



Rochester Hills

Minutes

Planning Commission

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Chairperson Greg Hooper, Vice Chairperson Deborah Brnabic
Members: Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Dale Hetrick, Marvie
Neubauer, Scott Struzik and Ben Weaver
Youth Representatives: Oliver Blakeley and Siddh Sheth

Tuesday, August 18, 2026

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Hooper called the August 18, 2026 Regular Planning Commission Meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 7 - Deborah Brnabic, Sheila Denstaedt, Greg Hooper, Marvie Neubauer, Scott Struzik, Gerard Dettloff and Anthony Gallina
Excused 2 - Ben Weaver and Dale Hetrick

Others Present

Sara Roediger, Director of Planning and Economic Development
Jason Boughton, Engineering Utilities Specialist
Jennifer MacDonald, Recording Secretary
Dan Christ, City Attorney
Oliver Blakely, Youth Council Representative

APPROVAL OF MINUTES

[2026-0335](#) July 21, 2026 Draft Planning Commission Minutes

A motion was made by Gallina, seconded by Denstaedt, that this matter be Approved. The motion carried by the following vote:

Aye 7 - Brnabic, Denstaedt, Hooper, Neubauer, Struzik, Dettloff and Gallina
Excused 2 - Weaver and Hetrick

COMMUNICATIONS

Chairperson Hooper noted receipt of the current issue of Michigan Planner magazine.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

- 2026-0240** Request for Preliminary Planned Unit Development (PUD) and Site Plan Approval - File PPUD2025-0001 - for Penelope Place Apartments, a proposed development of two three-story apartment buildings, each with twenty-nine units, on approximately 4 acres of land, located at Parcels 15-30-302-034 and -036, on the southeast side of Adams Rd. and north of Auburn rd., zoned O Office Business District and subject to a consent judgment; Ziad Kassab, Penelope's Place LLC, Applicant

(Memo McLeod dated 8/12/26, Hafeli, Staran & Christ letter dated 8/11/26, Staff Report dated 5/13/26, Reviewed Plans parts 1 & 2, Development Application, Environmental Impact Statement, Umlor Group Letter, GAV Associates Letter 4/13/26, Allen Design Letter 4/13/26, WRC Letter 5/9/25, Public Hearing Notice, PC Minutes, Adams Vito Settlement, Public Comment, and Staff Presentation were placed on file and by reference became part of the record hereof.)

Present for the applicant were Ziad Kassab, developer; Richard Russell, counsel for developer, Williams Williams Rattner & Plunkett; and Chad Holdwick, civil engineer and surveyor, Umlor Group.

Chairperson Hooper welcomed the applicant team and called on Ms. Roediger to present.

Ms. Roediger stated that Chris McLeod was unavailable for the evening meeting, though he had previously provided a thorough overview of the project during the Commission's meeting in May. She offered a brief recap of the proposal, noting that it involves a four-acre site on Adams Road intended for two three-story apartment buildings totaling 58 units. She explained that the property is currently zoned office district but is subject to a consent judgment requiring development under a planned unit development option. Ms. Roediger highlighted that the proper procedural path forward had been a primary topic of discussion at the previous meeting. Following that meeting, City staff consulted with legal counsel and the City Council, resulting in an official legal opinion that the planned unit development process, as outlined in the consent judgment and defined in the zoning ordinance, is the appropriate procedure to follow. She indicated that the Planning Commission's goal for the evening was to discuss and provide a recommendation to the City Council regarding the planned unit development.

Providing an overview of the property location, Ms. Roediger noted that while recent aerial imagery was unavailable, significant multiple-family development exists across the street to the west in Auburn Hills. She explained that the site is zoned office and surrounded by an industrial zoning district, with single-family residential located south of the Clinton River Trail. She clarified that the property does not immediately abut the Clinton River Trail, but is situated one property away.

Reviewing the site plan layout, Ms. Roediger explained that the development features two separate buildings with two entry points onto Adams Road, alongside a central gathering area featuring a small dog park and playground

space between the buildings and the roadway. Regarding the building elevations and architecture, she noted that the applicant continued to present the same design iteration shown at the previous Planning Commission meeting. She concluded by reiterating that the Planning Commission was asked to make a recommendation to the City Council regarding the qualification of the preliminary planned unit development, noting that the applicant was available to address the criteria and answer questions.

Chairperson Hooper asked if the applicant wished to make a statement. Mr. Kassab thanked the Planning Commission and referenced a document he had distributed to the Board. He stated that to satisfy the planned unit development requirements, a project must deliver public health, safety, and welfare benefits. He expressed his belief that the proposal satisfies these criteria and offers a net positive benefit to the community, offering to review the details point by point.

Mr. Kassab proceeded to review the public benefit items, beginning with public health. He explained that Penelope's Place would feature improvements promoting outdoor activity, recreation, and active transportation, emphasizing the planned connection to the Clinton River Trail. He stated that in addition to on-site pathways, the project would construct an additional 300 feet of pathway south of the property line to establish a direct connection to the trail. He noted that a public bench and rest area dedicated to his daughter, after whom the project is named, would be provided at the Clinton River Trail pedestrian connection. He added that the development includes an eight-foot-wide pathway along Adams Road, a bicycle repair station adjacent to the pathway for resident use, a dog park, a playground, and a pavilion.

Turning to public safety, Mr. Kassab highlighted pedestrian and transportation infrastructure improvements designed to connect the development to existing network assets. He noted that the project provides a pedestrian connection from the site to the signalized intersection at Forester Boulevard and Adams Road, as well as access to the SMART bus stop located northeast of that intersection, adding that the development team is coordinating directly with SMART to meet their operational needs.

Regarding public welfare and economic impact, Mr. Kassab described the project as a new investment that would increase community activity and supply additional amenities for the City. He stated that local residential housing occupancy stands at approximately 95 percent, compared to an 82 percent occupancy rate for office space, indicating a greater demand for residential development over office uses. He added that new residents would shop, live, and spend time in the City, thereby supporting nearby local businesses.

In conclusion, Mr. Kassab stated that the proposal satisfies all municipal requirements for trees, parking, and water management. He noted that the development team had worked directly with the Fire Department and believed all necessary standards had been met. He requested a positive recommendation from the Planning Commission to the City Council.

