



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Julie Granthen, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, August 18, 2015

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Julie Granthen, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum present.

Also present: Sara Roediger, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2015-0314](#) July 21, 2015 Regular Meeting

A motion was made by Schroeder, seconded by Brnabic, that this matter be Approved as Presented. The motion carried by the following vote:

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

COMMUNICATIONS

- A) *Planning & Zoning News (2) dated June and July 2015*
- B) *Notice of Public Hearing for Aug. 18, 2015 re: Auburn Hills Master Plan Amend.*
- C) *Landscape Plan for Commons South omitted from packet.*
- D) *Several letters from residents re: Nottingham Woods; Commons South*
- E) *Ordinance No. 177*

Chairperson Boswell explained the procedure for the Public Hearing.

NEW BUSINESS

2007-0190 Public Hearing and request for Recommendation of the Preliminary and Final Site Condominium Plan - City File No. 05-011.2 - The Commons South, a twelve-unit, single-family site condominium development on 3.98 acres, located on the north side of Shortridge, east of Livernois Zoned R-4, One Family Residential, Parcel Nos. 15-34-301-015, -016 and -017, Vaqar Siddiqui, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated August 14, 2015 and Preliminary and Final Site Condo Plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant was and Bob Lindh, Urban Land Consultants, 8800 23 Mile Rd., Shelby Twp., MI 48316.

Mr. Lindh stated that his client, Mr. Siddiqui (applicant) would like the project re-approved. It was approved about eight years go, but the economy was poor at that time.

Ms. Roediger noted that the development consisted of site condominiums located on four acres on the north side of Shortridge Ave. north of South Boulevard and east of Livernois. She advised that the property and surrounding properties were zoned R-4, One Family Residential. The plans were previously approved by City Council in 2008, but they expired, and the project was not constructed. The new plans were essentially the same; however, there were some changes to the storm water retention, which was actually for the better. Because the plan had been approved and the engineering was done, Staff was bringing it forward for Preliminary and Final Recommendation to City Council.

In terms of the site plan, Ms. Roediger stated that 12 single-family homes were being proposed, ranging in size from 2,200 to 2,800 square feet, with an anticipated price point of \$360k. The lot averaging option was used, with lots ranging from just under 10k square feet to 13.5k square feet. Donaldson Rd. would run through the development and connect to the north. There were some concerns about Donaldson becoming a cut-through road, and as part of a traffic calming measure, a speed hump was proposed at the northern edge of the development. Ms. Roediger pointed out that the Tree Conservation Ordinance did not apply, since the land was platted before the Ordinance went into effect. The applicant was proposing to preserve approximately 35% of the trees, however. She added that the plans met the Ordinances, and that she would be happy to answer any questions.

Ms. Brnabic referred to the Environmental Impact Statement (EIS) dated September 24, 2014, and observed that it had not been updated, and it was full of misinformation. She said that she was disappointed it was submitted. On page two, it said that there was an existing residential house and shed on the property, but they had been removed. It said that there was no private or public open space, yet on page six, it mentioned that there was open space provided in the northeast corner of the property, and that sidewalks would be added.

Under the Summary, it listed that the house was an eyesore, and that there was a broken shed and several lawnmowers, but none of that existed any longer. It also said that the start of construction would be in early 2006, which was for the original project. She stated that she would like to see the EIS completely updated before it went to City Council, because she wondered what other misinformation might have been given. She asked if the units would sell from \$360k to \$460k. Mr. Lindh felt that was the current market, but he was not sure in a year if it would be higher or lower.

Mr. Yukon noted that the packet did not include elevations. He asked Mr. Lindh if he could describe the detached condos. Mr. Lindh pointed to some renderings of the homes he had brought with him. They would have two-car, front facing garages and brick veneer all the way around to match the surrounding homes. Mr. Yukon asked if there would be ranches and colonials, and Mr. Lindh believed there would be mostly colonials. The lots would be sold to a few builders, and they had not really decided on the homes, and they were just trying to get the project approved for construction.

Mr. Yukon asked if, with the current housing market, there really was still a market for homes priced that high. He asked if they were selling. Mr. Lindh said that he did not know the Rochester Hills market, but in Shelby Twp., where most of his work was, it had tapered off a little, and they would have to see what happened. He had some clients in Oakland Township waiting in line to buy lots. Mr. Yukon asked if there was interest in the proposed location. Mr. Lindh believed so. He had clients asking where they could get lots.

Mr. Kaltsounis observed that the City was close to being built out. He used to live in the area, and he believed the plat was developed around the 1920's. He appreciated that the developer was going to try to save 35% of the trees, but the fact that the developer could take out every tree because it was pre-platted was something he felt the City should look at changing. He looked at the plans, and there were a lot more trees that could be taken out because of the Ordinance, which, he felt, was out of date.

Chairperson Boswell opened the Public Hearing at 7:13 p.m.

Nick Daniels, 799 Monterey Lane, Rochester Hills, MI 48307 *Mr. Daniels said that he lived to the northwest of the development. He had submitted a letter and short video for the packet, and he said that he hoped everyone had a chance to review it. He motioned to the audience, and said that there were neighbors from Hickory Ridge and Shortridge Estates in attendance, and he asked them to stand and be recognized. He also had permission from other neighbors who could not make it to speak on their behalf. He said that Ms. Brnabic hit the nail on the head with the EIS. It seemed to be about ten years old, and he asked that an updated one be prepared. The current EIS indicated that the property had no scenic features, and no plant or wildlife, and he disagreed. He felt that just the opposite was true. The property offered a natural, scenic and tranquil setting that, with all due respect to the owner, would change the noise and pollution in the area from development and the increase in traffic. The subject property had an abundant amount of vegetation and trees, and the trees were decades old. There were very large oaks, willows, pines and*

