



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Nicholas O. Kaltsounis, Stephanie Morita, David A. Reece,
C. Neall Schroeder, Emmet Yukon, Vacant Position

Tuesday, December 15, 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 8 - William Boswell, Deborah Brnabic, Gerard Dettloff, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Emmet Yukon

APPROVAL OF MINUTES

2015-0523 November 17, 2015 Regular Meeting

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

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Morita, Reece, Schroeder and Yukon

COMMUNICATIONS

A) *Planning & Zoning News dated November 2015*

NEW BUSINESS

2015-0524 Public Notice and request for a Tree Removal Permit - City File No. 15-014 - for the removal of as many as 142 trees for Woodland Park Site Condominiums, a proposed 48-unit residential development on 23.6 acres, located south of Hamlin and west of Livernois, zoned R-3, One Family Residential with an MR, Mixed Residential Overlay, Parcel Nos. 15-28-226-001, -007, -008, -021, -022 and 15-28-204-004, Pulte Land Company, LLC, Applicant
(Reference: Staff Report prepared by Sara Roediger, dated December 11, 2015 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Joe Skore, Pulte Land Company, Inc., 100 Bloomfield Hills Parkway, Suite 150, Bloomfield Hills, MI 48304 and Carol Thurber, Fazal Kahn & Associates, 43279 Schoenherr, Sterling Heights, MI 48313.

Ms. Roediger stated the four requests for a 48-unit site condominium development proposed on almost 24 acres near the southwest corner of Hamlin and Livernois. The six parcels formed an L-shape with access to both Hamlin and Livernois. She advised that the site was zoned R-3, One Family Residential with a MR, Mixed Residential overlay. There were approximately 1.2 acres of wetlands that had been reviewed by the City's environmental consultant, ASTI. They had been deemed of low quality, and the proposed plan had minimal impacts to the wetlands, primarily to accommodate a crossing for a road and utilities because two access roads were required. Ms. Roediger also advised that there would be two small detention ponds on site. The site was subject to the City's Tree Conservation Ordinance, and the applicant proposed to protect 45% of the regulated trees. They were accommodating the required replacement trees, in addition to the required buffer, detention pond and other tree plantings. The remainder of the tree credits would be put into the City's Tree Fund. The applicant was requesting a minor Natural Features Setback Modification, which Ms. Roediger said was typical with many developments for grading, the road and utilities. She concluded that staff and outside agencies had recommended approval, and that she would be happy to answer any questions.

Chairperson Boswell asked Mr. Skore if he had anything to add, and he declined.

Ms. Roediger added that staff had encouraged the applicant to reach out to the adjacent neighbors, and they held a meeting on December 1.

Mr. Skore agreed that they had met with about 40 of the neighbors from the Whispering Willows Subdivision. It was mostly an informational meeting and to answer any questions. He felt that it was a positive meeting overall.

Ms. Brnabic pointed out a discrepancy with the ASTI report, the Environmental Impact Statement (EIS) and the site plan. The EIS stated 22.2 acres to be developed, and ASTI said they would be constructing 23 units on 22.2 acres. Ms. Roediger said that the applicant did add property after the original submission, and the information probably had a typo and would be updated prior to Final review.

Chairperson Boswell opened the Public Hearings at 7:11 p.m. Seeing no one come forward, he closed the Public Hearings.

Mr. Kaltsounis asked the applicants if they had met with the neighbor to the north of Logan Dr. Ms. Thurber said that he was at the meeting on December 1st. Mr. Kaltsounis asked if there was any discussion about screening. Ms. Thurber said that they did discuss the evergreen and deciduous mix and how they met and exceeded the buffer requirement. Mr. Kaltsounis asked Ms. Thurber to explain the buffer in that area. Ms. Thurber advised that it would be a typical Type B buffer, which was two deciduous trees per 100 feet, one-and-a-half ornamental per 100 feet, two evergreen shrubs per 100 feet and four shrubs per 100 feet. Mr. Kaltsounis said that if he lived in that house and there were trucks driving by every day around the corner, there would be headlights four feet in the air into the house. He pointed out the Anthony Waterer trees, and he asked how tall they would be. Ms. Thurber said that the evergreens would be ten feet and the deciduous would be 3' caliper as planted. She offered that they could certainly plant more evergreens if it would provide a better buffer. The trees were pretty thick, but they were more than willing to work with the neighbor and do whatever was desired to provide a satisfactory buffer. Mr. Kaltsounis asked how tall the bushes would be - he was concerned about those. He cited an example of a problem with headlights at the Walgreen's at Crooks and Auburn. It had the same setup with shrubs and trees, and the shrubs did not last as long as the trees. The headlights from trucks were always higher than the shrubs. He realized that businesses wanted people to see their signs, but some ended up cutting the trees too low. Ms. Thurber said that she could very much see Mr. Kaltsounis' point. She suggested that at the bend, they should switch to evergreens. Mr. Kaltsounis said that he could add a condition regarding changing the trees.