Chairperson Hooper requested that anyone in the audience wishing to address the Planning Commission submit a comment card to the Recording Secretary.

He indicated that he held approximately six comment cards and opened the public comment portion of the meeting, setting a speaking limit of three minutes per person.

Matthew Isopi - 1715 Christian Hills Dr - a resident of the City of Rochester Hills for approximately three years, addressed the Planning Commission. He expressed appreciation for the work of the municipal body and highlighted the critical importance of public safety considerations when evaluating proposed apartment developments. Mr. Isopi raised concerns regarding the underlying zoning of the subject property, stating that the proposal appears residential in nature while the current zoning designation reflects office, administrative, or research uses. He suggested that safety standards and recommendations differ between residential zones and commercial or research districts.

Mr. Isopi questioned whether the site plan adequately addresses fire safety requirements, specifically inquiring if the design incorporates proper emergency fire exits, safety ladders, and drive aprons sufficiently wide to allow fire trucks and ambulances to maneuver quickly. He also questioned whether on-site medical utilities or support staff had been considered as part of the proposal. Stating that public safety standards should remain a paramount consideration, Mr. Isopi expressed concern over approving the project without those elements fully addressed and requested that the Planning Commission vote against the proposal.

Scot Beaton - 655 Bolinger St - addressed the Planning Commission and Chairperson Hooper, recommending a vote against the proposal as presented. He noted that the City Attorney made it clear that the property has not been designated for residential use for forty years, though everyone retains the right to ask. Recalling his tenure on the City Council in 1988, Mr. Beaton described a situation where the corner of Dequindre and M-59 was zoned commercial and faced pressure for a large retail development. Despite opposition and a mismatch with the master plan and zoning map, he cast the decisive swing vote to change the zoning to residential, which ultimately resulted in the creation of Whispering Winds, which he characterized as one of the prettiest apartment complexes in the City of Rochester Hills.

Expressing his opinion on the current project, Mr. Beaton stated that the current proposal is unattractive, does not fit the character of the City, and overbuilds the site. He suggested that a two-story residential development resembling Whispering Winds or a single-story medical office similar to the development on Barclay Circle would be a more appropriate fit for the corner. Furthermore, he noted that he has not yet seen a traffic study and requested that one be conducted prior to any vote, emphasizing that the stretch of Adams Road is a dangerous corner. Concluding his remarks on aesthetics, Mr. Beaton stated that as a five-time national, international, and New York City Clio Award-winning designer, he possesses the credentials and awards to back up his assessment that the project's design is unappealing.

Theresa Pounders - 2846 Avalon - addressed the Planning Commission, reiterating her previous concerns regarding the dangerous curve along Adams Road. She expressed frustration that complete visual diagrams were not

previously available for public review, making it difficult for residents without architectural or construction backgrounds to fully understand the design. She emphasized the critical need for a completed traffic study prior to making any decisions.

Ms. Pounders also raised environmental concerns regarding the site's steep slope situated above the Clinton River Trail. She pointed to instances where trail sections had been washed away, attributing such issues to soil erosion caused by nearby large-scale developments. She expressed skepticism regarding the cited residential occupancy rates, questioning whether recent local developments were truly full, and argued that the City does not need additional apartment buildings. Expressing concern for public safety, she noted the inherent dangers for families with children living adjacent to such a busy roadway.

Regarding legal matters, Ms. Pounders asked whether the existing consent judgment would require modification and sought clarification on the legal opinions provided by the attorney. She argued against setting a precedent of altering consent judgments that cost the City significant money, particularly when developers were involved in those initial agreements. Finally, she highlighted the site's heavily wooded nature and urged the Board to respect long-term tax-paying residents over developers who might walk away from projects during economic downturns, concluding that high-density apartments are not what the community desires.

Rhonda Yates - 56 Texas Avenue - addressed the Planning Commission and City Council Member Neubauer, focusing her comments on the City's criteria for qualifying for a planned unit development option. She highlighted three key questions requiring the Board's attention.

First, regarding public health, safety, and welfare, Ms. Yates emphasized that the zoning ordinance requires a proposed planned unit development to result in an actual improvement to the area, rather than merely avoiding harm. She questioned what demonstrated improvement would result from changing the property, asserting that an additional playground and dog park do not satisfy that requirement, particularly given ongoing discussions regarding demands on fire and emergency services, water infrastructure, and municipal resources.

Second, regarding necessity, Ms. Yates noted that the ordinance specifies the planned unit development option should not be used when land use objectives can be accomplished through conventional zoning. She pointed out that the property already has permitted uses under its current office and research zoning designation and questioned what land use objectives necessitate residential development on the site.

Third, regarding the impact on municipal infrastructure, Ms. Yates cited ordinance requirements concerning service and facility loads, stating that if a development adds loads beyond those contemplated in the Master Land Use Plan, the applicant must demonstrate how those additional burdens will be accommodated and mitigated.

Ms. Yates concluded by stating that while a planned unit development offers flexibility, the burden remains on the applicant to prove the project qualifies. She urged the Planning Commission to look beyond whether 58 apartments can physically fit on the site and determine whether the applicant met all City criteria for granting such flexibility, arguing that the City should not grant an exception simply because a different use is more desirable to a developer.

Richard Bosler - 399 Daylily - addressed the Planning Commission. He expressed surprise that the consent judgment was being addressed late in the process, noting that the developer had likely already spent significant capital on the project and suggesting that legal determinations should have been resolved at the beginning. He questioned how the site could accommodate over 100 residents and vehicles, particularly given ongoing multi-family construction across the street in Auburn Hills, and argued that the location is unsuitable for additional rental units.

Mr. Bosler challenged the applicant's claims regarding community benefits, contrasting the proposal with past multi-family projects developed by Dominic Mocerri in Warren that included all-brick construction, clubhouses, swimming pools, and carports. He noted that the current proposal offers only a small dog park and playground. Additionally, he raised concerns regarding housing affordability for younger residents, questioning whether lease rates would exceed \$2,000 or \$3,000 per month rather than more accessible rates such as \$1,250 for a one-bedroom or \$1,850 for a two-bedroom unit.

He stated that the City should evaluate what value developers bring to the community, including how they compensate and support their employees. He also questioned whether the structures would be built with strong fire-retardant materials to allow for potential condominium conversion in the future. In conclusion, Mr. Bosler agreed with previous speakers that the property should be developed as a two-story medical or office facility, citing developments on Barclay Circle and the corner of Livernois and Avon Road as appropriate models.