apple trees. He indicated that the peaceful and scenic setting would be replaced by home ownership. He invited everyone to come over and sit on his patio and see how quickly they would forget they resided in a very heavily populated, suburban community. He asked the Commissioners to look out the windows of the auditorium, explaining that it was the same view he and his neighbors had looking out their windows. He stated that there was no doubt that the removal of trees, especially for unit five, would have a huge impact on the scenery, noise, pollution and wildlife. He was convinced that the wildlife would be driven from the area. He pointed out the subject property surrounded by homes, and within a half a mile was M-59 and Rochester Rd. He said that he was not suggesting that the wildlife did not prance across people's yards and across those roadways, but he felt that for the most part, it was their habitat, and they came and went as the season evolved. He mentioned deer, fox, coyotes, a family of hawks and owls, squirrels and all kinds of birds. In addition to more traffic, he thought that there would be an increase in people trying to cut through or speed through the area. The Hickory Ridge subdivision was relatively new, and it had young families and children. During most nights during the summer, people were jogging, biking and walking, working in their yards and there were children playing. Despite all the obvious signs to slow down, he claimed that there was a serious problem with speeders. The subdivision Association had asked the County to do a traffic study to see if they could get some speed bumps up and down Monterey Lane. He did not think that by extending Donaldson that it would help with the issue. In a perfect world, he thought that all parties could come together and agree that the City might purchase the property and turn it into a natural park. If that was even a remote possibility, he asked to be advised, and he would be happy to do the busy work to rally support or make it happen. Otherwise, he thought that they needed to preserve the trees around the perimeter of the property. He did not believe that the current site plan accomplished that. Trees reduced noise and pollution and provided a habitat for animals and a natural barrier between homes and between subdivisions. He felt that there had to be a way they could keep the trees around the perimeter and still allow for development. He saw it as a two-tiered process. If the owner came forward and said all the trees would be kept around the perimeter, then they had to restrict the individual homeowners from removing all the trees on their own property. He acknowledged that some people might not agree, because they liked the open space. He observed that one of the reasons people came to Rochester Hills was to get extra green space and wooded lots. If they started packing in homes in subdivisions, like other cities did, Rochester Hills would be treated like other cities. The City was called "the Tree City," and he would like it kept that way. He felt that Donaldson should be dead-ended, which he felt would help with people cutting and speeding through from the greater area. He concluded that if there was anything he could do to be of assistance, he would not hesitate to help, and he hoped the Commissioners took their concerns seriously.

Chris Ryan, 775 Monterey Lane, Rochester Hills, MI 48307 Mr. Ryan said that he did not have a lot to add to Mr. Daniels' statement. He lived on the corner of Monterey and Donaldson. He had a two-year old son who sometimes got close to the road. Part of Hazelton was a dirt road, and with the extension, all the traffic would go down the new paved road right in front of his house, and he was concerned about that.

Michael Mazowita, 750 Shortridge Ave., Rochester Hills, MI 48307 Mr. Mazowita asked Ms. Roediger to put up the aerial photo. He said that he lived on the southwest corner of Shortridge Estates near the proposed detention pond. Regarding tree removal, on his southeast property line, there was a large tree with tag number 1386. It was not listed in the tree survey, and he wanted to ensure that it was not cut down or trimmed for the pond. Regarding hours of operation, he wanted to make sure that normal hours were held, along with no work on Sundays. He was the President of the Homeowner's Association, and their by-laws did not allow loud work on Sundays - such as bobcats, bulldozers, etc. - although someone could cut a lawn. He was trying to placate his neighbors so there was no work on Sundays. He said that he did not see any dust control measures in the plans, and he wondered how the dust would be controlled. He said that he understood the process. A builder would take a foot off the topsoil and sell it, but there would be dust left. He claimed that he would get a majority of it, and there would be dust in the screens, air filters and vents. He passed out written comments to Chairperson Boswell.

Matt Gagliardi, 787 Monterey, Rochester Hills, MI 48307 Mr. Gagliardi agreed with Mr. Daniels' comments. He said that a lot of trees in unit five would have to be taken out, which would be about 30 trees to put in one home. It did not make sense to him, and he had a hard time believing that it was the only site plan that could be used that saved trees. He realized that the land was platted a long time ago, and he agreed with Mr. Kaltsounis that the Ordinance needed to be updated to better reflect what the City wanted. It seemed a little counterintuitive, especially when the Mayor created a new program this year called One Tree One House, and they were trying to plant more trees, yet the proposal took out 30 trees for one home.

Bernie Blumentritt, 2027 High Splint Dr., Rochester Hills, MI 48307 Mr. Blumentritt said that he had no further comments.

Jeff Shoemaker, 761 Shortridge, Rochester Hills, MI 48307 Mr. Shoemaker noted that he did not live in either of the new subdivisions. He lived at the southeast corner of Shortridge and Donaldson. He was most concerned that if Donaldson was going to continue north, that a speed hump in the north end of the development would do nothing for those people to the south. He thought that everyone would cut through the proposed development. He stated that Livernois traffic had been miserable from 4:00 p.m. until 6:00 p.m. since they moved in long ago (before any of the three subdivisions were proposed). It was rustic and quiet, and Shortridge was a dirt road. He knew that he could not stand in the way of progress, and he did not want to do that, but he would like to see a three-way stop at the corner of Shortridge and Donaldson. Shortridge to the west was a dead end, so he did not think it might be necessary for a stop in that direction, but there were small children in the neighborhood. He assumed that with a new subdivision, that there would be a lot of small children. He commented that he would be staring at a retention pond, and he did not want to stare at that for the rest of his life. He suggested that if there was a way it could be screened with shrubs that it would help him a lot.

Chairperson Boswell closed the Public Hearing at 7:30 p.m. He indicated that

most of the discussion was about the loss of trees. Lot five had been a major concern, and he asked Mr. Lindh if all the trees were coming out.

Mr. Lindh did not know. There would not be many taken out to put the road in, but it would be up to the builder or homeowner to pick which to save or cut down. Chairperson Boswell realized that, but he noted that there were a great amount of trees there, and he wondered if the plan was to take them all out.

Ms. Roediger referred to sheet 3, which was the Tree Survey. There were areas shown surrounded with dotted lines. Those were areas of tree protective fencing. Chairperson Boswell asked how many trees the applicant would be putting in. Ms. Roediger advised that the Ordinance required that every home had to have a street tree, and there would be detention pond landscaping. There was not a replacement ratio required. There would be 12 deciduous street trees, four evergreens, six additional deciduous and 15 shrubs around the detention pond.

