

NEW BUSINESS

2020-0229

Request for a Tree Removal Permit - City File No. 19-033 - for the removal and replacement of as many as 55 trees for Cambridge Knoll, a proposed 16-unit site condo development on 4.72 acres located on the north side of Avon, east of Rochester Rd., zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel Nos. 15-14-351-020 and -058, Cambridge Knoll, Applicant

(Reference: Staff Report, prepared by Kristen Kapelanski dated August 12, 2020, Site Plans and Elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jim Polyzois and Mark Gesuale, Cambridge Knoll, 14955 Technology Dr., Shelby Township, MI 48315 and Ralph Nunez, Nunez Design, 249 Park St., Troy, MI 48083.

Mr. Gaber recused himself, stating that he represented the developer in other matters and, therefore, had a conflict of interest.

Mr. Polyzois advised that they had combined two parcels totaling almost five acres, and they had been working on the project for about four years. He stated that they had put a lot of time and thought into the project on different options and had elected to proceed with detached condos with open space, pathways, and amenities to develop a lifestyle community.

Ms. Kapelanski summarized that the applicants were proposing a 16-unit site condo development, to be developed using the MR Mixed Residential Overlay. The site was subject to the previous Tree Conversation Ordinance, and was in compliance. She turned it over to Mr. Nunez to present a power point.

Mr. Nunez noted that he was a Landscape Architect, Urban Designer and Principal of Nunez Design with 36 years in private practice and about three dozen assignments in Rochester Hills. From 2015 on, he had the privilege of being in charge of the design and visioning for Innovation Hills. He had worked with Mr. Polyzois and Mr. Gesuale for over eight years, and he showed locations of the six recent projects they had done in Rochester Hills.

Mr. Nunez said that the zoning for the site and the surrounding zoning was R-3 or R-3 with an MR Overlay. He noted that the properties to the north and east were zoned R-3 and developed under the open space option, which allowed the reduction of the lots from 12,000 s.f. to 9,600 s.f. He

advised that there were no wetlands, natural features or steep slopes, but there were woodlands.

Mr. Nunez went over their process for site development, including looking at the City's Ordinances and Master Plan, existing conditions, environmental factors and adjacent properties. They researched healthy living and a parkette design and prepared preliminary plans and the engineering design. They reviewed the woodland impacts for preservation. They met with staff several times throughout the review process. They went through three thorough planning reviews. Mr. Polyzois had reached out to the neighbors to introduce the project and discuss any concerns they might have. They revised the plan for the fourth time to address the neighbors' concerns and move the building envelopes for units 12-16 further away from the east property line. The rear setbacks changed from 20 feet to 33 feet for lots 13 through 16, and 30 feet for the side setback for unit 12. The rear yard setbacks on the north were 60 feet, and unit nine on the west had a side yard setback of 20 feet. Units five to eight on the west had a rear yard setback of 33 feet, and the rear yard setbacks for units one and two were 58 feet to the west property line.

Mr. Nunez said that their goals were to design a new community to meet the growing demand for ranch-style homes with first floor master suites, provide housing ownership without the burden of lawn and snow maintenance, create an active parkette and exercise station with an internal walking path, have access to the City's main pathway systems and connections to retail, and the parks and trail system, maximize the open space, preserve as many trees as reasonably possible, promote healthy living and to provide housing for existing residents to be able to remain in the City. There would also be extensive landscaping.

Mr. Nunez showed the two home designs (one would just be slightly wider). They were required to meet the architectural design standards, and there would be upgraded building materials, recessed entries, gables, front porches and architectural piers and posts. He showed the floor plans. There would be two-car garages. He noted that the landscape plantings on the east property line from units 12 to 16 would have larger evergreen trees, as would the east end of Arsenal Ct. Between units 13 and 16, they had changed the shrub requirements to arbor vitae with a hedge row to separate the neighbors from the development. They had created over two acres of open space for the association. They met the storm water detention basin requirements. The water ran from the site onto a drainage ditch along the east

properties, which did not have rear yard storm drains installed when developed. Their plan would take all the storm water and divert it to the detention basin, an issue the neighbors had raised.