Chairperson Hooper closed public comment and directed questions to City staff to clarify points raised by speakers, beginning with property zoning history.

Ms. Roediger explained that the subject property is currently zoned office and has maintained that designation for some time, with surrounding lands historically zoned industrial. She stated that a past consent judgment resulted from the realignment of Adams Road, which allowed a planned unit development option to be considered for the property due to changes caused by the road realignment while maintaining the office zoning. She noted that historical zoning maps reviewed by staff showed multiple-family planning north of the site prior to the road realignment and consent judgment, but the underlying property designation since the consent judgment has remained office and industrial.

Chairperson Hooper recalled that 35 or 40 years ago, the land was zoned heavy industrial (I-1) because a previous owner acquired it specifically for industrial use, after which it was reclassified to office research technical. Ms. Roediger confirmed the transition to office zoning and noted that surrounding area

dynamics shifted following the Adams Road realignment. Chairperson Hooper observed that zoning classifications evolving over time is a common occurrence throughout the City. Addressing public safety questions, he emphasized that public safety remains a top priority regardless of the zoning designation or proposed development type.

Ms. Roediger stated that the Fire Department is heavily involved in all site plan reviews from a planning perspective. She explained that site plans typically feature a dedicated fire safety plan sheet to verify that drive aprons, fire lanes, exit configurations, and fire department connection accessibility meet necessary requirements. She noted that water, sewer, and traffic impacts are similarly vetted through municipal departments during site plan evaluation.

Chairperson Hooper added that the Fire Department reviews all proposed projects, no matter the type. He then addressed the consent judgment, asking City Attorney Mr. Christ to clarify the Planning Commission's role regarding legal agreements.

Mr. Christ confirmed Chairperson Hooper's summation, stating that evaluating whether the proposal satisfies the ordinance criteria ultimately falls under the purview of the City Council, following the Planning Commission's recommendation.

Chairperson Hooper called upon Mr. Boughton to address traffic impacts, inquire whether a traffic study was required, and review crash data for the area.

Mr. Boughton reported that the proposed development does not meet the necessary threshold to require a formal traffic study, and therefore none was performed. He shared crash data compiled by the City traffic division for the 10-year period covering Adams Road from Forester Boulevard south to the Clinton River Trail. He reported 15 total crashes over that time-frame, consisting of seven rear-end collisions, three turning collisions involving failure to yield right-of-way, three loss-of-control incidents, and two vehicle-deer collisions. He noted that none of the recorded crashes resulted from sight distance issues for vehicles turning left from existing driveways. Chairperson Hooper and Mr. Boughton noted that the current alignment of Adams Road has been in place for roughly 20 years, dating back to approximately 2005 or 2006.

Ms. Roediger added that based on the Institute of Transportation Engineers trip generation model, an office development typically generates higher traffic volume than a multiple-family residential development of comparable size. Chairperson Hooper inquired whether the car wash facility developed next door required a traffic study, noting its high traffic generation. Ms. Roediger stated she did not believe a traffic study was required for the car wash. She explained that a project generally must generate 100 peak-hour trips to trigger the requirement for a traffic study. Elaborating on the proposed 58-unit development, she reported that the City traffic engineer estimated total daily trips at 360, with peak-hour volumes of 33 trips in the morning and 94 trips in the evening. Chairperson Hooper noted that the peak-hour figures for the proposed development represented roughly one-third of the minimum threshold required to trigger a traffic study.

He then turned to infrastructure capacity, asking staff to address public comments regarding water and sewer service. Mr. Boughton reported that the water main along the Adams Road right-of-way maintains adequate pressure to serve the 58 units. For sanitary sewer, he explained that wastewater would discharge into the Auburn Hills sanitary sewer system, noting that the City received an email from Auburn Hills authorizing the connection for the sanitary lead. Regarding storm sewer, he stated that stormwater would discharge into the Road Commission storm sewer within the Adams Road right-of-way after satisfying all municipal engineering standards. Chairperson Hooper verified that the discharge would occur after meeting on-site detention requirements. Mr. Boughton confirmed that pre-treatment and detention requirements would be satisfied, adding that infiltration standards would be finalized based on percolation testing conducted prior to construction plan submittal.

Chairperson Hooper brought up public comments regarding steep slopes near the Clinton River Trail and asked staff for clarification. Mr. Boughton explained that under the steep slope ordinance, manmade slopes are exempt. He clarified that the existing slopes along Adams Road resulting from historical grade adjustments and the adjacent former railroad grade are manmade and therefore do not qualify as steep slopes under the ordinance. Chairperson Hooper inquired whether the proposed development and associated earthwork would alter existing site elevations or create additional slope conditions beyond current site conditions.

Mr. Holdwick stated that within the public right-of-way, no slope issues exist. He explained that the proposed pathway would match grade, following the vertical alignment of the roadway typically positioned five to ten feet behind the back of the curb. He added that on the property itself, grades would be adjusted to achieve acceptable driveway slopes that meet City engineering standards.

Chairperson Hooper inquired whether any issues or concerns were identified regarding the Fire Department during City staff reviews. Ms. Roediger responded that the Fire Department recommended approval of the proposal, noting only minor tree relocations to maintain clear sight distances at driveway entrances. She emphasized that the current application is for a preliminary planned unit development, meaning additional technical details would be refined during final site plan review.

Chairperson Hooper brought up public questions concerning unit pricing and potential future condominium conversions. Mr. Kassab stated that the developer has no intention of converting the apartments into condominiums. Regarding projected rental rates, he estimated \$1,600 to \$2,000 per month for one-bedroom units and \$2,000 to \$2,600 per month for two-bedroom units, noting that final pricing depends on ultimate development costs. He emphasized the goal of keeping rates as affordable as possible to maintain high occupancy. Chairperson Hooper noted that estimated rental ranges provided by developers are typical and that ultimate rates are market-driven based on community demand and product quality.

He asked Ms. Roediger and the applicant if any remaining public comment

items needed to be addressed. Ms. Roediger indicated that all public comment points had been covered. Mr. Kassab stated that all questions were thoroughly addressed. He reiterated that the team coordinated with the Fire Department and highlighted the proposed pathway connection as a significant public safety benefit. Addressing previous public comments, Mr. Kassab noted that while a three-story office building could be constructed on the site under conventional zoning, it would generate higher traffic volumes without offering public benefits, noting his belief that the City does not require additional office space.