Chairperson Boswell mentioned traffic, and he noted that the City would pay half for speed humps if a Homeowner's Association paid half. It had been done in several subdivisions. Regarding Donaldson going through, he explained that it had been the policy since Rochester Hills was Avon Township to interconnect subdivisions. The next item on the agenda showed a road dead ending to the property next to it in case of future development. He stated that it had always been the City's policy to connect neighborhoods. Regarding a three-way stop at Shortridge and Donaldson, Ms. Roediger said that she spoke with the City's Traffic Engineer, and he felt that the project could benefit from other speed humps. As far as traffic signage, it was the City's policy that once a development was in, Engineering would monitor traffic movements and establish what type of signage was needed, if any. She thought that there would definitely be stop signs installed, but it was too soon to comment until a complete review was done. Chairperson Boswell presumed that there would be stop sign at the T-intersection at Donaldson and Shortridge. Ms. Roediger believed that there was currently a yield sign.

Chairperson Boswell went back to the tree issue. He said that he had told the story before, but when he moved to town over 40 years ago, he bought an old farmhouse on an acre surrounded by an apple orchard. Within a couple of years, there was not an apple tree anywhere except one in his backyard. Within four years, there were a couple of hundred houses around him. Hickory Ridge used to be trees also, and the trees were taken down. As far as the Tree Ordinance and changing it, as Mr. Kaltsounis suggested, Chairperson Boswell agreed that perhaps they should, and they would look into it. The spirit of the Ordinance still stood, even if a particular piece of land was not subject it. They liked to save as many trees as possible.

Hours of operation had been mentioned, and Chairperson Boswell assumed that the applicant would not work on Sundays. Mr. Lindh said that it would depend on the contractor, and he was not sure of the timetable. They would probably not get permits until the end of the year, and they might start in early spring. Chairperson Boswell noted that dust was another concern, and he asked Ms. Roediger what the City did to control that.

Ms. Roediger said that as part of the construction review process, Engineering did an elaborate review, and they required dust mats and other measures to help minimize dust during construction. Staff would be on site during construction to ensure that any problems were addressed. Any adverse impacts to the neighborhood would be restored to current standards.

Mr. Hooper said that he did not see tree 1386 on the plans (as mentioned by Mr. Mazowita). He asked if it could be identified or made a condition. Ms. Roediger wanted to make sure it was one of the applicant's tags. Staff would make sure that they would make every effort to preserve any trees along the property line. Mr. Hooper added that there could be no utility easement or storm sewer in conflict.

Mr. Hooper said that the City allowed hours of operation to be six days a week, 7:00 a.m. to 7:00 p.m. There was no work allowed on Sunday except by written permission by the Mayor. In regards to dust control, Engineering and Building enforcement officers were responsible to oversee it. Mr. Hooper indicated that there was no guarantee that a development would be dust free, but Staff would ticket an offender if something happened.

Mr. Hooper said that he agreed with all statements about traffic control. He advised that there had to be a recommendation to City Council by the Advisory, Traffic and Safety Board, which was made up of residents of Rochester Hills, about whether to enact additional traffic control measures.

Regarding the screening brought up by Mr. Shoemaker for the south side of the pond, in looking at the proposed landscaping plan, Mr. Hooper would agree, and he suggested that a couple more non-deciduous trees be added along the south edge of the pond.

Mr. Hooper stated that he had had the pleasure of serving on the Planning Commission since 1998 - only Chairperson Boswell had served longer. They had seen many developments over the years, and it had given him much perspective. They were on the Planning Commission when Hickory Ridge was approved. The issues raised at the meeting were the same ones raised for that development - tree removal, wildlife, new neighbors, noise, traffic, etc. Mr. Hooper advised that the Tree Conservation Ordinance was enacted in 1988 as a direct result of tree removal in Rochester Hills and for future development in the City. In 1988, there were about 40,000 residents and there were now 72,000. When the Ordinance was enacted, Mr. Hooper had recently moved into the City. The issue was debated about the balancing act of preserving trees and preserving personal property rights. It was determined that the 37% ratio was a fair balance to allow personal property rights and to provide natural features for the property owners and the neighbors to enjoy.

Mr. Hooper noted that Mr. Daniels had mentioned the City purchasing the property. Mr. Hooper related that the City had a Green Space Millage that was passed about ten years ago. Typically, the property purchased by the Committee had natural features such as wetlands, woodlands, and it was adjacent to the Clinton River. He commented that it took two to tango to

purchase property. The property owner had to be willing to sell, and the City had to be willing to buy, after arriving at a fair price. He also served on City Council, and a situation had arisen recently where a property owner offered property for purchase, but Council determined that the price was not reasonable for the taxpayers. He did not want to rule it out, but he was informing of the mechanism for the City to purchase property.

Mr. Kaltsounis said that Ms. Roediger talked about saving trees around the perimeter and silt fencing. He did not see how any trees could be saved in the detention pond, and he asked if that was a fair statement. Ms. Roediger said that it would depend on the grading, but the trees within the pond would have to go. The applicants could not go onto neighboring properties, but if there was a tree on a property line, they would have to see what they could do to save it. The root system had to be taken into account. Mr. Kaltsounis said that he would add a condition about tree 1386 (name to be identified and evaluated by Staff). He said that seeing the tree perimeter fencing versus a lot of developments in the area, it was typical that no permit was required. He noted that part of the big stand at the top of the development would be saved; the stand on the east would be saved and also the stand in the middle to the west would be saved. As for the retention pond, he asked what type of buffering was required.

Ms. Roediger said that the Ordinance required one evergreen, one-and-a-half deciduous trees and four shrubs for every 100 linear feet around the top of the basin. Based on the size of the basin, they would need four evergreens, six deciduous and 15 shrubs, which were shown on the proposed landscape plan. Mr. Kaltsounis asked if some more shrubs could be added across the southern part of the basin, which would help with headlights, too.

Mr. Lindh agreed that they could take a look at that. They had to make sure they did not obstruct the clear vision up and down the road at maturity. Mr. Kaltsounis asked Mr. Lindh if he would be willing to work with Staff on the details, and Mr. Lindh said they could come up with a plan. Ms. Roediger noted that the City had foresters on staff she worked with, and she would work with Mr. Lindh to identify screening. Mr. Lindh mentioned that he worked with a consultant on another project, and they were able to move some utilities to save some trees. It came out better than proposed, and he commented that he wanted to make this a win-win situation.