Mr. Reece said that he had reviewed the elevations, and he thought Pulte had a good-looking product. He asked the price point. Mr. Skore said that with all options and premiums, they expected it to be around \$475-500k. Mr. Reece asked if the back and side elevations would be predominately brick on the first floor and hardy board above or have more siding. Mr. Skore said that it would be predominately brick up to the first floor and above that would be either hardy or vinyl.

Hearing no further discussion, Mr. Schroeder moved the following, seconded by Mr. Reece.

MOTION by Schroeder, seconded by Reece, in the matter of City File No. 15-014 (Woodland Park Site Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on November 11, 2015, with the following three (3) findings and subject to the following two (2) conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. Of the 261 regulated trees onsite, 119 will be saved, resulting in a 45% preservation rate
3. The applicant is proposing to replace 261 regulated trees with 57 trees and will pay the balance of 85 tree credits (at \$200 per tree) into the City's Tree Fund.

Conditions

1. Tree protective and silt fencing, as reviewed and approved by the city staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.

A motion was made by Schroeder, seconded by Reece, that this matter be **Granted**. The motion carried by the following vote:

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Morita, Reece, Schroeder and Yukon

2015-0525 Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 15-014 - for impacts to approximately 14,133 square feet associated with the construction of Woodland Park Site Condominiums, a proposed 48-unit development on 23.6 acres located south of Hamlin, west of Livernois, zoned R-3, One Family Residential with an MR Mixed Residential Overlay, Parcel Nos. 15-28-226-001, -007, -008, -021, -022 and 15-28-204-004, Pulte Land Company, LLC, Applicant

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File No. 15-014 (Woodland Park Site Condominiums), the Planning Commission **recommends** City Council **approves a Wetland Use Permit** to temporarily and permanently impact approximately 14,133 square feet for the construction of several units, a portion of Logan and

Conrad Drives and associated utilities, two culverts and a portion of the storm sewer, based on plans dated received by the Planning Department on November 11, 2015, with the following two (2) findings and subject to the following conditions.

Findings

- 1. Of the approximately 1.12 acres of City-regulated wetlands on site, the applicant is proposing to impact less than one-third.*
- 2. The wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City.*

Conditions

- 1. City Council approval of the Wetland Use Permit.*
- 2. If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.*
- 3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
- 4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible, prior to final approval by staff.*

Mr. Schroeder clarified that the disturbance to the wetland for utility installation by unit 39 would be replaced. He asked if any improvements were required by the Road Commission. Ms. Thurber said there would likely be for Livernois, but not Hamlin.

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 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Morita, Reece, Schroeder and Yukon

2015-0527

Request for Natural Features Setback Modifications - City File No. 15-014 - for impacts to approximately 965 linear feet in the Natural Features Setback area for Woodland Park Site Condominiums, a proposed 48-unit residential development on 23.6 acres, Pulte Land Company, LLC, Applicant

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File

No. 15-014 (Woodland Park Site Condominiums), the Planning Commission **grants Natural Features Setback Modification** for the temporary and permanent impacts to as much as 965 linear feet of natural features setbacks associated with the construction and grading of units and Logan and Conrad Drives and associated utilities and the storm sewer, based on plans dated received by the Planning Department on November 11, 2015, with the following two (2) findings and subject to the following one (1) condition.

Findings

1. Natural Features Setback Modifications are needed to construct several units and a portion of the roads and storm sewer.
2. The Natural Features Setbacks are of low ecological quality and the City's Wetland Consultant, ASTI, recommends approval.

Condition

1. Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.

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

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Morita, Reece, Schroeder and Yukon

2015-0526 Public Hearing and request for Preliminary Site Condominium Plan Recommendation - City File No. 15-014 - Woodland Park Site Condominiums, Pulte Land Company, LLC, Applicant

Mr. Kaltsounis stated that he had been on the Planning Commission a long time, and he felt that the proposal was the most straight forward Pulte development they had seen. He asked the applicants to please work with the neighbors and make sure things were made right for the future.

MOTION by Kaltsounis, seconded by Brnabic, in the matter of City File No. 15-014 (Woodland Park 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 November 11, 2015, with the following five (5) findings and subject to the following seven (7) 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 have no 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 and agreements for approval by the City prior to issuance of a Land Improvement Permit.*
2. *Provide a landscape bond in the amount of \$175,325 for landscaping, replacement trees, and irrigation, prior to issuance of a Land Improvement Permit.*
3. *Payment of \$9,600 into the tree fund for street trees, prior to issuance of a Land Improvement Permit.*
4. *Approval of all required permits and approvals from outside agencies.*
5. *Compliance with the department memo comments, prior to Final Site Condo Plan Approval and Building Permit Approval.*
6. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
7. *Replace Anthony Waterer Siprea at the northeast corner of Logan Dr. with ten foot evergreen trees to better screen headlights from the property to the north, as approved by staff.*

Recess from 7:26 p.m. to 7:30 p.m.

