

approximately 22 acres, located east of Rochester Road and south of Avon, zoned R-3, One Family Residential, Parcel Nos. 15-23-201-006, 15-23-201-010, 15-23-201-011 and 15-23-201-012, Rochester Meadows LLC, applicant.

(Reference: Memo prepared by Derek Delacourt, dated May 11, 2007 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Joseph Check, Rochester Meadows, LLC, 11684 Majestic Ct., Shelby Twp., MI 48315.

Mr. Check advised that approximately a year ago, they received Tentative Preliminary Plat approval for a 47-lot subdivision. In the interim, they had been working on obtaining easements for storm detention, which they had recently completed. They were requesting a one-year extension, and he added that final engineering would be submitted shortly.

Mr. Anzek further advised that Staff had been working with the applicants in the processing of their plans, and they had been doing diligent work.

Mr. Schroeder stated that the plans had been reviewed many times over many years, and he noted the state of the economy, which he felt was a good enough reason for the extension. He moved the following motion:

MOTION by Schroeder, seconded by Brnabic, in the matter of City File No. 99-011 (Rochester Meadows Subdivision), the Planning Commission recommends approval of an Extension of the Tentative Preliminary Plat until May 17, 2008.

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

Recommended for Approval to the City Council Regular Meeting

Aye: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis, Schroeder and Yukon

Absent: Reece

Chairperson Boswell stated for the record that the motion had passed unanimously and wished the applicants good luck, adding that hopefully, the economy would turn around.

2007-0325

Request for Final Site Condominium Plan Recommendation - City File No. 05-031 - The Legacy Site Condominiums, a proposed 11-unit development on five acres, located north of Hamlin, east of Livernois, zoned R-3, One Family Residential, Parcel No. 15-22-351-004, Paul Rosati, applicant.

Reference: Memo prepared by Derek Delacourt, dated March 11, 2007 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Paul and Marco Rosati, Rosati Construction, 790 West Hamlin Road, Rochester Hills, MI and David Richmond, Richmond Engineering, Inc., 11371 Fenton Rd., Fenton, MI 48430.

Mr. Anzek stated that the applicants had received approval of their construction plans and were requesting Final Site Condominium Plan recommendation. He advised that there had been no change from the Preliminary approval, and that Staff recommended approval.

Mr. Kaltsounis asked if would be prudent to issue a Tree Removal Permit after Final Plan Approval, rather than at Preliminary or Tentative Preliminary. He noted that a Plat or Plan was approved based on a certain number of trees, but that a developer could take out all the trees and ask for extensions, and perhaps not even go forward with a development.

Mr. Anzek advised that although a Tree Removal Permit was approved at Preliminary, action was not permitted until the applicant received a Land Improvement Permit, which was not granted until City Council approved the Final Plan or Plat. The Land Improvement Permit also required fencing for tree preservation. The reason the Tree Removal Permit was done at the beginning of the process was so the applicant could not go back and continually redesign as trees changed. It was locked in at a certain point, and if trees were cut beforehand, there was an expensive fine levied.

Mr. Dettloff asked if a price point had been established for the units, and if a preliminary market research had been done.

Mr. Marco Rosati answered that they had one unit presold to Mr. Paul Rosati. They had developed a marketing plan, and had done analysis with comparables for homes in Rochester, Troy and Oakland County. They had worked with four different real estate agents to get feedback, and all concurred that their design would meet their target price of about \$210.00 per square foot. They were aware it was a buyer's market and that things were slow. They were eager to move forward because of the first presale. They had interest from others, but nothing sold yet. Once there was action on the property, it would help move things.

Mr. Kaltsounis clarified that Mr. Novitsky was the architect, and said that the last time he was present, he said he would look at dressing up the

park areas. Mr. Kaltsounis had pointed out that there were areas in the City that had parks that really served no purpose. He had asked if they could provide park benches or trails to add some flair to the development.

Mr. Marco Rosati said they fully intended to make use of the common area. They would add park benches or a conservatory. He noted that the Preliminary Plan had two detention areas but they were able to achieve one park area, with the second park as the detention area. Mr. Kaltsounis agreed it would help the development as they moved forward.

Mr. Kaltsounis moved the following motion.

MOTION by Kaltsounis, seconded by Yukon, in the matter of File No. 05-031 (Legacy Site Condominiums), the Planning Commission recommends City Council **approve** the **Final Site Condominium Plan** based on plans dated received by the Department of Planning and Development on February 27, 2007, with the following four (4) findings and subject to the following three (3) conditions.

Findings:

1. All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Final Plan represents a reasonable and acceptable plan for developing the property.
4. The Final Plan is in conformance with the Preliminary Plan approved by City Council on May 3, 2006.

Conditions:

1. The applicant submit a Performance Bond for proposed trees and landscaping of \$72,148.00, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
2. Tree protective fencing be installed, inspected and approved by the City's Landscape Architect prior to the issuance of the Land Improvement Permit for this development.
3. The applicant must post a bond for any monuments and irons not set, prior to issuance of the Land Improvement Permit.

Mr. Schroeder said he was disappointed not to see a passing lane on the Plan. He felt it would be a problem. He asked about the drive to the pond.

Mr. Richmond responded that the drive would be a grass paver type of hard surface area, so the vehicles could get to it.

Ms. Hardenburg recalled that Hamlin was proposed to be a boulevard to Livernois from Crooks, and she asked what was in the forecast for Livernois to Rochester.