Mr. Kaltsounis said that he used to live on Hazelton, and he said that he was on the Planning Commission because of the residents. He used to walk on Shortridge. The residents in the area got letters about developments going in the area, especially for Shortridge Estates, and they were concerned about the traffic and all the same issues. He assured that for his time on the Commission (13 years), the Board had done a lot of things to fix issues and make things better. That was why a lot of the Commissioners were there. He commented that there were laws, such as takings, where the Commission had to walk a fine line. They had to walk a fine line when Hickory Ridge was happening. When it went in, it changed the feeling of the entire area. The Commissioners did their best to make sure that everything was good for everyone. He used to have traffic problems going down Hazelton, and when it got paved, it became a

cut-through. He said that he knew what the residents were going through. He would definitely be in favor of a stop sign at Shortridge. He said that he felt for the residents, and said that he had been in their shoes, but he also saw the other side of the fence. He assured that the Commissioners were doing everything they could to make the City safer and better.

Mr. Reece stated that he was concerned about lot five. He would like to see something done with it, although he doubted the reality of it being eliminated. He would like to see the developer work with the property owner in lot 20 of Hickory Ridge if the property owner would agree to have some trees transplanted on his property to compensate for the trees being removed. There were a fair amount being saved on the western side, but he would like to see some added to compensate. Mr. Reece believed that there was a swale and utilities where trees could not be planted on the proposed property. It appeared that there was a storm sewer that ended close to the western property line, which would give an opportunity to work with the neighbor to plant some trees to help with the view. He agreed with Ms. Brnabic that the EIS needed to be updated. He was almost of the opinion that it should come back to the Planning Commission first. He acknowledged that it would not change significantly, but he would prefer to see it before it went to Council. He agreed with Mr. Kaltsounis about a stop sign at Shortridge and Donaldson, which he felt was critical. He added that it should be reviewed prior to final approval of the plan.

Mr. Schroeder said that there was a comment about a cul-de-sac for the road. He said that the problem with that was a great public concern for fire and police access. With a cul-de-sac, it would be a dead end road, and he stated that there should always be at least two accesses for fire and police.

Mr. Kaltsounis asked Mr. Lindh if he would be willing to approach the neighbor to the north to work with them on tree planting. Mr. Lindh thought they could come up with an agreement. He asked if the City would consider changing the side yard setbacks for that lot. They could move the house further to the south and have more green space to the north. Mr. Kaltsounis asked if the houses would go all the way back to the setback line. Mr. Lindh said they would not in the rear, because the footprint would be too large and not be compatible with the rest of the neighborhood.

Mr. Kaltsounis thought that the size of the building envelope had to be adjusted for lot five to account for the trees being saved. Ms. Roediger said that the side yard setbacks could not be adjusted without going to the ZBA. In terms of adjusting the building envelope, she was not sure what the applicant proposed, but it might get too narrow. Mr. Reece felt that he would rather see lot five left as is if it was not going to be eliminated, because it would be more developable. He really was only talking about five to seven trees, which would not break the bank versus pushing lot five to where it was too small to put a valuable-sized house on it. He thought that was the compromise in terms of a win-win for everyone, because the property owner's view would be impacted. Mr. Lindh asked if that would be done by the developer or the builder. They would not know where to plant the trees until they knew where the house was going. Mr. Reece said that it had to be done now because once they started, the applicant could get a Land Improvement Permit, put in utilities and take the vast majority of the trees out.

He would rather see it done ahead of time especially if it sat for a year before homes were built. The developer should put them in with some form of an agreement granting a settlement check to the owner of lot 20 so he could do it himself or the developer should get it done. That would have to be worked out between the developer and the property owner. He would like to see it done now rather than waiting for a builder, because regardless of what the builder did, at least the property owner would be protected. Mr. Lindh said that they would address that and get recommendations for species. Mr. Reece stressed that the Commissioners always told developers to get with the neighbors and get an equitable solution so that when a project came before them, the issues were already worked out.

Mr. Schroeder said that in his 40 years in the City, he had lived through development and the growth of the City. He had farms around him, and he could hear chickens in the morning. Tienken was a gravel road, and Walton was a little two-lane asphalt road. He also saw wrong things happen. He recalled that in Great Oaks West, there was a connection road, and the citizens got it closed. The first winter, there was a snowstorm, and people tried to get out and they got stuck. People were not able to get out of their subdivision for a good part of the day. He cautioned that there really needed to be alternate accesses so that type of thing did not happen and so snowplows could go through. He asserted that it was a better situation than pushing snow up at one end of a cul-de-sac.

Mr. Kaltsounis summarized that there were a lot of items the Commissioners would like to see again, so he suggested taking out the final plan recommendation of approval and just consider it as preliminary. It would come back with changes. Ms. Brnabic said that she seconded that. Mr. Kaltsounis said that he appreciated all the residents coming and giving their thoughts, and he wanted to make sure the Commission did a thorough job. He indicated that the items were not very big, but they wanted them to be finalized so they could feel very certain. He moved the following, seconded by Mr. Schroeder.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 05-011.2 (South Commons Site Condominium), the Planning Commission **recommends that City Council approves the Preliminary One-Family Residential Detached Site Condominium Plan** based on plans dated received by the Planning Department on July 22, 2015, with the following five (5) findings and subject to the following thirteen (13) conditions.

Findings

1. *Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.*
2. *Adequate utilities are available to properly serve the proposed development.*
3. *The preliminary and final plan represents a reasonable street layout.*
4. *The Environmental Impact Statement indicates that the development will*

have no substantially harmful effects on the environment.