Mr. Nunez showed the parkette, noting that the revised plan allowed separation between units four and five for an extra access point to the pathway and exercise equipment. They kept a long strip for the parkette which preserved a lot of the natural trees on the west, and it would be augmented with additional plantings. People would have the ability to do a loop in the development that equaled ¼ mile. The active open space required was 10,280 s.f., and they were proposing 17,027 s.f. There would be benches, a 14-foot holiday tree, pergola and trellis, birdhouses and a rain garden in the parkette.

Mr. Nunez referenced a comparison site plan using the R-3 Open Space standards, which would provide for unrestricted back yards and larger footprints. The road would go to the end of the property, and the detention basin would be located on the west side. They felt that this plan would have a greater impact on the existing homes. The homes could be two stories with three-car garages. They did not feel that it would meet the intent of the Master Plan or the client's goals.

Several neighbors were concerned that the proposed homes would be too close to the existing homes. Mr. Nunez indicated that no one liked to see (his or her) backyard change. Also, storm water and headlights were brought up. Their response was to increase the setbacks and open space by moving the units further to the west. They intensified the landscape buffers with evergreen trees adjacent to the east property line. The storm water detention had been designed to capture the water from the subject site, which would cause a reduction going to the adjacent properties. They provided more open space than a conventional development would and created an active recreational space and amenities.

Mr. Nunez felt that they had done a great job of developing a number of projects, but the inspiration for Cambridge Knoll came from the City's Master Plan and Future Land Use Plan. They designed higher quality developments by utilizing design flexibility in lot size and configuration and building types within the density allowed by the Master Plan and zoning. They had created a better buffer from the thoroughfare and the adjacent residential. Under the Future Land Use Plan, they provided connectivity between adjacent and future developments. The development was tied to the overall density in terms of unit per net buildable acreage rather than minimum lot size. They complied by

permitting greater flexibility in design, redeveloping land and by allowing the opportunity for a park and other types of neighborhood features without a reduction in potential yield of any particular property.

There were two outstanding conditions from the fourth review from Engineering, but everything else met with approval. Engineering requested a sidewalk to be adjusted to provide a separation, and they wanted to know the walkway material. Mr. Nunez said that it would meet ADA requirements, and it would be noted on the plans. He concluded that they were requesting approval of a Tree Removal Permit and the Site Condo Plan, and that they would be happy to answer any questions.

Chairperson Brnabic confirmed that the applicants had received the letter from the neighbor in the packet. There was an email from Jeff Glaser, 844 Hadley. He was concerned about the setbacks for the homes closest to Hadley and with the density of the project. Chairperson Brnabic believed that staff had answered those questions previous to the meeting. Ms. Kapelanski agreed, and added that staff had been corresponding with Mr. Glaser and addressed his questions. Chairperson Brnabic had also received a letter from Anita Pugliesi, an Attorney representing Ms. DiAnn Ralston, at 180 E. Avon Rd. They were requesting that the entrance driveway be relocated to the west. Ms. Ralston's concerns were that Avon was busy, she had a difficult time entering and exiting her driveway, that school busses stopped at all of the homes, and that headlights from cars exiting the development would shine into her home. Chairperson Brnabic asked Mr. Polyzois if he had contact with Ms. Ralston previously. Mr. Polyzois said that he had met with her twice; the last time was the previous Friday. They had a lengthy discussion as a follow up to the letter he received from her Attorney. He explained that shifting the road west was not doable - in fact, it would create more impact to her. During the conversation, he had offered to plant pine trees or any landscape that Ms. Ralston deemed necessary to feel comfortable. She requested a fence, and he said that he would be willing to do that subject to Planning and Engineering approval. He was willing to work with Ms. Ralston, and he would leave it up to her and the City to decide which direction he should proceed.

Chairperson Brnabic referred to the letter Mr. Polyzois had sent to the neighbors in the packet. She asked if they were mailed. Mr. Polyzois agreed, and said that he and Mr. Gesuale went door to door and met with as many neighbors as they could. They missed one or two, but they left a packet for each. For the most part, he did not have direct resistance. He explained that they were creating a site plan that would have a detention

pond along the east side, and there would be a 60-foot setback on the north property line. Subsequent to that, they met with the City about shifting the road and creating a larger setback for the units on the east.