Mr. Russell addressed the Planning Commission, stating that the applicant's legal counsel concurs with the legal opinion provided by City Attorney Mr. Christ. He noted that the May 13th staff memorandum provided a thorough analysis, recognized the public benefits presented by Mr. Kassab, and outlined how the proposal meets the City's planned unit development requirements. He emphasized that the request before the Board represents a preliminary plan, which would proceed to the City Council before returning to the Planning Commission for final site plan approval. He added that the development team is gathering input and coordinating with municipal staff to create the best possible development prior to the City Council considering a final site plan and planned unit development agreement.

Furthermore, Mr. Russell highlighted that the City retains substantial control over the final development product throughout the process, which is important to both the developer, Mr. Kassab, and Penelope's Place LLC. He noted his recent addition to the development team and stated that the relationship between the consent judgment and local zoning had been adequately addressed by the City, offering to answer any further questions from the Board.

Mr. Holdwick elaborated on public safety and Fire Department coordination, listing specific site plan modifications made to satisfy municipal requirements. He stated that a landscape island was added in front of the fire department connection to ensure safe access. He verified that turning radiuses and building setback distances were reviewed to provide adequate ladder truck access for the Fire Department around all points of the structures.

Additionally, Mr. Holdwick noted that door configurations were adjusted to satisfy State distance requirements between residential units and exterior access points. He confirmed that the buildings will be fully fire-sprinkled. Addressing public comments regarding on-site medical utilities, he explained that the development would feature standard safety equipment, including fire extinguishers and first aid stations, to support immediate response prior to the arrival of emergency personnel. Finally, he highlighted adjustments made to the parking layout along the south elevation, incorporating a 150-foot clear distance to allow fire trucks sufficient space for turning and backing maneuvers.

Chairperson Hooper opened the item for Planning Commission discussion.

Ms. Brnabic sought clarification regarding the assertion that office uses generate more traffic than residential uses, questioning whether that was a broad generalization. She noted that traffic impacts vary depending on the specific office type, pointing out that general administrative offices typically

operate on a standard schedule while medical offices generate higher, continuous traffic volumes.

Ms. Roediger explained that City Traffic Engineer conducted a preliminary analysis using standard Institute of Transportation Engineers trip generation metrics across different use categories. She reported that for a 58-unit low-rise multiple-family development, the model projects 360 total daily trips. By comparison, a 60,000-square-foot general office building generates approximately 579 total daily trips. She added that evaluating the site on an employee-to-resident ratio yields approximately 469 total daily trips for office use. She noted that while the figures reflect general professional office classifications within the Institute of Transportation Engineers manual, multiple-family residential development as a general rule generates less traffic than office or retail uses. Ms. Brnabic thanked Ms. Roediger for the clarification.

Ms. Neubauer addressed Chairperson Hooper and shared the results of her research on the subject property, noting that various iterations of site plans and development concepts had come before the Planning Commission since 2018. She stated that with the body now in 2026, new and varying information continues to be presented, prompting her to review previous meeting minutes and address specific points systematically.

Regarding claims that the project is harmonious with adjacent properties in Auburn Hills, Ms. Neubauer asserted that development in Auburn Hills should not be considered, emphasizing that the City of Rochester Hills operates under a completely different master plan with distinct standards for height and density. Addressing comparisons made to the Legacy development, she reported that her independent research revealed Legacy currently maintains a 10.3 percent vacancy rate. She noted that while the figures provided in the applicant's summary might reflect City-wide averages, neighboring comparable housing displays a higher vacancy rate. She added that Legacy offers one- to three-bedroom units ranging from \$2,020 to \$3,704 per month.

Ms. Neubauer argued that proposed features such as a resident-only dog park and resident-only playground do not constitute public benefits, defining them instead as standard project amenities. She contrasted the proposal with Legacy, which offers extensive amenities including electric vehicle charging stations, a courtyard, a dog spa, a fitness studio, a gaming lounge, virtual training, outdoor fire pits, and a golf simulator. Furthermore, she emphasized that the Legacy project delivered a genuine public benefit by requiring the developer to expend \$13.4 million upfront to remediate a contaminated brownfield site. She concluded that while she might not have supported such high density had she served on the Planning Commission or City Council at that time, the distinction in public benefit between the two projects remains significant.

Ms. Neubauer stated that Fire Department approval on a site plan differs significantly from the practical operational demands placed on emergency services. She noted that voters recently passed a millage, requiring taxpayers to pay higher taxes to support municipal services. She emphasized that a three-story development requires additional ladder trucks compared to a two-story structure, creating a distinct drain on public resources even if site plan

parameters such as driveway widths and fire hydrants satisfy technical requirements. She argued that the Planning Commission must remain cognizant of the strain that ongoing high-density developments place on municipal resources rather than continually relying on tax millages.

Regarding unit pricing, Ms. Neubauer observed that Mr. Kassab provided three different rental price estimates across recent presentations. She acknowledged that while developers retain the right to charge market rates and cannot be legally bound to estimated figures, the changing figures raised concerns. She noted that while rental rates are market-driven based on product quality and location, a primary question for the Planning Commission is whether the site is appropriate for residential housing at all, expressing her belief that it is not.

Ms. Neubauer outlined the planned unit development criteria to establish a record, analyzing the proposal point by point. Evaluating the first criterion, which states that a planned unit development shall not be used solely to avoid applicable ordinance requirements, she noted the site's office zoning designation. She addressed the requirement that uses not normally permitted must result in an improvement to public health, safety, and welfare, stating she sees no such improvement and believes the proposal would lead to a decline instead.

Evaluating the second criterion, which specifies that a planned unit development shall not be used where land use objectives can be achieved through conventional zoning, Ms. Neubauer noted that Mr. Kassab could construct an office building on the property under existing zoning without seeking planned unit development flexibilities. She stated that despite statements from the applicant and legal counsel, the proposal fails the first two criteria based on the clear language of the ordinance.

