgate, she reiterated that there had been no discussion about how it would impact Winchester Village or what would happen to Drexelgate. She stated that she would greatly appreciate it if Council would take that into consideration. She commented that she was getting a little tired of

attending meetings, and she asked them to please make a decision and think about the homeowners.

Jeff Kragt, 200 E. Long Lake Rd., #110, Bloomfield Hills, MI 48304

Mr. Kragt stated that he was the legal counsel for Eddington Farms. His initial question was about what it was that they were doing. He said that he had been doing municipal law for a number of years, and he had never seen a conceptual plan that was focused on something that was not even a proposed or suggested site plan. The Commission was being asked to say what they thought about a realigned Eddington. Mr. Kragt said that in order to make a decision about whether or not they liked the realignment, they should probably find out what it was that would be feeding into the roadway. He indicated that Mr. Gibbs had done a nice job. Some of the neighbors said that they liked it, and it was an improvement over the Ts. The problem was that Mr. Gibbs was asked to do something prematurely. Mr. Kragt stated that there was no reason for the Commissioners to get a conceptual plan before the developer could show what they wanted to do. There was no cover letter in the packet from the developer, and it was obvious to Mr. Kragt that the developer had been meeting with the City. Mr. Kragt said that he was a bit shocked to hear for the first time that the City wanted the realignment. He had been working with the Association for a long time, and City Staff had always said that it was not City-driven; it was developer-driven. For the first time, he had heard it was City-driven, and that the City had been working with the architect on the plan. Mr. Kragt said that he did not know where it was coming from. Ms. McGoldrick had mentioned that the current location of Eddington was part of the recorded plat, and he claimed that they could not just move things. There was a re-plat process that would have to happen, and that was never mentioned. In Mr. Anzek's report, City Council gave direction to G&V that before they came before Council, they needed to have a conceptual drawing that covered the entire 23-28 acres. The plans did not include any of the area to the south of the subdivision or anything behind the bank. He was not sure, with those directives to the developer, why they were at the meeting, because they had not addressed half of the land to be developed. Even though Mr. Anzek said that it was required, Mr. Kragt said that the developers did not show it. Mr. Kragt said that Mr. Gibbs had been very careful about what it was that they were looking at. It was zoned FB-2, and Mr. Gibbs did not want the Commissioners to talk about what could go there or could not go there. He was just saying that it could work. He did his task. Mr. Kragt asked if the idea was that the developer would keep pushing ahead and leave the site vacant. Mr. Gilbert had no plan that Mr. Kragt was aware of to bring forward - he only had a conceptual plan. Other developers would have

included the neighbors, but G&V decided not to this time. He thought there was a misconception about MDOT requiring the realignment. MDOT did not come to the developer and ask him to realign it because they wanted a light there. MDOT had been perfectly clear. They were only being reactive; they were not suggesting that it be done. He noted from the illustrative drawing that the developer worked in another access onto Rochester Rd. There were concerns about different curb cuts and angles, and now there was another access added. He did not know if MDOT liked that or not or if they had been included. The road was remarkably close to Sandalwood, where people had been trying to get the City to consider a light. He stated that the conceptual drawings suggested that it was feasible. He said that it was very concerning that the developer was asking the Planning Commission to consider a concept, without giving any indication as to what his intended uses were. He commented that the last thing the City would want, and the people on either side of Rochester Rd. would want was to have something moved, the identification of the subdivision eliminated and for the property to sit for another ten or fifteen years. He asked that the matter not be moved forward, and he maintained that there was nothing to move forward.

Chairperson Boswell explained that there was nothing to move forward. It was a discussion item, and they were having a discussion. He remarked that Mr. Kragt had taken up quite a bit of it. He asked Mr. Kragt to please conclude. Mr. Kragt related that the reason he said it was an action item was because Mr. Anzek's memo said that the next step would be to move it to City Council for consideration on the concept.

Susan DeShaw, 1638 Farnborough Dr, Rochester Hills, MI 48307.

Ms. DeShaw said that she agreed with Mr. Kragt completely.

Scott Armstrong, 625 Lexington Dr., Rochester Hills, MI 48307 Mr.