Chairperson Brnabic mentioned an email supporting the proposed development from Mr. Kim from the Korean Baptist Church. She asked Ms. Gentry if she had received any emails. She had received two, which she read into the record (on file with the City for reference), one from Terry and DiAnn Ralston, 180 E. Avon and one from Daniel Luca, 160 E. Avon. Ms. Ralston's concerns had been outlined previously, and Mr. Luca was concerned about traffic, headlights and drainage. Chairperson Brnabic asked Mr. Polyzois to respond.

Mr. Polyzois reiterated that he had met with Ms. Ralston, and he left that meeting with the understanding that she was fine with a fence. He said that whether it was the proposed development or a traditional, single-family development, their hope was to develop the property in some capacity. He stated that he would continue to work with the neighbors and provide additional screening if desired, but he did not know what more he could do.

Chairperson Brnabic mentioned the comment about not having a ditch and drainage issues. Mr. Gesuale said that in working with Engineering, anything that shed off the proposed development had to be maintained onsite and routed through the detention basin out to the catch basin and drainage system further downstream. If anything, he stated that it would improve the drainage issues. Mr. Boughton said that the proposed development sheeted from the northwest to the southeast onto the rear yards of homes on Hadley. The proposed development would capture that rain water, collect it in the detention pond and discharge it to the Rewold Drain that was installed in the early 2000's and was owned and maintained by the Water Resources Commission. Chairperson Brnabic asked Ms. Kapelanski if there was anyone wishing to speak.

Jeff Glaser, 844 Hadley noted that they lived just east of the proposed unit 12. They had two main concerns: the setback, which he appreciated the developers' addressing, and the water retention and runoff. In the drawing, it showed that there was a drain along their property line, and his concern was that even though the properties to the north would run directly onto the new condos and be picked up by the basin, for his lot and the one next door, some of the runoff would end up in their yards, which flooded on a regular basis. He was concerned about how that could be addressed so they did not end up with a giant pond in the spring and fall.

Tim Keighron, 888 Hadley indicated that he was one of the neighbors who had not spoken with the developers. He had some of the information, but he had concerns. He had owned his property for 19 years, and a big draw for purchasing and starting a family was the fact that they had an open space behind them, not a back porch. They felt at ease spending time on their back deck and having privacy. That had always been a big draw, and he felt that people looking for houses would want that. He felt proud to have that perk. With the proposed development, they would lose that opportunity. He said that he could not picture how the development would look, and he was concerned as an owner.

Guy Williams, 386 Dalton said that his home backed to the development on the north. If the project were to move forward, he asked the timeframe for development, when it would begin and how long it would take until the homes were built. He stated that he would not be staying. He said that he had the same concerns as the last person, in that his home backed to an open field, which was quite beautiful and had a certain value to him and to someone who purchased his home.

Ryan Deel, 866 Hadley, said that his home was in between Mr. Glaser and Mr. Keighron. He advised that he was the City Council representative for District 4. He said that his purpose for coming was to take the opportunity to thank Mr. Polyzois and Mr. Nunez for meeting with him personally. Initially, he had some concerns, and they addressed those. One of his issues had been the distance between his house and the proposed houses, and they moved the setback 13 feet. He had concerns about the drainage, and the pond would alleviate some of the issues. He wanted to make sure that the documentation reflected that. When he and his wife purchased the property 17 years ago, it had a lovely view, and they had been able to enjoy it. When they moved in, they were under no illusions that the bucolic splendor would necessarily be maintained forever. But for buying the property, it would be the only way they could guarantee that it would maintain that same character. He was familiar with Mr. Polyzois' other projects in the City, and he appreciated that he worked with the neighbors. He felt that Mr. Polyzois had met his concerns.