Turning to the third criterion regarding service and facility loads beyond those contemplated in the Master Land Use Plan, Ms. Neubauer referenced the City's recently adopted Master Plan which was developed through extensive community input. She quoted City Council Vice President Mungioli from a recent City Council meeting regarding the importance of honoring resident feedback gathered through community surveys. Ms. Neubauer stated that no City residents have voiced support for the proposal and emphasized that the Master Plan specifically addresses height and density based on a clear community desire to avoid high-density developments. She added that City Council previously declined to extend a consulting firm's contract when community input was not properly reflected, concluding that the Planning Commission must work alongside the City Council and residents to ensure community preferences are upheld.

Ms. Neubauer emphasized that Section 138-7.103(C) of the City Ordinance requires a planned unit development to align with the Master Plan, asserting that the proposal clearly fails to do so. She stated that the project fails to set aside or preserve meaningful open space due to being overdeveloped and tightly packed. Presenting specific site measurements, she noted that the north building would be situated 101 feet from the front property line and 79 feet from the eastern property line, while the southern building would sit 30 feet from the

eastern property line. She reported consulting with the Planning Department, which indicated that a standard 58-unit development would typically require 7.8 acres, whereas the subject proposal attempts to place double the standard density onto a 3.99-acre site.

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Ms. Neubauer maintained that the proposal fails all applicable planned unit development qualification criteria, noting that the only non-failing criteria are those pertaining to historic districts, which do not apply to this location. She stated that the project violates the Master Plan, fails to protect planned land uses, and offers no public improvements to health, safety, or welfare that could not be achieved under traditional zoning.

Addressing the proposed dog park amenity, Ms. Neubauer referenced recent municipal efforts establishing two one-acre dog parks at Nowicki Park, noting that City Council budget discussions involved complex safety protocols concerning dog vaccinations and size separations. She argued that placing an unregulated dog park and a small playground on a compact site so close to a major roadway creates public safety hazards rather than public benefits.

Ms. Neubauer noted the presence of the applicant's legal counsel and addressed potential concerns regarding litigation, stating that municipal bodies act in anticipation of litigation rather than out of fear of it. She emphasized that the applicant's repeated appearances and plan modifications reflect the standard, voluntary nature of the planned unit development process and do not represent an unusual burden on the developer, who acquired the property subject to the existing consent judgment. She acknowledged the City Attorney's legal opinion affirming the applicant's right to request a planned unit development option, but highlighted the concluding language of the City Attorney's letter, from the judgment: "Notwithstanding the foregoing, the subject property may only be used and developed for those land uses permitted under the City's Zoning Ordinance in the O-1 Office Business District and the ORTOffice, Research Technology District." She noted that while the Planning Commission evaluates criteria independently, any potential modification to the consent judgment remains a matter for the City Council to resolve.

Finally, Ms. Neubauer addressed public emails and comments alleging that the Planning Commission acts as a rubber stamp. She rejected that characterization, reminding the audience that the Board previously voted on January 13th of the current year to deny a proposed development because it exceeded appropriate density by two units. She argued that the subject proposal overbuilds the site by 58 units. She concluded her remarks by stating she had established a robust record for the item and had no further comments.

Ms. Brnabic thanked Chairperson Hooper and expressed agreement with the qualification criteria analysis presented by Ms. Neubauer. She emphasized the ordinance requirement specifying that the planned unit development option shall not be used when land use objectives can be achieved through conventional zoning. She observed that while the existing consent judgment afforded the applicant the right to seek a planned unit development for office use, the current

proposal for a three-story multiple-family apartment complex represents an entirely new application that separates itself from the active consent judgment on the property.

Ms. Brnabic stated that because the proposal is a new application, the Planning Commission must evaluate whether it satisfies the established planned unit development criteria. She noted that the ordinance requires a proposal to meet as many development objectives as deemed appropriate by the City, adding that her own review indicated the application meets none of those objectives. Questioning whether the planned unit development enhances the aesthetic appearance of the City through quality building design or premium exterior facade materials, Ms. Brnabic characterized the proposed three-story apartment building design as unappealing and unattractive.

Ms. Brnabic continued her remarks, reiterating her view that the proposed design is unappealing and unattractive. She stated that the building's architectural design and color scheme fail to provide curb appeal from Adams Road or create a positive first impression. She questioned whether the landscape design enhances the development or creates a welcoming appearance, noting that the submitted plans fail to provide defined walkways or guide the eye to the entrance to enhance street views. She emphasized that because the applicant is applying for a planned unit development rather than standard development approval, the project must deliver distinct benefits over and above standard requirements to qualify.

Regarding open space and natural features, Ms. Brnabic noted that the project fails to preserve natural elements due to its dense layout, suggesting that preserving significantly more trees than the required 40 percent threshold could have served as a planned unit development benefit. She observed that on the irregularly shaped 3.99-acre site, proposing 58 total units comprising 16 one-bedroom and 42 two-bedroom apartments creates high density, reiterating that a standard development under RM-1 zoning would require approximately 7.8 acres. She stated that while a planned unit development offers considerable flexibility, utilizing it on this site is inappropriate.

Turning to proposed amenities, Ms. Brnabic expressed safety concerns regarding the location of the children's play area and dog park along Adams Road. She noted that the density and site layout force the play area to sit 45 feet from the road and the dog park 20 feet from the property line, creating a safety hazard given the heavy traffic and curve along Adams Road. She stated that the amenities would need to be relocated or eliminated, adding that residents would likely not enjoy sitting directly adjacent to a busy roadway. While characterizing the overall design as unimpressive, Ms. Brnabic acknowledged the proposed 300-foot pathway extension to the Clinton River Trail as a positive amenity. Finally, she questioned whether funding for the proposed SMART bus enclosure is typically provided directly by SMART.

Ms. Roediger explained that SMART maintains minimal funding for amenities such as shelters, stops, or benches, noting that while the City expects to receive three shelters the following year through a grant, most stop enhancements fall on the municipality. She reported following up with SMART

regarding area ridership, sharing that the Walmart location at the marketplace recorded 30 total boardings and exits for the month of July, averaging approximately one rider per day, while other nearby stops recorded minimal usage.

Ms. Brnabic remarked on the low transit ridership in the area. She stated that she would have preferred to see dedicated open space where residents could sit and socialize away from Adams Road, adding that the proposal fails to meet the intent of the Master Plan for mixed-use development, which typically blends multiple uses such as residential with retail, restaurant, or office space. Turning to surrounding land uses, Ms. Brnabic inquired about the property situated to the south, noting that she observed semi-trucks parked near a sign for a transportation business named Gemini and asking if a warehouse operated at that site.