- 5. Remaining items to be addressed on the plans may be incorporated on the Preliminary and Final Condominium Plan without altering the layout of the development.*

Conditions

- 1. Inspection and approval of tree protection and silt fencing by the city prior to issuance of a Land Improvement Permit.*
- 2. Submit a landscape bond in the amount of \$6,100, plus inspection fees for landscaping and replacement trees as shown on the landscape plans, prior to issuance of a Land Improvement Permit.*
- 3. Payment of \$2,400 into the tree fund for street trees prior to issuance of a Land Improvement Permit.*
- 4. Submit an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.*
- 5. Approval of all required permits and approvals from outside agencies, prior to obtaining a Land Improvement Permit.*
- 6. Compliance with all applicable comments from the staff memos (Planning, Engineering, Fire and Parks and Forestry), prior to final approval by staff.*
- 7. Obtain a soil erosion permit from the Oakland County Water Resources Commission, prior to obtaining a Land Improvement Permit.*
- 8. Label Cover Sheet as "Preliminary and Final Site Condominium Plan," prior to final approval by staff.*
- 9. Approval of the proposed Master Deed and Bylaws by city staff and attorney.*
- 10. That the Environmental Impact Statement be updated to be presented to the Planning Commission at Final Recommendation of Approval.*
- 11. That tree #1386 (old name) be identified and evaluated by Staff to potentially save, prior to Final Recommendation of Approval.*
- 12. That deciduous trees be added to the south end of the detention pond for screening, as approved by Staff, prior to Final Recommendation of Approval.*
- 13. That the developer works with the homeowner in lot 20 of Hickory Ridge to work out a plan for trees to be added to lot 20, as approved by Staff, prior to Final Recommendation of Approval.*

Mr. Reece asked if a condition could be added about traffic calming devices, but Chairperson Boswell advised that it was something the City would do, not the applicant. He agreed that Staff could look into it.

Mr. Schroeder said that he had done hundreds of traffic studies in Rochester Hills and in Troy in the last 50 years. He had found that what was perceived as cut-through traffic, in almost all cases, was really from the residents of the subdivision. Troy kept a record, and it showed that 94-98% of the speeding tickets went to internal residents. He clarified that traffic bumps were different than traffic humps, and traffic humps were effective and not as dangerous.

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

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

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

2015-0224

Public Hearing and request for Preliminary Site Condominium Plan Recommendation - City File No. 15-004 - Nottingham Woods, a proposed 17-unit, single-family site condominium development on 8.5 acres, located on the north side of Hamlin, east of Livernois., zoned R-3, One Family Residential, Parcel Nos. 15-22-376-004 and -005, Vanguard Equity Management, LLC, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated August 14, 2015 and Preliminary Site Condo Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Michael Park, Giffels Webster, 6303 26 Mile Rd., Suite 100, Washington, MI 48094.

Ms. Roediger summarized that the proposed project was on almost nine acres on the north side of Hamlin, west of Crestline. There were two parcels zoned R-3, One Family Residential, and the site was surrounded by R-3 zoning to the south, east and west and R-4 zoning to the north. The request was for a recommendation to City Council of the Preliminary Site Condo Plan. The applicant was proposing 17 custom, single-family homes with a price point of approximately \$500k. Sample elevations with high quality materials, similar to other developments throughout the community, had been provided. The applicant was using lot averaging with lots ranging from 12k square feet to 21k square feet. The Tree Conservation Ordinance did not apply to the site, as it was previously platted. There would be a 9% preservation of the trees, but Staff had asked the applicant to save as many as possible, and they were committed to adding trees. A stub road to the west was shown for future development.

Mr. Park stated that the site plan showed 90 foot wide lots. Due to the terrain and the elevation of the existing sewer and utilities, he claimed that it was the best layout they could provide. There was tree preservation on the east side. The developer did recognize that trees were an asset, although the grading would not save as many as they would like. He said that they were open to any

recommendations.

Ms. Brnabic referred to page three of the Environmental Impact Statement, which said that construction activities would not take place during day time hours to avoid disturbing nearby residents, and that construction materials would be scheduled for delivery during non-peak traffic hours. She wondered if they would be working in the middle of the night. Mr. Park said that it should have said that construction would be during the day time, and deliveries would be during non-peak traffic hours. Ms. Brnabic clarified that they would honor the City's required hours of operation of 7:00 a.m. to 7:00 p.m.

Ms. Brnabic asked if the square-footage range of the homes would be between 1,200 and 3,600 square feet. Mr. Park said that 1,200 was the minimum size required, but the homes would be from 2,000 to 3,600 square feet. Ms. Brnabic asked the possible vision for the parcels to the west. Mr. Park said that he had no knowledge of those parcels; there was a different owner.

Mr. Kaltsounis asked if lot averaging was used only when a developer gave up open space. Ms. Roediger explained that with lot averaging, a lot width or area could be 10% less so there were not monotonous parcels. The density would not increase, because the average of the lots had to equal the minimum for the zoning district. Mr. Kaltsounis thought that it was used when open space was offered, but Ms. Roediger explained that there were open space or cluster developments, but they were different than lot averaging.

Ms. Brnabic noted that the Survey Technician did not recommend site plan approval. He said that there was insufficient information with the geometry. Ms. Roediger said that it was a technical review that would be addressed as they went forward. It would not change any of the plans, and she agreed that it would need to be corrected on the updated plans.

Chairperson Boswell opened the Public Hearing at 8:23 p.m.

Paul Schira, 227 Parkland, Rochester Hills, MI 48307 Mr. Schira advised that he was President of the Sycamores Homeowner's Association. He noted the 9% tree preservation, and said that he realized that one of the properties had very little, if any, trees. The applicant said a tree line along the east side would be provided, but there was no mention of the north side, which was where his property was. He said that there would not be a buffer zone, and he was concerned about that. Mr. Schroeder had mentioned that a cul-de-sac would not allow two accesses from a site. It worried him that the proposed road would dead end into a property, and there would be only one entrance. He guessed that would be something for the developer to worry about. He understood that the working hours would be 7:00 a.m. to 7:00 p.m., but he did not know why Saturday was included, because the residents loved to have their weekends. He concluded that his main concern was the destruction to the properties along the north line and buffering. He asked if there would be a tree line or fence along the northern property, although fences were not allowed in his neighborhood per their By-laws.

Dean Sanborn, 699 Parklnad Dr., Rochester Hills, MI 48307 Mr. Sanborn noted that he lived just northwest of the northwest corner of the proposed development. He stated that he had some major reservations about the development, and that the removal of 90% of the trees was very concerning to him. Many of the trees were the largest trees in the area. He appreciated trying to replace them, but it would be generations before they had that tree line back. There was quite a bit of wildlife on the site, and he liked to sit on his deck and watch the deer and coyote come through. With this development, and the one south of Hamlin, east of Livernois, he was not sure where they would go. The trees blocked a lot of the sound from Hamlin Rd. If they took most of them out, there would be a sound tunnel back to his neighborhood. He lived in Avon Hills, and their Association also did not allow fences. They were concerned that the land behind them would be developed, and it would be tight. He did not know where they would put trees, because there were utilities directly overhead. He did not know why they needed such a glut of new homes in the area. He noted that there were 500 homes for sale in Rochester Hills. He realized that the housing market was looking up, but there were a lot of new developments that were not even listed for sale yet. He realized that the area had once been undeveloped. He grew up in White Lake across the road from a corn field. It was now a giant shopping center. However, just because areas had been developed, he did not think that they should continue to be. His biggest issue was with the economic impact. The plans said that the homes would be similar to adjacent properties and would start at \$500k. He purchased his home six months ago for \$220k. Most of the homes in the area went for \$200-\$350k. He was concerned about what the home values would do. He moved to Rochester Hills because of the green spaces and the chance to raise a family in a family atmosphere that was not like a Madison Heights or Royal Oak with people on top of each other, and that was another concern.