Chairperson Brnabic said that Mr. Glaser had mentioned that his lot sloped down and up, and he was concerned because his yard flooded currently. Mr. Polyzois said that it was his understanding that a lot of the water flowed from west of the Korean Church east, and it flowed from the north to south, and it all gathered behind some of the homes on the

eastern side of his property. They had to capture that water and reroute it to the pond. He maintained that it would only improve the situation for the neighbors. Chairperson Brnabic said that Mr. Williams had asked about the timeframe. Mr. Polyzois said that they hoped to tear the existing homes down next year and start. They felt good about the location, and he said that there was no reason to sit on the project. He said that it would tie in with what they were doing at Crestwyk. That would be paved soon, and the proposed project would be a nice follow-up. He hoped that in 12-14 months, they would see some activity, and it would take about two years to finish.

Ms. Neubauer thanked the applicants for the presentation. She asked if they would be willing to meet with the neighbors that did not have a chance initially to go over their concerns. Mr. Polyzois stated that he absolutely would. He suggested that they could coordinate a meeting through the Planning office, and he would be happy to accommodate.

Mr. Kaltsounis said that he used to have a house that backed up to a beautiful lot. He used to enjoy the sunset. He explained that the Commissioners had to go by the book, and that meant giving people the right to develop their land within the confines of the Ordinances. A lot of people came before them with the same concerns, but there were rules the Commissioners had to follow. He said that he was impressed with the parkette design and trying to utilize the space they had. The Commissioners had been using a give and take to get better developments, and he felt that the density issue was dealt with well. He liked the park with its amenities, and he hoped that it could become a standard for future developments. He asked about adding a condition to the motion about the developers working with the neighbors across Avon on a screening plan. He said that there were other developments where there was an issue with headlights, even 15 years ago, so he suggested that there were examples they could use that had been successful. He pointed out the trees at the end of Arsenal Ct. and asked how large they were (PG-4 and PG-2) and how they would screen the neighbors.

Mr. Nunez advised that they were White Spruces, and they were required by Ordinance to be 10 feet high at planting with a five-foot spread. Mr. Kaltsounis asked what CE-1 was and how well it would screen vehicle lights turning into the house. Mr. Nunez said that it was a Hackberry tree. Mr. Nunez said that there was also a Gypsum tree to the east of that on the adjacent property. There were four more evergreens in that row. Mr. Kaltsounis asked if they could replace CE-1 with an evergreen that did not lose leaves in the winter. Mr. Nunez agreed that it could be adjusted.

The Ordinance required a certain number of deciduous, evergreen and ornamental trees. They could move some of the other evergreens and move the deciduous somewhere else. Mr. Kaltsounis asked if that could be made a condition of approval to swap the deciduous trees for evergreens on a revised landscape plan. Mr. Nunez said that it would not be a problem.

Chairperson Brnabic said that it seemed as if there were three homes that could be affected by headlights on Avon. She asked Mr. Polyzois if he had spoken with the other neighbors, but he had not. When the City sent the first notice, Ms. Ralston was the only one that had responded. He said that he would meet with the others to see if they needed any additional landscaping. Chairperson Brnabic said that she would like to have more clarification about what exactly was being proposed - landscaping or a fence - or if he would work with either option. Mr. Polyzois said that he could work with either. He felt that landscaping (pine trees) would be a better option than a fence, but he told Ms. Ralston that he would accommodate either way, and it would be subject to the City's approval.

Chairperson Brnabic asked Ms. Kapelanski if staff was willing to work with the developer and the neighbors to come to a reasonable consensus. Ms. Kapelanski said that she would be happy to facilitate that. She mentioned a project that backed to Gravel Ridge where they met with the applicants and neighbors and worked out a solution. She cautioned that there was a height limit for a fence, which she believed was three feet. Chairperson Brnabic questioned whether a three-foot fence would serve its purpose. She asked Mr. Polyzois if they would use pine trees to screen, which he confirmed.

Mr. Nunez said that the home south of the church had a large berm that blocked lights, and the house to the east of that had a smaller berm, but there were a number of evergreen trees. Ms. Ralston's home had an existing row of burning bush hedges that appeared on the right-of-way, and then the property dropped off to the south. He believed that evergreen trees would work best for that property because of the slope. Chairperson Brnabic asked if he felt that one of the homes did not need any additional landscaping. Mr. Nunez did not believe that there would be room to place any on the other two homes. The third home would be in front of the church property, so he did not think headlights would come from their development. He said that they would look at the homes again.