Mr. Kassab stated that the property directly to the south is an office building rather than a warehouse. Chairperson Hooper clarified that the building directly south houses Barton and Barton, an engineering and construction firm. Mr. Kassab added that the building directly south also houses a law firm and general offices. Ms. Brnabic described driving down an access driveway near the Gemini sign and observing semi-trucks parked after hours. Mr. Kassab and Ms. Neubauer clarified that Ms. Brnabic was describing the property located to the east, which utilizes an entrance to the south.

Ms. Brnabic clarified the locations of surrounding land uses, noting that a car wash sits directly to the east of the property and a commercial shopping district is located to the north. Addressing the area directly across Adams Road to the west, she noted the presence of a two-story apartment and condominium development. She emphasized that while the development sits in Auburn Hills, its immediate proximity makes it a relevant visual comparison, stating that the two-story design offers greater curb appeal when driving along Adams Road compared to three-story structures situated further north or south.

Turning to economic demand, Ms. Brnabic questioned Mr. Kassab regarding his statements about low demand for office space. Mr. Kassab affirmed his position, stating that office space in the City maintains a higher vacancy rate than residential space. Ms. Brnabic noted the figures cited in his documentation, and Mr. Kassab stated that he obtained those statistics using ChatGPT. Ms. Brnabic asked if Mr. Kassab was projecting high vacancy rates if an office facility were constructed on the site. Mr. Kassab responded that higher existing office vacancy rates across the City indicate a stronger community need for residential housing over additional office development. He asserted that constructing a medical office facility on the site would generate significantly higher traffic volumes and frequent vehicle stops compared to standard office uses or multiple-family residential housing.

Ms. Brnabic agreed with Mr. Kassab that medical office development would generate more traffic, but noted that she was evaluating the choice from a broader perspective. She pointed out that a ten percent vacancy difference does not necessarily outweigh the City's long-term projections. She referenced page seven of the Master Plan, updated in 2025, which states that despite

remote work trends, the City of Rochester Hills maintains a growing demand for office space to accommodate its expanding population and service needs. She read from the Master Plan, noting that approximately 300,000 square feet of office space will be marketable in the next ten years, including home-based and traditional spaces, creating potential demand for roughly 100,000 square feet of new non-home-located office space in the foreseeable future.

Mr. Kassab questioned the emphasis on office zoning for the site, stating that the surrounding context consists primarily of residential uses to the south and west, along with an older law firm building to the south. He asked why the City favored office development over residential housing given local context and demand. Regarding the legal framework, Mr. Kassab asked what purpose the consent judgment serves if it provides no flexibility, and why it would give the right to do a planned unit development in the first place.

Ms. Brnabic clarified that proposing a three-story multiple-family apartment building constitutes an entirely new application that separates itself from the active consent judgment on the property. She explained that while the existing consent judgment grants the property owner the legal right to request a planned unit development for office uses, it does not guarantee a right to a planned unit development for high-density residential development. She stated that the applicant has the right to apply, and noted that the Planning Commission was providing its opinion on the proposed residential plan.

Chairperson Hooper noted that both Ms. Brnabic and the applicant were expressing similar views, clarifying that an applicant possesses the right to submit a planned unit development proposal while the Planning Commission maintains the duty to evaluate its validity. Ms. Brnabic clarified her point, emphasizing that the applicant expressed confusion regarding rights under the planned unit development process.

Mr. Gallina expressed agreement with the comments made by previous Commissioners. He stated that following the Planning Commission's prior meeting, his focus centered on examining the legal framework surrounding the property. He noted that Commissioners conducted site visits and thoroughly reviewed the meeting materials.

Addressing the planned unit development criteria, Mr. Gallina stated that he struggled to find sufficient evidence that the project satisfies the necessary requirements. He expressed significant concern regarding the proposed density of the development, noting that the City listened to residents and established clear planning guardrails through its master plan to preserve the character of the City of Rochester Hills. He remarked that while he hoped a workable solution might emerge, the three-story height and overall density make the project unsuitable for the site. He concluded that regardless of location, the proposal is excessively dense for the parcel size and does not align with the established goals of the community.

Mr. Gallina acknowledged the applicant's right to submit the proposal and noted that the Planning Commission had listened attentively to the presentation. He stated that Commissioners must provide opinions based strictly on the facts,

recognizing that the developer aimed to create a project of quality. Addressing site conditions, Mr. Gallina observed that while significant housing exists across the street in Auburn Hills, traffic along Adams Road remains a valid concern, noting that the corridor represents a difficult vehicular route. He acknowledged that future commercial or medical office development on the parcel would present its own challenges, but emphasized that the current residential proposal, as rendered and presented, does not fit the location. Concluding his statement, Mr. Gallina emphasized the Planning Commission's duty to uphold municipal planning guardrails and maintain balance across community developments. He noted that while the Commission strives to be fair, the proposal fell short of meeting the necessary standards.

Mr. Struzik stated that when the project previously came before the Planning Commission, he was in favor of the development but harbored concerns regarding legal aspects, which he felt were resolved by the City Attorney's legal opinion. Addressing comments made regarding building aesthetics, he expressed his view that the proposed design looks fine, acknowledging that architectural style is subjective. He noted that the proposed building height aligns with structures across the street in Auburn Hills, considering it compatible and harmonious with neighboring development.

Regarding safety, Mr. Struzik requested that safety concerns regarding outdoor amenities be addressed if the project moves forward, noting their proximity to the roadway. He observed that while the geometry of the curve tends to push vehicle momentum away from the site, the presence of opposing traffic traveling at 45 miles per hour remains a consideration. He also addressed public comments concerning the visibility of public hearing notification signs, agreeing that signage for both the subject development and the earlier dance studio proposal was positioned in a manner difficult for passing motorists to read, recommending improved sign orientation for future notices.