K. Rao, 6212 W. Hamlin Rd., Rochester Hills, MI 48307 Mr. Rao said that he had a lot of concerns about the west part of the property. He read from a prepared statement: The development of the parcels was a problem for he and his wife. He was worried about his privacy, the value of his property and his personal life. The Planning Commission and City Council had taken great interest in the area east of Livernois and north of Hamlin. The nearby Legacy development had two homes constructed in the last two years and only one sold. In the name of public interest and progress, the widening of Hamlin was initiated. With this progressive concept, Hamlin had lost 80+ trees that were 30 to 60 years old. Basements and front yards were flooded. The value of the properties had gone down. The sound pollution had doubled and, in some cases, tripled. Strangers could see through the front door into their homes. Neighbors had planted sunflower plants to keep some privacy. Presently, there was an existing wooden fence extending north to south between his lot and the subject lot to the east. He was asking to keep that fence undisturbed; it existed prior to this concept and should be left alone even after development. If not, they feared that their back yards would become a playground for the residents and their pets who resided at the condos, an estimate of about 100 people. They did not want their back yard to turn into a recreational field for strangers. For those reasons, they would like to keep their privacy of what was left of their space with a permanent barrier between the lots. He concluded that he hoped the Commissioners would take their wishes into consideration.

Alex Kiwior, 1860 Crestline, Rochester Hills, MI 48307 Mr. Kiwior said that he purchased his 3.2 acres in June 1976. His west property line of 670 feet bordered the proposed development. When he moved to Avon Township, Hamlin Rd. was a tree-lined dirt road, and there was only one other house on Crestline, which was then a dead end street. Since then, Crestline had been converted to a heavily traveled, cut-through street. Large subdivisions had been added to the north and south of him. A new subdivision was planned for the east of him and Nottingham Woods was proposed for the west side of him. Hamlin Rd. was being widened to a boulevard width. He said that he only became aware earlier in the day that the packet was available on line, and he had not had sufficient time to review it. He had concerns about the increased housing density. He asked the Commission members to serve prudently to keep the resulting noise and congestion issues to a minimum. He claimed that the southeast monument marker was not there any more, and it had been bulldozed. His east monument was gone also. He observed that the first 200 feet of the entrance into the subdivision had a road running along his property line and then it diverted back into the middle of the subdivision. It seemed a little strange to him to have a road on both sides of his property. He pointed out that Mr. Hooper mentioned that usually 37% of the trees were saved, and in this case, it was only 9%. Mr. Kiwior claimed that equaled 1,583 trees to be cut down. He agreed about the wildlife and not knowing where it would go. He stated that he looked forward to participating in the follow-up meetings.

Kathy Brown, 675 Parkland, Rochester Hills, MI 48307 Ms. Brown said that she and her husband bought their home a year-and-a-half ago. Their backyard abutted the proposed development. They felt that an irrigated berm or privacy fence should be erected by the builder, because their backyards were only 35 feet deep. Their deck was 20 feet from the property line. It looked as if the developer planned 35-foot setbacks, which would put their decks only 40 feet away from each other. There would only be four or five houses to the north that would not have any trees or ponds. Their concern was that the four properties on Parkland would be used as a walk through for people trying to get from Nottingham to their subdivision. She felt that was a legitimate concern, because there would be no buffer, but the rest of the area would have one. They would like to see something put up that would protect them. She had been in Rochester Hills for two years, and they only saw two houses erected in the Legacy. She stated that it would be a long, long process for Nottingham, and she wondered what would protect her property during all the years of construction. There would be digging 20 feet from her deck. They were concerned about workers looking in their back windows. In the Sycamores, everyone had common areas except for her and her neighbors, because the farms were the commons area. Now the farms were being taken away, and they were concerned that the value of their property compared with the other homes in the neighborhood would decline. They would not have the breathing room that people liked. They moved from Royal Oak, because everyone was on top of each other there. Rochester Hills was noted for the green space and good family orientation, and they were very happy to move. They were also worried about the placement of floodlights, garage doors, trash receptacles and things like that, and they did not want them in their backyard. If they could buy 10 feet from the developer, they would.

Shirley Gower, 663 Parkland, Rochester Hills, MI 48307 Ms. Gower said that her concerns had mostly been presented. She asked if the homes were to be built at one time or as purchased. If they were built at one time, she commented that at least the dirty work would be over sooner. If it were to be one at a time, it would be an ongoing thing, and they would be living with dust forever. She also had nothing behind her home as a barrier, and she would like to see some trees planted to divide the properties.

William Hewett, 722 W/ Hamlin, Rochester Hills, MI 48307 Mr. Hewett said that his home was built in 1806, and they worked very diligently to maintain the grounds and the home. They bought it about 19 years ago, and they loved the area. They just allowed the pathway to go through on Hamlin, and it took down many trees. Some others had not been very happy with it. He said that his main concern was that he knew nothing of the meeting until two days ago, and many of the neighbors also had no knowledge of the meeting. From the standpoint of what was right and fair, he felt that the decision should be set aside until the people of the community really knew what was taking place. He did not think it should be just to have new taxpayers, but to have what fit in the community and to keep the lifestyle for people who moved into the community.

Luard Mandija, 711 Parkland, Rochester Hills, MI 48307 Mr. Mandija said that most things had been covered: the wildlife that would be removed by the development; the changes in the tree structure on half of the proposed development; and the dust and construction concerns. He asked why they were overcrowding the City. Earlier, he heard someone say that 30 years ago, there were 40k people and now there were over 70k. He asked where it stopped, and that was a concern of his. He said that he grew up in a city where there were no trees, and he moved to Rochester Hills because of that. He did not want to live in Madison Heights or Troy or any other over populated neighborhood. He did not think that the proposed homes fit the neighborhood, and they would not be something he would expect to see out of his back yard, where there was a field now and where there had been horses in the past.