Armstrong said that he appreciated the Planning Commission giving them time to come and talk with them. He lived in the Eddington Farms subdivision, and he was also the Vice President of the Homeowner's Association. He knew that the Commissioners had heard from quite a few residents, but he wanted them to understand that they had been working on this for a very long time. They looked into the laws; they talked with MDOT; and they knew where the light sat in terms of approval. He was not sure if the Commissioners had the opportunity to look at all of those things. He said that he liked the way G&V presented it as if it had already been approved, when, in fact, once the PUD was pulled, G&V lost the right to the light. The subdivision asked G&V for a concept, because they were asking the residents to realign Eddington Blvd, of which the

residents had ownership. G&V wanted them to give up the boulevard but tell them nothing about what they wish to do with the property. He looked at it almost as smoke and mirrors. They said they had a concept, but that people should not look at the buildings, because it was really about realigning Eddington. He asked for what purpose. He noted that Yorktowne was already aligned with Meadowfield. If someone put a light where Eddington was, he wondered how the people at the bottom of the hill would see it when it changed. He reiterated that Yorktowne had already been set up, and there was nothing to be moved. He did not understand why they kept pushing to realign Eddington. The City emphatically told the residents that they were not behind it, and they heard at the Planning Commission meeting that it was the City pushing it. That was quite a surprise to the residents. They had been asking for years if the City was behind it, and they were told no. He asked that the Commission did its due diligence when looking at the realignment of Eddington Blvd. He wondered at what point they should tell G&V that they had been given everything they had asked for 20 years. They changed the PUD and they gave them what they asked for, but they still had not developed. Now they wanted Eddington realigned with nothing to show for it and have the residents give up their entry. He asked the Commissioners to really consider what was being done.

Lisa Winarski, 194 Bedlington, Rochester Hills, MI 48307 Ms.

Winarski said that she felt they were at a circus all the time when they had to deal with the Planning Commission or the City Council. She spoke to Mr. Boswell about scolding their attorney. Mr. Kragt had been representing them for over two years, and she claimed that he had the right to speak. Chairperson Boswell agreed that he did, and he offered that Ms. Winarski had the right to speak also. Ms. Winarski interrupted, and said that she was talking, not Chairperson Boswell. She stated that the Planning Commission and City Council had never given their attorney respect, and she felt that it was "ludicrous." She said that they had always shown everyone on the Planning Commission and City Council nothing but respect, and that was what they expected in return. People at the City said over and over that they were not pushing the matter, but then it was heard that it was, and she asked what the real story was and who was lying to whom. She did not know why they were talking about a concept. She believed that Mr. Gilbert could have done a similar plan under the PUD, but the Planning Commission had to recommend getting rid of the PUD and give them another chance. She claimed that Mr. Gilbert had not paid his bill on one piece of property around the corner, and it was foreclosed. She asked if they really thought the property would be developed, noting that it was a hard piece of property to

develop, with ITC power lines, etc. There was not any retention or detention shown. She mentioned a main water line. She stated that she did not know what the Planning Commission did, and just because something was discussed enough, it did not make it real. She stated that the Commission needed to do its work and look at the data. MDOT said that there could not be a boulevard at Drexelgate. They also said that there could not be another entrance on Rochester Rd. She said that it was very misleading. She claimed that if there was not a PUD, there was no MDOT and no light. She asked who would pay for the light. Mr. Gilbert said that he would pay for it and then all of a sudden, his attorney said that they could not pay for it and asked who would help them. She said that it would not be the residents, because it would not be fair to them. She asked if the residents would pay for the water main to be moved also. She did not know how many Commission members lived in Rochester Hills, but she insisted that they should be appalled by someone with private property wanting to benefit on the taxpayers' dime.

Chairperson Boswell closed the Public Hearing at 8:59 p.m. He apologized, and said that he misspoke about the City asking for the realignment. The City did ask Mr. Gilbert to come up with a plan, and they were looking at what he provided, and they were discussing it. It would go to City Council, and they would also discuss it.

Mr. Kaltsounis remembered the development from about 12 years ago, which was at his second Planning Commission meeting. It was called City Place at the time, and people were there from one end of the hall to the other. He said that there was a PUD approved at that time, but it did not happen. There were other options the Commissioners looked at, including attached housing, and then an amended PUD was approved. He said that he disagreed with the comment about the Commissioners not doing their job. There were a lot of fine lines they had to walk as a Planning Commission to make sure they did not deny a person the right to develop. If they did not walk those fine lines, the result could be something they did not want. He stated that they were all residents of Rochester Hills, and they were as concerned as the residents were. They tried to do the best that they could within the laws to make sure they got an agreement that was good for everyone. He appreciated the residents coming to look at the concept with them.