Evaluating the public benefit criteria, Mr. Struzik stated that public benefits should scale appropriately with the size of a development, agreeing that resident-only amenities like a private dog park or playground do not constitute public benefits. However, he highlighted several proposed features as genuine public benefits, including the pedestrian connection to the Clinton River Trail, the off-site 300-foot pathway extension, the bench rest area at the trail connection, the bicycle repair station, and bus stop upgrades. Responding to comments regarding low bus ridership, he noted that public transit was only recently introduced to the City, meaning residents previously relied exclusively on personal vehicles. He expressed support for bus transportation improvements, stating that transit access assists individuals who do not drive or cannot afford a vehicle, and concluded that the proposed transit enhancements represent a valuable public benefit.

Ms. Denstaedt expressed agreement with the sentiments shared by her fellow Commissioners. She noted that when the applicant appeared before the Commission in May, several safety concerns were discussed regarding the playground, the dog park, and the retention pond, expressing concern that those issues remained unaddressed upon returning to the Commission. Evaluating the planned unit development criteria, she stated that in her opinion the first two

requirements were not satisfied, noting that the ordinance specifies all criteria must be met.

Regarding density, Ms. Denstaedt noted that high-density development has been a continuous topic of discussion during her five years on the Planning Commission and was explicitly addressed in the Master Plan, stating that placing that number of apartment units on the subject property does not make sense. Addressing traffic, she acknowledged that while office uses generate higher total volume, office traffic occurs primarily between 9:00 a.m. and 5:00 p.m., which offsets traffic conflicts with neighboring residential uses across the street in Auburn Hills during non-business hours. Furthermore, she questioned whether bus stop improvements constitute a meaningful amenity for the project, noting that given the projected rental rates for the proposed apartments, it is uncertain how many residents would utilize transit services. She concluded by thanking the applicant for their ongoing efforts and expressed hope that the developer might return with a proposal for an office use in the future.

Mr. Dettloff requested a clarification from the City Attorney regarding the consent judgment. Mr. Dettloff asked if the consent judgment allows for a Planned Unit Development and references research and development uses, and whether it creates a window for the applicant to propose a different land use. Mr. Christ explained that the order of settlement authorizes the developer to utilize the Planned Unit Development regulations of the City. He noted that Planned Unit Development regulations typically allow for flexibility and that the settlement language referenced the loss of property due to eminent domain litigation, which likely served as part of the rationale for granting the property owner the right to use Planned Unit Development regulations. He clarified that utilizing Planned Unit Development regulations is distinct from proposing a different land use, such as the proposed residential component. He referenced the final paragraph of his written legal opinion, stating that unless authorized by the City Council to be developed for a different land use, the property remains restricted to office or Office Research Technical land uses.

Mr. Dettloff acknowledged the explanation and asked whether the details of the Planned Unit Development could be worked out through ongoing negotiations between the developer and the City, even if all ordinance criteria were not currently satisfied. Mr. Christ responded that while further adjustments are potentially possible, the Planning Commission has a specific plan before it and must weigh the ordinance criteria to determine its collective recommendation to the City Council, recognizing that the submittal represents a preliminary plan. Mr. Dettloff emphasized that the application is preliminary and noted the significant time and capital invested in the project.

Recalling his comments from May, he stated that the developer had worked with the Planning Commission to address previous requests. While acknowledging that the project is not ready for construction and still has unresolved issues, Mr. Dettloff expressed his opinion that the proposal should be allowed an opportunity to move forward. Chairperson Hooper offered his perspective, inquiring about the allowable building height for an office development by right on the property, noting he recalled a limit of 50 or 55 feet. Ms. Roediger stated she would verify the exact height limit, noting she believed it was three stories or 42 feet, and

offered to check the standard.

Chairperson Hooper stated that a standard building story is typically ten feet. He noted that he has no issue with three-story building heights regardless of whether the structure is designated for office, apartments, or single-family homes, emphasizing that height is not his primary concern. However, he expressed his opinion that the applicant is facing significant challenges in pursuing multiple-family residential development on the site. He suggested that the developer would be better suited pursuing an office research technical product or a different type of development proposal for the property. While clarifying that he is not strictly opposed to multiple-family uses, he stated it is likely not the best fit for this specific parcel. Chairperson Hooper acknowledged the applicant's repeated appearances and efforts to adjust plans, but reiterated that a different proposal would serve the property better, asking if the applicant wished to make any concluding remarks before the Planning Commission moved forward.

Mr. Kassab explained that his repeated appearances with revised plans resulted directly from working with City staff and the Planning Commission to incorporate their guidance and feedback over the years. He stated that despite recent legal discussions, he pursued the multiple-family proposal with the understanding that a viable path forward existed. Addressing density concerns, Mr. Kassab noted that the development team dropped a story to reduce the building height to three stories in direct response to prior recommendations from the Planning Commission. Regarding safety concerns raised about outdoor amenities, he emphasized that safety is a priority, noting that the proposed dog park and playground are fenced and set back on a slope below the road grade, adding that he would gladly construct a protective railing along the front of the entire property line. Finally, Mr. Kassab clarified that while resident-only amenities may not count as public benefits, the public amenities included in the plan—such as the trail connection, rest area, bus stop upgrades, and bicycle repair station—were recommended by City staff.

Mr. Kassab emphasized that his team attempted to follow every piece of direction provided by the Planning Commission and municipal staff throughout the multi-year process. He expressed deep frustration that after significant time, effort, and capital investment, the proposal is still viewed as falling short.

Regarding site layout, Mr. Kassab explained that pushing the buildings back from Adams Road forced the resident amenities into the front of the site. He argued that moving the amenities to the rear would require pulling the primary structures closer to the roadway, which he believes would create a less attractive appearance. He asked the Planning Commission to consider the practical trade-offs for the parcel's future development, contrasting a potential commercial or medical office development that generates high traffic volumes and provides no public benefits against the proposed multiple-family residential project, which generates lower traffic while delivering public infrastructure amenities requested by City staff.

Mr. Kassab reiterated that the project satisfies all technical engineering and municipal standards, including fire safety, water infrastructure, parking, and tree

preservation rules. Addressing Ms. Denstaedt's concerns directly, Mr. Kassab explained that no physical plan revisions were submitted since the May meeting because the team focused entirely on resolving the legal questions surrounding the consent judgment. He concluded by reaffirming his willingness to continue adjusting the preliminary site plan to address any remaining concerns.