Chairperson Boswell announced that there had been some miscommunication, and some people who wished to speak did not understand the procedure for the Public Hearings. He re-opened the Public Hearings at 7:30 p.m.

Jim Niks, 2179 Willow Leaf Ct., Rochester Hills, MI 48309 Mr. Niks noted that he had talked with Mr. Skore and Mr. Khan. He had a severe problem with drainage when he moved into his sub. He thought everything would be fine after the City inspected it, but the runoff from the field came into his backyard, and it made a river into his neighbor's backyard. They tried to put pots underneath to try to take care of it without much luck. He wanted to make sure that Pulte did not exacerbate the problem. He thought that the plan was to catch the water before it went into their yards, but he wanted to make sure it was addressed.

Syed Raza, 2084 S. Livernois, Rochester Hills, MI 48307 Mr. Raza was the neighbor Mr. Kaltsounis was talking about, and he appreciated the extra buffer. He noted the trees that lined up at the south side of his property that currently existed in the buffer, and he asked how many of those would be cut. He asked about the grading and drainage, because the property dipped going north, and the rain water ran through the north line of his property. He knew there would be drains, but he asked if they could expect to see any problems, because the houses in Pulte would be higher. The homes drained by his neighbor's pond and creek that ran through the property. He mentioned traffic, and said that Livernois was a bottleneck at the roundabout, and there would be a couple of hundred cars added. He asked if the City was acknowledging what would happen five years down the road, and if there were plans to widen the road. There would be a lot of cut-through traffic on Logan to go west on Hamlin or south on Livernois. They had the same problem with Rochelle Park, and he anticipated an issue moving forward.

Gordon Statz, 2196 Willow Leaf Dr., Rochester Hills, MI 48309 Mr. Statz stated that he was the President of the Whispering Willows Homeowner's Association. He thanked Pulte for putting on the informational meeting, and he said that they answered a lot of questions up front. Their biggest concern was drainage. Livernois dropped down 23 feet. They got a lot of water into their system near home 42 from a couple of pipes by the upper retention pond, and it would flood into their system. The proposed system would connect the two ponds and collect the water,

which would go into the storms underneath Hamlin. They thought that would be an improvement in their current drainage, because the water would be diverted away from their system. He surveyed the HOA board, and overall, the majority was in favor. The improved drainage along with the price point would help home appreciation in their sub.

Launa Beattie, 2135 Willow Leaf, Rochester Hills, MI 48309 Ms.

Beattie said that her concern was the two years of construction traffic. Her home backed up to the wetland area, which attracted the wildlife and wilderness that they had come to enjoy. She did not think anyone had ever sat on her deck and said that it would be great if there were condos in the back. She said that it would be nice if they could work together with the development in order to maintain some of the wilderness or draw it back after the two years of construction traffic. They could plant attractive types of foliage to bring the animals back, such as the migrating butterflies they got every year. She suggested planting milkweed. They had many ducks that made their homes in the back, and she commented that it would be disheartening to know that they would be missing from the area. She hoped that they could maintain as much of the wetland as possible.

Chairperson Boswell closed the Public Hearing at 7:40 p.m. He asked Ms. Thurber if she could address the comments.

Ms. Thurber said that as far as drainage, they spoke with both of the homeowners at the meeting on December 1st. She agreed that there was 22 feet of fall, but the drainage would all be intercepted, because it was required by the City. She believed that the adjacent homeowners would have a significant improvement. There had been some flooding issues because of the two pipes Mr. Statz mentioned. They would be bypassing that, and they were not outletting to the creek but to a structure on Hamlin. That would also improve the drainage concern. They had already done the preliminary grading for Logan, and they would meet at the property line and go down, so there would not be drainage issues or something higher than the existing property line. Ms. Thurber pointed out that the entire wetland area, with the exception of a small portion, was being untouched. She showed the trees that were being maintained and the additional trees to be planted in that area.

Mr. Anzek said that a question was raised about cut-through traffic. He advised that in past practice, they had found that it was best determined after the fact, rather than trying to assume that a situation would occur. They would wait until the development was built and monitor it. If the

neighbors had issues with cut-through traffic, speed humps could be installed at that time.

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

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Morita, Reece, Schroeder and Yukon

After each motion, Chairperson Boswell stated for the record that the motion had passed unanimously. He remarked that it had been the shortest time Pulte had ever been before the Commission. Ms. Roediger mentioned for the audience that the matter would likely go before Council on January 11, 2016.

DISCUSSION

2015-0533 Request to discuss redevelopment of the northwest corner of Rochester Rd. and M-59

ANY OTHER BUSINESS

2015-0529 Request for Approval of the 2016 Planning Commission Meeting Schedule

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

Aye 8 - Boswell, Brnabic, Dettloff, Kaltsounis, Morita, Reece, Schroeder and Yukon

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for January 19, 2016.

ADJOURNMENT

Hearing no further business to come before the Commissioners, and upon motion by Mr. Kaltsounis, Chairperson Boswell adjourned the Regular Meeting at 8:34 p.m.