When he was first on the Commission, it was considered one of the hardest Commissions to get things by. Developers would put together plans that cost a lot of money and bring them before the Commission, and they would deny it. About four or five years ago, Staff put together a

plan for concept reviews to allow the Commission to look at something and take a straw vote to say which direction the development should go. If someone spent a lot of money, they had to determine whether the Commission would shoot it down or not. He thought it had been a very important tool in trying to iron out what was good and what was bad, giving the residents a chance to give input, as well as giving the developer a chance to go back and see if it was something they wanted to do. There were a lot of comments from the residents, and items like platting of the road and that it could not change, and some other items had to get looked at further. That was why they had concept reviews. It was not an approval; it was just to see if a plan was something worth going ahead with. In his mind, he was just looking at the road, and they could look at just one portion. He appreciated the residents' comments about it. At the next step, there would probably be another concept review to go over what might happen with the rest of the development. There would not be anything built until after a long, elaborate process. He hoped the residents could appreciate that the Commissioners were doing their jobs. The meeting was a chance to hear what the residents thought about one piece of the development. He suggested that there were still a lot of things that had to be looked into, but it gave everyone a starting point going forward. He stressed that it was not an approval - it was just an idea/concept.

Mr. Hetrick summarized that the good news was that the road, as it was conceptualized, was reasonable. From a concept point of view it seemed, despite some of the less than favorable comments, that it was a good starting point. A couple of people mentioned a second access point. He was not sure where or what that was. He asked Mr. Gilbert to explain what the potential second access point was.

Mr. Gilbert believed that it was on there from an old PUD plan that they looked at as maybe a right-in, right-out only access point. It was not important to them at all, and it could be taken out. They would never put in something where someone could take a left from that access point.

Mr. Hetrick said that regarding due diligence, he felt that it would be helpful if they were clear about MDOT and what was or was not agreed to and what the reason was for everything, so there were no questions as to who owned what or who told whom to do what. While the concept plan was about the road, and even though they did not discuss what would be built, he felt that it would be helpful to provide some insight about what the applicants thought would fit into an FB-2 development. The other part was about the platting relative to Eddington Blvd. Whatever that issue

was, it definitely needed to be something that was cleared up as the process moved along. He felt that those items might be additional discussion points as the concept moved to the next stage.

Mr. Gilbert said that the reason they were at the meeting was because at the last City Council meeting they discussed the realignment, and unless MDOT had changed its mind, they had documents from them that said that if the road was realigned, that it would meet warrants, and they would permit a light. Council said that they could not just look at it in a vacuum. They wanted to know how everything would connect with the properties to the north and the south. They wanted interconnectivity, and good planning would keep people off of Rochester Rd. as much as possible. They had shown that in the concept, as Council had requested, and they felt they had addressed the identity issue. That might have to be massaged some more, and that was why they retained one of the best planners. They had no problem calling the whole project Eddington Farms, and Eddington Square was simply a conceptual name. He said that no one was trying to sneak in anything. MDOT would have to approve everything, and they wanted limited access on Rochester Rd. They had enough accesses up and down Rochester Rd. They had read all the traffic studies, and there was a Rochester Rd. Corridor Study for the area from Royal Oak all the way to the City of Rochester. The area by Eddington Blvd. had the highest average speed mile on Rochester Rd. It was the only mile without a break. He reiterated that they had documents from MDOT that would permit a light. If MDOT would not, then they would not, and nothing would get relocated. He said that it was not a cart/horse type of thing. There would be a coordinated effort if it went through. If the road was relocated, it would be with a firm condition from MDOT that they would permit a light. Regarding the whole issue of what would go there, he said that for ten years, the PUD did not work. FB-2 was a new zoning in Rochester Hills, and that concept gave flexibility. He noted that the project could be all three-story apartments, although he acknowledged that people would probably not be happy with that, and they were not looking to do that. He had tried to emphasize that with a light, there would be a better development. They could attract more quality development with a light. He said that they could sell the land for more money, but they had been approached by two or three credible retailers. They had said no to a Dollar Store and an Auto Parts store. They said no to a smaller grocery store, all because they did not think it would fit with what they envisioned for down the road. He remarked that he was also tired of being at these meeting. The point was that eventually, they would be done. It was a valuable piece of land with or without a light because of the traffic count, and because it was Rochester Hills. Certain businesses or

apartment developers would put up with having no light just to be on Rochester Rd. He stressed that he was not threatening a law suit or anything; they were just trying to develop a really good plan. They were told to come back and show how it would all tie in with the infrastructure. There was still a lot of engineering to be done, but the concept showed how the network of roads could work and connect. They originally wanted to go just back to Council, but Planning Staff suggested that they should come to the Planning Commission first because Council would ask them to do so, anyway. That was why they were there. They knew it was not for an approval, but it could perhaps give Council some guidance about what the Commissioners thought of the concept.