Mr. Russell addressed the Planning Commission, sharing his initial observations after joining the project team ten days prior. He highlighted the physical challenges of the property, noting that its irregular shape along a bend in Adams Road resulted from a major condemnation proceeding years ago, leaving the site undeveloped since 2006. He argued that designated office uses are no longer feasible for the parcel, particularly given shifting office market dynamics across Michigan following the COVID-19 pandemic. Mr. Russell presented the proposed multiple-family residential project as a less intense alternative to commercial office zoning, asserting that residential development generates less overall traffic and creates lower community impacts while expanding the municipal tax base.

Furthermore, Mr. Russell emphasized the potential local economic benefits, noting that new residents would support nearby restaurants and shops. He highlighted the proposed public benefits, including improved pedestrian access to the Clinton River Trail, as key factors distinguishing this request from a conventional office development. He concluded by reiterating the development team's desire to continue working with municipal officials and the City Council to refine the project into a development the community can take pride in.

Chairperson Hooper responded to Mr. Russell's comments, noting that land use and municipal planning are constantly evolving. Reflecting on his long tenure across six Master Land Use Plan updates, he pushed back on the idea that the property could never be developed under its current commercial parameters. He recalled a past zoning dispute involving Meadowbrook Mall to demonstrate how market conditions and development visions shift over time.

Mr. Russell noted that representing the Aikens family during the Meadowbrook Mall matter early in his career provided his initial introduction to land use and zoning processes. Chairperson Hooper acknowledged their shared history with the Meadowbrook Mall project from 1999, reiterating his confidence that the subject property will eventually be developed under an appropriate use. He expressed sympathy for the substantial time, effort, and financial resources the applicant invested over the years, noting how difficult it is to bring projects across the finish line. He explained that choosing the Planned Unit Development (PUD) process presents a particularly high hurdle, as it requires four separate approval stages across both the Planning Commission and City Council. He pointed out that the City has approved fewer than two dozen PUDs in the past 40 years due to the stringent requirements involved.

Mr. Kassab noted that pursuing a PUD was the only viable path available to request a multiple-family residential development given the site's current zoning designation. Chairperson Hooper agreed, and Mr. Kassab reiterated that he had made every effort over the years to adapt his plans in accordance with guidance from City staff and the Planning Commission. Chairperson Hooper expressed

appreciation for his efforts before concluding his remarks and asking the Board for further discussion or a motion.

Ms. Neubauer addressed the Board, emphasizing that because the property is zoned for office use, the developer is not required to provide public benefits under standard zoning, making the comparison between an office building without public benefits and a residential development with public benefits invalid. She stated that the property remaining undeveloped is not the fault of the City or the Planning Commission, but rather stems from the applicant's choice not to present a proposal aligned with current zoning parameters.

Ms. Neubauer clarified that while individual Commissioners may have offered feedback on previous revisions, Commissioners and City department heads never guaranteed approval, and her personal advice had consistently been that the site was inappropriate for high-density residential development, and therefore the developer cannot say that he followed all of the Commissioners' suggestions. Ms. Neubauer said that she wanted to save the developer further time and money following multiple resubmissions and postponements, and she made a motion to recommend denial of the preliminary Planned Unit Development.

Chairperson Hooper asked for the specific grounds for the motion, and Ms. Neubauer specified that the proposal fails to satisfy the established Planned Unit Development criteria as detailed during the meeting. Ms. Neubauer verified the proper motion wording with City Attorney Mr. Christ. Mr. Christ advised that the motion is clear given that it references the reasons stated on the record. He said there could be a request for findings of fact based on that to come back to the Planning Commission for adoption, but that's not required. Mr. Christ said that referencing the reasons stated earlier on the record is sufficient.

Mr. Dettloff questioned whether preliminary approval could serve as an initial step to allow further negotiation between the applicant and the City before reaching the City Council. Mr. Christ and Chairperson Hooper clarified that while a recommendation could theoretically include conditions, the motion before the Board is a recommendation to deny. They emphasized that the Planning Commission serves in an advisory role and that the City Council retains final authority to approve or deny the preliminary Planned Unit Development regardless of the Board's recommendation.

Ms. Neubauer restated her motion to recommend denial based on the reasons stated in the record. The motion was supported by Mr. Brnabic. Mr. Hooper restated that the motion by Neubauer and supported by Brnabic to recommend denial based on the fact that the development does not meet the PUD criteria as described during tonight's meeting and in previous meetings. He clarified that a vote of yes is in support of the motion to deny, and a no vote would mean to not deny.

After a roll call vote, Chairperson Hopper stated that the motion passed.

Ms. Brnabic addressed Kassab, noting this is a difficult property to develop, and explained that the Planning Commission sits in the middle of developers who

have rights to develop their property, and citizens who have rights to express their concerns. The Commission serves as check and balance and are required to meet criteria, regulations and ordinances, and only has discretion in certain areas. She said that she feels bad that the developer is trying to move forward and develop this property and it's not working out, but it's not working out because of what was proposed. She expressed hope that the applicant understands and thanked him.

A motion was made by Neubauer, seconded by Brnabic, that this matter be Recommended for Denial to City Council. The motion carried by the following vote:

Aye 6 - Brnabic, Denstaedt, Hooper, Neubauer, Struzik and Gallina

Abstain 1 - Dettloff

Excused 2 - Weaver and Hetrick

Resolved, that the Rochester Hills Planning Commission hereby recommends that the City Council **DENY** the Penelope's Place Preliminary Planned Unit Development (PUD), as the proposal does not meet the PUD criteria for the reasons stated earlier on the record during tonight's and previous meetings.

2026-0241 Request for Tree Removal Permit approval - File No. PTP2026-0001 - to remove 110 regulated trees and 5 specimen trees with 159 replacement trees required, for Penelope Place Apartments, a proposed development of two three-story apartment buildings, each with twenty-nine units, on approximately 4 acres of land, located at Parcels 15-30-302-034 and -036, on the southeast side of Adams Rd. and north of Auburn rd., zoned O Office Business District and subject to a consent judgment; Ziad Kassab, Penelope's Place LLC, Applicant

See discussion under Legislative File 2026-0240.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

September 15, 2026

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Denstaedt, Chairperson Hooper adjourned

the Regular Meeting at 8:55 p.m.

*Greg Hooper, Chairperson
Rochester Hills Planning Commission*

*Jennifer MacDonald, Recording Secretary
Rochester Hills Planning Department*