Mr. Gesuale said that he confirmed in the field that as someone drove out

of the proposed sub, the headlights would shine strictly on 180 E. Avon, but more on the garage and current landscaping. He did not think that the two other homes would be impacted.

Ms. Kapelanski recommended that if neighbors were interested in meeting with staff and/or the developer that they should send an email to the Planning Department email.

Mr. Hooper had pulled up google maps. He agreed with the comments about the other two homes. 130 E. Avon was across from the church, and there would be no impact from the proposed development. 160 E. Avon was very well screened currently. It would be a challenge to add anything on the property (he noted that it could not be placed in the right-of-way). However, if the developer was willing to work with the resident, and there was something that could be done, he agreed it should be in the condition. Regarding 180 E. Avon, there was no room. They had a four-car wide driveway and a hedgerow in the ditch, which was in the right-of-way, and there was a large, deciduous tree on the property. If the applicants were agreeable, and there was a solution, he had no issue making it a condition. He did not see it as an easy solution with the challenges of the front yards, right-of-way and existing landscaping.

Mr. Hooper noted the Landscape Concept Plan, LA1.0 and Landscape Planting Plan, LA1.1, and he wondered which plan was correct. The Concept Plan showed 40 evergreen trees, and the Planting Plan showed 31, so there appeared to be a discrepancy between the two. Mr. Nunez believed that they had to use the Concept Plan, which met the buffer requirements, but he would double check. Mr. Hooper said that the description at the top described the types and quantities, but it was not translated onto the drawing, and trees were missing. If additional evergreen trees could be added to the plan, focused on the east and north property lines, he felt that it would go a long way towards resolving some of the residents' concerns. Mr. Nunez agreed that more could be placed in those locations.

Mr. Hooper brought up the comments, which the Commissioners had heard before, about losing a nice view. He had been a member for 22 years, and every time there was a development, they heard that neighbors had bought property, and no one told them there would be development behind them. They enjoyed looking at the property behind them. They did not own the property, but they wanted to deny the person who did own it property rights. It was the balance that Planning Commission and City Council has had to make for decades - the balance

between private property owners exercising their rights versus the existing residents to provide a harmonious community as best as possible. It had always been a challenge, and he stated that it would never go away. He recalled that the Commissioners required more screening for some of the applicants' other developments to help shield the impact. He felt that ranch homes were hot in the market, and he did not think that they would have any problem selling them in Rochester Hills.

Dr. Bowyer said that she really appreciated that Mr. Polyzois and Mr. Gesuale would work with the residents, especially with the headlight issue. She asked if there were any plans to widen Avon with a center lane, because she agreed that there could be traffic problems. She remarked that Mr. Nunez did an awesome job, and that he was a great designer to bring in the idea of community to such a small development, which would allow the residents to get out and enjoy their neighborhood and stay healthy. She asked where the pergola would go. It appeared that there was no egress to the backyards, which meant that people would not be able to have a patio or deck. She asked if, because someone would only own the house, not the land, someone could not put a patio set or chairs in the backyard.

Mr. Polyzois said that the homes would have access to the rear, and there would be patios in the rear. He was looking at doing modifications to the internal floor plan which would reduce the living square-footage but add a partially covered, outdoor deck concept. People could use part of the backyard. Regarding Avon Rd., Mr. Gesuale said that they had been working with the Road Commission and the City's Traffic Engineer. They were still in talks about whether they were going to add a center lane or decel lane to make sure that traffic flowed well.

Mr. Nunez said that the pergola would go by the walkway by the northwest corner of the detention basin. Dr. Bowyer felt that the community gathering space was in a great location, and she thought that all developments needed an area for community. She loved all the outdoor elements proposed, and said that the birdhouse was awesome. Mr. Nunez said that the design was done pre-Covid, before they knew how much people would enjoy getting out, and they were looking at making it standard in their developments.