Mr. Gibbs felt that there was no question that a light was needed at the intersection. In order for them to accommodate a light, and they met with the City's Engineering Department multiple times, the two streets had to align, and a light was needed at the intersection. There should be no question that it was a serious health, safety and welfare issue. There were almost 60,000 cars per day along there, and it was among the highest traffic on Rochester Rd. They could not proceed with a site plan until they knew whether or not the City would approve the street design. If it would not, they would have to keep coming back until they got one that could be approved, but he stressed again that they could not proceed until then. The site was zoned FB-2, which had requirements and regulations they felt they could meet. They felt the street design could accommodate that. If they built the street too small, that would be to their peril. The City's Engineer confirmed that there was a need for a light, and he had shown the drawings to MDOT. He was not sure whether MDOT had approved them, but they were asking the City for support.

Chairperson Boswell asked if there were any further comments, or if anyone objected to the road. He heard no objections. Mr. Hetrick stated that there clearly was more work to do in terms of some of the due diligence, but the way the road was laid out, it seemed to fit a reasonable approach to a development and sets up the opportunity to minimize the safety issue described.

Mr. Schroeder advised that the City had been in discussions with MDOT for many years. MDOT had multiple layers of people. There were local offices and traffic engineers, and the City had concurrence with them over the years. They had agreed that a mid-mile light was needed, but they would not tell anyone that they had an agreement until someone took a plan to them with a signed contract. Then they would permit a light. They had the agreement for years. People could make faces, but it was a fact.

The traffic engineers had come and gone and got shifted from district to district or retired, but it was not as it seemed portrayed. The residents said that they dealt with different levels of people at MDOT, but Mr. Schroeder said that they were not dealing with the people he dealt with.

Mr. Dettloff asked Chairperson Boswell if he needed a show of hands to move things forward, and Chairperson Boswell did not feel that was necessary. He said that no one had any objections, and as far as the Commissioners were concerned, it looked like a pretty good idea, and it was a lot better than having two Ts.

Ms. Winarski asked from the audience who was going to sue Eddington Farms to get their right-of-way.

Mr. Anzek reminded everyone that it was a concept plan. There had been a lot of discussion about the southern access point. He suggested that they leave it until MDOT said to remove it. It could serve very well as a right-in or just a right-out only to relieve any traffic pressure at the peak hours. Until they started digging into the details for approvals, he did not think they should change anything. Having heard the Commissioners, Staff would carry the message forward if Mr. Gilbert wished to go before City Council.

Mr. Gilbert requested to be put on the next available City Council agenda. They would be aware of what took place at the Planning Commission meeting. He said again that if it was totally not acceptable and MDOT would not give them a light, it would all be a moot point. Eddington Blvd. would stay as it was but however the property developed, it would create more and more havoc. He traveled the road every day to get to his office. People jutted out of Eddington Farms and Drexelgate into the middle lane, and until they could merge, they were stuck. He did not believe that was even the proper way to enter a road, but at times, that was the only way to do it. They were trying to come up with a good plan, and he did not like the fact that they had been working on it since 1986 and it was still sitting. The new FB-2 zoning was great, and it talked more about the size, scale and setback relationships between buildings and not so much what was in a building. That usually changed over time. An example was an office that was changed to lofts, and he indicated that nothing was set in stone anywhere forever. He asked again that the matter be scheduled on the next available City Council agenda, which he hoped would be the August 11th meeting.

Mr. Anzek said that, as Mr. Kaltsounis had mentioned, the City did

encourage concepts from developers with complex issues. It had served the City well, and developers could get input early on, before spending a lot on expensive drawings. City Council was a little different, and Mr. Gilbert would have to send a letter to the Clerk's Department requesting to be placed on an agenda.

Chairperson Boswell thanked the applicants.

ANY OTHER BUSINESS

Mr. Kaltsounis observed that a hookah lounge by his house disappeared recently. He heard several weeks ago that there was an incident outside of it. He wondered if Staff knew anything, or if the owner lost his lease.

Mr. Anzek did not think he could discuss it, even if he did know something, because he believed that there was an on-going investigation. Mr. Kaltsounis just wondered if the business was not viable after six months or if it was something else. Mr. Anzek said that he could not speculate, but he advised that hookah lounges, as they came into the City, were monitored and controlled by the Building Department.

Mr. Schroeder asked if there had been any commitments for businesses at Rochester and Auburn. Mr. Anzek believed so, and he said that the Building Department had received tenant build out plans for the developments on both sides of Rochester Rd., although the buildings were not even complete. He had heard that a Star Bucks would be moving into the Rochester Retail development on the south end of the building, but he had not asked about the other tenants.

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for August 19, 2014.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Kaltsounis, Chairperson Boswell adjourned the Special Meeting at 9:25 p.m.