Mr. Anzek said that along with the improvements from Crooks to Livernois, City Council recently authorized a design for a roundabout at Hamlin and Livernois. The taper lanes for that would come close to the approach for the proposed development. The Master Thoroughfare Plan called for the boulevard to continue from Livernois to Rochester, but there had not been as much desire for that at this point, and the need might diminish if the roundabout and the boulevard from Crooks to Livernois worked.

Ms. Hardenburg indicated that she did not live far from the proposal, and she cautioned that Hamlin Road was very backed up during the afternoon hours. She was concerned about not having a passing lane, noting the location from the intersection, and said she concurred with Mr. Schroeder.

Mr. Paul Rosati said he went in and out of the driveway every day, and he never had to wait more than 30 seconds because people let him in. Once the development was done, there would only be a few more cars because there would only be 11 units. Mr. Marco Rosati added that the traffic was heavier typically from 4:30 to 5:30 p.m., but aside from that, there was not really any back up on Hamlin.

Ms. Hardenburg stated that at Crestline, someone would wait more than 30 seconds. Mr. Schroeder remarked that the City would invite them back when their purchasers came in and demanded that the City did something about the traffic and asked for a traffic signal.

Chairperson Boswell said that regarding the passing lane on Hamlin, the Staff Report noted that the Traffic Engineer had determined it was not warranted due to the timeliness of the Hamlin Road reconstruction and widening. He asked if that was enough information or whether the Commission needed further clarification.

Mr. Schroeder said the problem was that with road funding and economic conditions, it could be many years before Hamlin was done.

The funding was allocated for after 2010, but it could be 20 years away because it was a low priority.

Chairperson Boswell asked again if the Planning Commission wished for further clarification, and Mr. Schroeder indicated that Staff had made their decision.

Mr. Kaltsounis recalled that the Commission had the same issue with an office building on South Boulevard and Dequindre. He wondered if they could ask Engineering to look at that traffic situation to help determine whether there was a need for a passing lane on Hamlin, and to establish a baseline for future decisions.

Mr. Anzek questioned whether the Commission wanted the road situation revisited with the Engineering Department. Mr. Kaltsounis thought that was good idea, and suggested that they should look at other areas of the City that had similar situations. He mentioned that he was very thankful his subdivision had access to a center lane.

Mr. Anzek advised that if the Planning Commission preferred to see a passing lane, it was in their purview to require that on the Final Plan. It was an Engineering recommendation, but a condition could be added or it could be looked at prior to the project going to Council for a final decision.

Mr. Schroeder said he had been an engineer for 52 years, and had listened to traffic complaints for over 30 years, and he knew what would happen. Mr. Anzek agreed it was probably a good idea to add the passing lane, not knowing when Hamlin would be widened to Rochester Road.

Mr. Richmond believed the Traffic Engineer thought there might be conflicts with the proposed roundabout taper lanes. Mr. Anzek said he was not present for the discussion, and he suggested that if the Planning Commission was concerned, perhaps the Engineer should re-evaluate it and come to the next meeting.

Mr. Marco Rosati said that he had talked with Mr. Delacourt and the decision was recently made - Engineering had made a recommendation. Mr. Schroeder informed him that the Planning Commission made the final recommendation.

Mr. Kaltsounis asked about adding a condition, and Chairperson Boswell indicated that they could wait for information from the Traffic Engineer as to why he did not feel it was necessary, and they could delay the vote until the next meeting. He thought it would be hard to word a condition

stating that the Commission would prefer the passing lane be added, unless the Engineer had a reason why it should not. Mr. Kaltsounis asked if he could withdraw his motion, so they could discuss it at the next meeting. Mr. Anzek said they could make a motion to postpone, and invite the Traffic Engineer to the next meeting. Mr. Staran thought that if it was a significant consideration for the Planning Commission, they should not delegate the discretion to the City's Traffic Engineer, they should ask for input, weigh it, and determine whether it was convincing or not. Chairperson Boswell said he would prefer a motion to postpone.

Mr. Kaltsounis stated that waiting for Hamlin Road to be finished was not a good decision. They had seen other projects in the CIP that had been pushed off.

Mr. Richmond asked if the plans for the roundabout had been started so they could see where the taper lanes would go. Mr. Anzek thought the City had those plans. Mr. Richmond believed that the taper lanes could interfere with their construction. Mr. Kaltsounis was concerned that something would not happen for five or ten years. Mr. Richmond thought they should look at the options. Mr. Schroeder said that after the units were created, there would be an adversarial situation with the new residents and the City. He had been through the process hundreds of times, and he did not think the City should put itself in that position. Mr. Marco Rosati said he could appreciate that, but he reiterated that Mr. Paul Rosati would be on the property. Mr. Schroeder said that did not matter, and Ms. Hardenburg observed that he might move in five years. Mr. Marco Rosati said the traffic was only heavy from 4:30 to 5:30 p.m., and he wondered if a bypass lane would really alleviate the traffic. Ms. Hardenburg added that it was very busy at 6:00 p.m. also. Mr. Schroeder said they were not there to debate the traffic, and that it was the City's decision.

Mr. Kaltsounis withdrew his motion; Mr. Yukon withdrew his second, and Mr. Kaltsounis moved the following motion:

MOTION by Kaltsounis, seconded by Brnabic, in the matter of City File No. 05-031 (Legacy Site Condominiums), the Planning Commission postpones the request to make a recommendation for the Final Site Condominium Plan until the next available meeting, in order to get additional feedback from the City's Engineering Department about traffic improvements on Hamlin Road.

Postponed

Postponed

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