Mr. Weaver said that he was really impressed with the grading plan, and he thought that it would alleviate a lot of the drainage problems on the neighbors' properties. It looked like all the water that previously ran to their backyards would be captured, and he felt that it was a nice effort. He

thought that the elevations looked very nice and very fitting for Rochester Hills. He asked what the spacing would be for the evergreens at the end of Arsenal Ct. Mr. Nunez said that the Forestry Dept. would like them spaced further apart, but they were placing them closer together to get an earlier screening. Mr. Weaver said that it looked as if there would be some gaps in between them, and if they were only going to be five or six feet wide at planting and planted 12 feet on center, it would take many years to fill in. He asked if there was an opportunity to plant larger trees or plant them closer together. He suggested that for not necessarily in that location, but for around the property to provide more of an immediate impact to the neighbors. Mr. Nunez responded that the problem would be that after a while, they would grow into each other and have problems with the root systems. He said that they would work with Forestry to come up with a solution Forestry could live with and adjust the trees accordingly. Mr. Weaver said that he appreciated the applicants' willingness to work with the neighbors across Avon. He asked if they had done a traffic study to see about impacts to traffic for those residents. Mr. Polyzois said that they had not done a study, but there was a letter from the Road Commission, and Engineering used that in their review of the plans. Mr. Weaver asked if there was a recommendation for a center turn lane.

Mr. Boughton said that there was talk about it, but it was decided that a center turn lane for 16 units, most likely empty nesters, was not warranted. It was strongly looked at, but the threshold was not met. Mr. Weaver said that he agreed with the pergola amenity. He saw a lot of benches proposed around the site, but he did not notice any picnic tables. He asked if there were plans to add them or something similar under the pergola. Mr. Nunez said that they had not proposed them; they were primarily looking at getting people out to walk around. They did not plan for people to eat or socialize for any length of time. Mr. Weaver had observed a long row of arbor vitae running along the top of the swale on the east side, and his only concern was that he would hate for them to drown. That was where the water was directed. Mr. Nunez said that they would have to work with the engineers to see how that drainage system would work. There was not a lot of evergreen material that would take a lot of water, and they hoped that the storm system they were providing would pick up a lot of the rear yard drainage from the proposed units and then the ditch on the adjacent property would only be taking what was coming off the mound. They hoped that it would be a drier location. Mr. Weaver thought that the applicants had done a good job of laying the site out and of meeting with the neighbors to address concerns, and he encouraged them to keep working with the neighbors across Avon to help screen headlights.

Chairperson Brnabic clarified that no email communications had been received and that no one wished to speak.

Mr. Nunez said that Mr. Hooper had asked about the discrepancy with the evergreens. Mr. Nunez said that the number was correct, but on LA 1.1, 14 trees were required, but there were 10 existing evergreens that were being counted for the buffer requirements. 31 evergreens were proposed. He reiterated that they could convert some deciduous to evergreens.

Mr. Kaltsounis said that as he had mentioned, he appreciated the amenities proposed and how the development was handled. He pointed out that it was not a postage stamp, and he felt that it could be used as an example of what could be done rather than jamming in too many houses. He thought that it was a very good integration, and he thanked the developers for bringing it forward. Hearing no further discussion, he moved the following:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 19-033 (Cambridge Knoll Site Condominiums), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on July 14, 2020, 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 55 regulated trees and replace with 12 tree credits on site and the balance paid into the City's Tree Fund.*

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 \$216.75 per tree.*

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Granted. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

2020-0230

Public Hearing and request for Preliminary Site Condo Plan Recommendation - City File No. 19-033 - Cambridge Knoll, a proposed 16-unit site condo development on 4.72 acres located on the north side of Avon, east of Rochester Rd., zoned R-3, One Family Residential with an MR Mixed Residential Overlay, Parcel Nos. 15-14-351-020 and -058, Cambridge Knoll, Applicant

Chairperson Brnabic opened the Public Hearing for the Preliminary Site Condo Plan at 8:40 p.m. Seeing no one wishing to speak or in the Auditorium and no communications received, she closed the Public Hearing.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 19-033 (Cambridge Knoll Site Condominiums, the Planning Commission **recommends approval of the Preliminary Site Condominium Plan**, based on plans dated received by the Planning Department on July 14, 2020, with the following seven (7) findings and subject to the following seven (7) conditions.