Jennifer Goldstein, 722 W. Hamlin Rd, Rochester Hills, MI 48307 Ms. Goldstein noted that she lived in the beautiful home where the totem poles were, and it was her great pleasure to maintain the beautiful grounds that Mr. and Mrs. Hewett owned. She had been there for two-and-a-half years with her family. She said that she borrowed cups of sugar from her neighbors and had a very congenial relationship all up and down the street. People might think that a busy road might not be as community-minded as it was, but the neighbors shared bonfire evenings and sugar and talked about their children, and it was a communal thing. She was very surprised to learn about the impact to the road and the community two days ago. She went around the neighborhood, and not a single person, except one two houses down had received any information. She felt that there should be better communication and a chance to discuss things. She asked what the hurry was. With all of the homes going up and the huge road project that was definitely impacting the wildlife (she was the one who planted the sunflowers), she wondered if there was a way to slow things down, take a deep breath and give the community a moment after losing all the trees in their front yards. She realized that change happened, but she wondered again

if it could be slowed down.

Chairperson Boswell closed the Public Hearing at 8:50 p.m. He referred to the communication question and people not knowing the project was happening. He advised that Public Hearings had to be noticed at least two weeks in advance. Any resident within 300 feet of a project was sent a letter by the City. He felt that the City did a good job of advertising projects.

Chairperson Boswell said that several people asked for some type of buffering along the northern property line, but there was an easement behind lots 10 and 11. He agreed that 9% preservation was a little disappointing.

Ms. Roediger responded that along the north property lines, lots 9, 10 and 11 were essentially where the field was shown. The bulk of the trees were on the easterly portion of the property. The eastern portion was a natural place to save some trees, but because of the drainage of the site, the grading and where detention ponds were located, it made preservation of the trees difficult, if not impossible. The applicant did propose, per Staff's urging, a conservation easement along the east property line, because there would be lots that backed up to properties with trees that could be saved. There were really not any trees to be saved on the northwest corner of the property. Staff had challenged the applicant to preserve whenever feasible and to propose a replanting plan to help make up for some of the lost trees. Chairperson Boswell had looked at the tree conservation easement, and it appeared that more than 9% of the trees would be saved, but Ms. Roediger said that unfortunately, that was not so.

Chairperson Boswell brought up Mr. Rao's comment about a fence, but there did not appear to be one on the drawings, and he wondered whose property it was on. Mr. Park said that it was right on the property line. Mr. Hooper pointed out that it was on sheet 05. Ms. Roediger said that on sheet 02, it said that the existing fence was to be removed, and on the east side, it showed a wood fence that was not indicated for removal. Her understanding of the plans was that the fence along the east property line would remain and the fence along the west would be removed. She felt that the applicant should work with the adjacent property owners to determine the desire to keep the fences or not.

Chairperson Boswell asked Mr. Park if all the homes would be built at one time or spread out over time. Mr. Park believed that they would be built as they were sold as semi-custom homes. Chairperson Boswell asked about the concern that the houses were over priced for the area, especially since the Legacy had not been able to sell homes. Mr. Park said that he could not really answer, but he was sure that the applicants had done their due diligence in looking at the market. Chairperson Boswell realized that Mr. Park was not a real estate agent or economist, but if homes to the north were selling for \$220k, and the Legacy had only sold two, he felt that it should tell them something.

Mr. Hooper stated that he did not feel that the fence on the west should be removed. It appeared to be mostly off the property line. He would also leave the east fence. For the north property line, there would be a storm sewer eight feet off the property line, so it might preclude a fence.

Mr. Hooper disclosed that he had lived in the Sycamores subdivision since 1988. He had spent time with Mr. Kiwior on various issues over the years, and he knew Mr. Schira. The Sycamores was built as an open space sub. It allowed the lots to be slightly smaller in size, and the trade off was that the trees on the east side of Crestline, north of Parkland were saved. When his subdivision was developed, there was extensive tree removal. Regarding home values, he agreed about the Legacy. Originally, when the developer came before the Planning Commission, he said the price point would be \$750k. Mr. Hooper said that based on the two homes established there, he did not think they were selling for that. He was not sure why they were not developing more quickly. He guessed that the two homes sold were in the \$450-\$550k range. With regards to new development, Mr. Hooper said that almost universally, questions were raised about home values and that existing homes would be affected negatively. In the case of Nottingham Woods, the homes would be higher priced, and he did not think that would decrease current home values negatively. He had been on the Planning Commission for seventeen years and lived in Rochester Hills for 27 years, and he had never seen home values drop from new development. As far as tree removal, he advised that the property was not subject to the Tree Conservation Ordinance, because the lots were platted in the 1920's. He said that he supported tree preservation where at all possible, but they were in the balancing act of private property rights versus tree removal. People liked the view of someone else's property, but the current law did not require the applicants to save trees. If there was a majority support to re-write the Ordinance it would be something to investigate as a community. The trade-off would be the impact to personal property rights and a potential government taking without just compensation. With regards to the north property line, Mr. Hooper agreed that if at all possible, he would like to see additional screening placed there, even though it was currently a field. There could be some variety of non-deciduous trees staggered along the north property line. For the east property line, the landscaping plan showed some significant screening around the pond and a tree conservation area. The fence would be maintained. Other than over the storm sewer that would run out to Hamlin, he would support additional plantings for screening purposes between the future road and the east property line. Several people mentioned the future pathway to be installed on Hamlin. It was not mentioned that the City purchased the easement in the right-of-way from Mr. Hewett and others, and they were paid a considerable sum of money by the taxpayers. Regarding tree removal, wildlife, sounds and new people coming to town, the comments were valid and he understood them. When his subdivision and others were developed, the same things were argued. He did not think that they wanted to be viewed as a drawbridge community, that is, some people got to be there, but no one else could come. It was not right that people could say they enjoyed looking at someone else's property, so the owner could not develop it. They had to determine how to preserve property rights versus the feel of community and not negatively impact anyone in the City.