Findings

1. *The site condo 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 Avon, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Sidewalks have been incorporated to promote safety and convenience of pedestrian traffic.*
3. *The Planning Commission waives the MR requirement of ten acres, finding that the proposed development is in keeping with the standards of Section 138-2.302.*
4. *Adequate utilities are available to the site.*
5. *The preliminary plan represents a reasonable street and lot layout and orientation.*
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 performance bond for replacement trees and landscaping in the amount of \$81,072.00, plus inspection fees, as adjusted as necessary by staff, prior to issuance of a Land Improvement Permit by Engineering.
3. Payment into the City's Tree Fund of \$9,320.25 for replacement trees, prior to issuance of a Land Improvement Permit by Engineering.
4. Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.
5. Developer shall work with neighbors on Avon to develop a screening plan with evergreen trees, as approved by staff prior to final approval.
6. Provide a screening plan for Arsenal Ct. to supply evergreen trees in place of deciduous trees for more screening for the neighbors, prior to final approval by staff.
7. Per the meeting Minutes, work with staff to review the landscape plan and compare it with the concept plan for discrepancies with the number of evergreen trees and update it prior to final approval by staff.

Mr. Kaltsounis said that with the progression of the plan and listening to the neighbors, he suggested speaking to the neighbors Mr. Polyzois had not had a chance to yet. He thanked the applicants for doing the extra homework before coming before the Commissioners.

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

Abstain 1 - Gaber

Chairperson Brnabic stated for the record that the motions had passed unanimously. She congratulated the applicants, indicating that they had a reputation for building some very nice developments in Rochester Hills. She felt that they had an excellent work ethic and were always willing to work with the neighbors, which she appreciated. It came to mind that it was always a pleasure working with them.

Mr. Hooper thanked the applicants for their investment in Rochester Hills. Ms. Roediger noted that the Preliminary Site Condo Planr would move to

City Council on September 14, 2020. She reminded that it would also come back before both the Planning Commission and City Council for Final Site Condo consideration.

2020-0329

Request for a Tree Removal Permit - City File 19-040 - for the removal and replacement of as many as 236 trees for Hillside Rochester Hills, a proposed 150,000 s.f., three-story office building on nine acres located on Hamlin, west of Adams, zoned ORT Office Research Technology, Parcel No. 15-30-103-004, David Hardin, Hillside Investments, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated August 12, 2020, Site Plans and Elevations had been placed on file and by reference became part of the record thereof).

Present for the applicant were David Hardin, Hillside Investments, 39475 Thirteen Mile Rd., Novi, MI 48377; Jim Butler and Greg Bono, PEA, 2430 Rochester Ct., Suite 100, Troy, MI 48083; and Brian Liming, Faudie Architects, 26261 Evergreen, Suite 123, Southfield, MI 48076.

Ms. Kapelanski advised that the applicant proposed to construct a 150,000 s.f., three-story office building between Hamlin and M-59, west of Adams Rd. The site was zoned and master planned for the proposed use. The applicant had proposed an optional underground parking area, which would only be constructed if a tenant indicated that additional parking was needed. Should that parking be constructed, she explained that it would put the parking count over the allowable number, and a parking modification had been requested to accommodate that. A height modification had also been requested to allow for a 45-foot building rather than the allowable 40-foot. The applicant was seeking approval of a Tree Removal Permit and Site Plan, and all staff reviews had recommended approval of both.

Mr. Hardin noted that the subject site was approximately nine acres. They had not identified a final user for the building, but they had three proposals with very reputable, exciting, global companies looking to locate in Rochester Hills. The building floor-to-floor heights were just short of 15 feet each, which brought the total building height to 45 feet. They understood that it was slightly above the 40-foot maximum allowed, but they were requesting a modification because in recent years, there had been a massive talent shortage. Companies were looking for any and all ways to attract the best and brightest to come to work for them. The increased height would help to provide the best and coolest work spaces with open ceilings and trendy light fixtures. He maintained that it was not a request that would save them any money; in fact, it was quite the