Mr. Schroeder advised that with private property, the City was subject to State laws. The Plat Act generally controlled things. The entrance to the property was mentioned, and he said that everyone had a right, and the City had the responsibility, to allow an owner access to his or her property. The property that abutted Hamlin had to have an access. He suggested that it might look better

to put it to the west, but there was another road (Avonstoke), and there would be a left turn conflict. The road would have to be as far to the east as possible. Regarding the property irons, the plans noted that nails were found. A corner could be delineated many ways, but the plans indicated that the corners were found. If they were missing, however, it would be the developer's responsibility to replace them. They had to be there in order to develop the lots.

Mr. Kaltsounis asked if Hamlin Rd. was going to a continuous center lane down to Rochester. Mr. Hooper confirmed it would be a three-lane road from Livernois to Rochester. Mr. Kaltsounis said that he was concerned about the left turn lane and the proximity to Avonstoke, as Mr. Schroeder had mentioned. Mr. Kaltsounis indicated that if there was not a center lane on Hamlin, he would not vote for the development. He had commented with the previous development about property rights, and he echoed things Mr. Hooper said about doing a balancing act. They had to think about future properties and surrounding views, and they tried to do the best they could. He said that he was not happy with the 9%, but he understood that according to the Ordinance, it was allowed. He would like to try to do something about it in the future. He went over some suggested conditions that he hoped could be done before the matter went to Council: Add detail about the tree protective fencing; delineate what trees were being saved and how; and have the applicant work with adjacent property owners to determine where the fences on the east and west property lines were and to keep them. He stressed that the applicant needed to talk with the neighbors before going to Council. He would also like to see additional screening added on the north and east property lines (east line along the road and north line west of the detention pond). Mr. Kaltsounis asked the applicant if he would agree to those, which was confirmed.

Mr. Reece noted the tree removal plans, tables 1 and 2, and he asked the difference between a regulated and a non-regulated tree. He did not believe it could be by species, because there were some that were tagged as unregulated versus regulated. Ms. Roediger thought that the applicant was a little unclear about the Tree Ordinance, because none of the trees were regulated. Mr. Reece said that was his impression, so it was not necessary to tabulate the number of each.

Mr. Reece said that he supported the additional conditions. For him to be comfortable, and he echoed Mr. Kaltsounis' comments about the 90% tree loss, they needed to have some dialogue with the neighbors to the north, and not just throw in a few pine trees. They needed to have something to preserve the neighbors' privacy. It would only enhance the lots along the north property line. He also clarified, especially for Mr. Rao, that the homes would be single-family residences not attached condominiums. It was a condo development in terms of how the property was owned and developed, but the development would look just like a regular subdivision. They would be half-a-million dollar, single-family residences with an average of four people in each. He commented that he took exception to statements that if people lived in condos, they were not suitable next door neighbors.

Mr. Schroeder requested that the developer meet with the neighbors individually. He said that there was a comment about the dead end street, and

he reminded that the City was developed with stub streets. The next developer would connect to the stub street and have an outlet to the road - that was how there would be dual outlets.

Mr. Kaltsounis added to Mr. Reece's comments about site condos, and said that it was a name for a subdivision that was being put on an existing plat. He noted that he lived in a site condo. He had a 2,000+ square-foot home with ten feet to the lot line and ten feet to another person's house. There would be an Association and By-laws with the proposed development. Hearing no further discussion, he moved the following, seconded by Mr. Yukon:

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File No. 15-004 (Nottingham Woods Site Condominiums), the Planning Commission recommends that City Council approves the Preliminary One-Family Residential Detached Condominium plan based on plans dated received by the Planning Department on July 10, 2015, with the following five (5) findings and subject to the following eleven (11) conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will not have substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.

Conditions

1. Provide all off-site easements, on-site conservation easement and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Provide landscape bond in the amount of \$68,629.00 plus inspection fees, prior to issuance of a Land Improvement Permit.
3. Provide an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.
4. Payment of \$3,400 into the tree fund for street trees prior to issuance of a Land Improvement Permit.
5. Approval of all required permits and approvals from outside agencies.

6. *Compliance with applicable staff memos, prior to Final Site Condo Plan Approval.*
7. *Compliance with Building Department memo dated July 21, 2015, prior to Building Permit Approval.*
8. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
9. *That tree protective fencing is shown on the drawings, prior to City Council review.*
10. *That the applicants work with adjacent property owners to work out a solution to keep the fences on the west, north and east property lines, prior to City Council review.*
11. *That additional screening is shown for the north boundary west of the detention pond and the east boundary along the road, as approved by Staff, prior to City Council review.*

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

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

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

ANY OTHER BUSINESS

Ms. Brnabic agreed that the Tree Conservation Ordinance needed reviewing and updating, especially since the City had been in redevelopment for quite a few years. They were seeing parcels in fully developed areas with 12-15 new homes, because someone happened to own four or five acres. She wondered if other Commissioners felt the same, and if they should put forward a formal request. Ms. Roediger said that she would talk with Mr. Anzek and Staff would revisit, check with other communities and talk with the City Attorney. She knew that they had to walk the fine line of balancing property rights and protecting trees, and there could be legal implications. Mr. Hooper said that he was fairly certain Mr. Staran would say it involved takings, but unfortunately, currently anyone with property platted before the Ordinance could take every tree down without asking anyone. Ms. Branbic considered that most of the properties were changing ownership from one long-time owner.

Mr. Reece brought up the noticing requirement of 300 feet, where in a situation like Nottingham, few of the neighbors were reached. He did not know if Staff could look at it on a case-by-case basis, but if there was a different way to do it, he hoped that they could look at it.

Ms. Roediger said that it could be investigated, but her concern was that the 300

feet was a standard State law. She thought it would be discretionary to pick and choose. Mr. Reece asked if a City could exceed the State requirements. Ms. Roediger said that there was nothing that said it could not be exceeded, but there would be an increased cost if they went to 500 feet, for example. She would rather stick to something consistent. Mr. Reece did not feel it would take a lot of effort or money to increase it. Ms. Roediger said that they could talk with Mr. Staran.

Mr. Hooper said that he would support a greater distance because, in theory, the more people they notified, the better.

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for September 15, 2015.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Kaltsounis, Chairperson Boswell adjourned the Regular Meeting at 9:35 p.m.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary