

26, 2012 re: Oakland Township MLUP

## NEW BUSINESS

**2012-0479** Request for Tree Removal Permit - City File No. 05-031 - The Legacy Site Condominiums, for the removal and replacement of up to 12 trees associated with the development of 11-unit Site Condos on 4.5 acres located on the north side of Hamlin, east of Livernois, zoned R-3, One Family Residential, Parcel No. 15-22-351-013. There are 21 regulated trees on site. Paul Rosati, Rosati Mason Contractors, Applicant.

*Chairperson Boswell announced that if anyone wished to speak on an agenda item, there were cards in the back of the Auditorium to be filled out and returned to the Secretary.*

*(Reference: Staff Report prepared by Ed Anzek, dated December 7, 2012 and site condo plan had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Marco Rosati, Rosati Mason Contractors, Inc., 1683 W. Hamlin, Rochester Hills, MI 48309 and Albert Mickalich, Mickalich Engineering, Inc., 15243 Hawley Rd, Holly, MI 48442.*

*Mr. Anzek recapped that the proposed development had been approved in 2007. The applicants had received Preliminary and Final Site Condo approval, all Engineering approvals, approval of the Master Deed and By-Laws and approval from all outside agencies. The City thought the process was completed, but construction never commenced due to the economy. When things turned around and the applicant came in to get permits, Staff found that the approvals had expired, and determined that the applicants would have to go through the process for a re-approval. One reason was that there had been new Engineering standards established and also, there were changes to the trees on site. Several had been removed by the Road Commission due to the improvements to the Hamlin and Livernois intersection.*

*Mr. Anzek advised that the project had the same lot layout; it met all the zoning requirements; the retention basin had been expanded to meet the new standards; the tree survey was updated, in which he participated; and all other requirements had been met. Staff recommended that the Planning Commission re-issue a new Tree Removal Permit and Recommend the Preliminary and Final Site Condo Approval so it could be taken to Council. Mr. Rosati had informed him that they had a buyer and builder ready, and Mr. Rosati was eager to get it finalized. Mr. Anzek*

asked if there were any questions, noting that he had received an email from a neighbor concerned about water runoff to his property (copy given to the Commissioners and also placed on file in the Planning and Economic Development Department). Mr. Anzek discussed the matter with Mr. Mickalich, who advised that there would be systems installed that should remedy any problem. The runoff was actually generated offsite and brought onto the Rosati site. Mr. Anzek also received a call from another neighbor who expressed a similar concern about the site being wet. Mr. Anzek believed that with the addition of the detention facilities and the approval of the Engineering Department, that those matters would be resolved.

Chairperson Boswell asked the applicants to introduce themselves for the record and asked if they wished to add anything.

Mr. Rosati introduced himself and answered that he did not have anything further to add. Chairperson Boswell asked the Commissioners if they had any questions or comments.

Mr. Dettloff congratulated the applicants on a significant moment in moving the project forward. He asked if all the financing was intact and whether they were going through a bank. Mr. Rosati confirmed that it was in place.

Chairperson Boswell opened the Public Hearing at 7:12 p.m.

**Jon Berg, 857 Dressler, Rochester Hills, MI 48307** Mr. Berg stated that his house was adjacent to the property under review. He had comments regarding the drainage, and said that he echoed the concerns he heard. He said that he could confirm that there was a lot of drainage every time it rained, especially in the spring when it went into the storm drain on the southwest corner of his property. He would like to see what would be going in to address his concern. He indicated that if there would be some sort of retention pond that he would like it to be safe for kids. He noted that there were several neighbors by him with young children, and safety was a concern. He mentioned a line of trees and shrubs in the easement between his property and the Rosati property, and stated that if those needed to be removed, it would be fine with him. There were a lot of grape vines and materials that were choking things. He wished the applicants good luck.

Seeing no one else who wished to speak, Chairperson Boswell closed the Public Hearing at 7:14 p.m.

*Mr. Anzek attested that the City Engineers had approved and refined the detention system. It had been expanded for additional capacity. He asked Mr. Mickalich to further clarify. Mr. Mickalich maintained that they incorporated all City standards with the resizing of the detention basin to meet a 10-25 year storm. All slopes met the City's standards. Regarding sheet flow runoff onto adjacent properties, he explained that it would not occur because it would be part of the standards they had to accept. They had to accept other people's runoff and their (Legacy's) runoff would not leave the site and go onto anyone else's. They would be improving the situation and collect storm runoff.*

*Mr. Schroeder asked if it would be a dry pond, and Mr. Mickalich advised that it would not be. Mr. Schroeder asked how deep the water would be, and was told two-and-a-half feet.*

*Mr. Kaltsounis concurred with what Mr. Mickalich mentioned about water runoff, and Mr. Kaltsounis felt that it was in the perfect spot. He was concerned about safety for children, since it would not be a dry pond and would collect water. He felt that could create an issue for a lost child, for example. He mentioned the Islamic church near Auburn and Crooks and said that they had installed a gate around their pond. He asked the applicants if they would be willing to do that.*

*Mr. Rosati said that he recalled a similar situation with the adjacent church property (Covenant Church). They had a pond that held water at all times and there was no fence. It was a common area with swings, and it was kind of established as a park. He was trying to understand the difference between the two. He noted that his pond would be shallower.*

*Mr. Kaltsounis said that the difference was that they would be right up against neighbors. Mr. Rosati believed that the church was against neighbors, and that it was at the same type of location. Mr. Kaltsounis pointed out that it was at the far side of the property, and that Mr. Rosati's property was right behind homes. Mr. Rosati maintained that there were homes right behind the church's pond also. He mentioned that as a kid, he had a tree house in the nearby trees. Mr. Kaltsounis asked if there were other options to keep it safer.*

*Mr. Mickalich stated that they would have to make it a dry pond. Mr. Kaltsounis asked if that would be a lot of work. Mr. Mickalich said it would not be, but Engineering wanted a wet pond. Mr. Kaltsounis felt that the easiest way to solve the problem would be to put a fence around the*

basin. Mr. Mickalich said that they followed the Engineering standards adopted, and slopes determined what was safe and what was not. Mr. Kaltsounis asked about the slope ratio, and Mr. Mickalich said that it was a one on six. Mr. Kaltsounis asked how deep it was from the top to the bottom and how deep it would be if he was standing at the edge. Mr. Mickalich answered that per Ordinance, the standing water on a normal day that had to be retained was two-and-a-half feet deep. For the worst storm in 25 years, the level would be about three-and-a-half feet deep to the permanent water elevation. Mr. Kaltsounis asked what the typical water level would be, and Mr. Mickalich advised that it would be 831.50. The bottom of the basin was at 829, and he reiterated that it would be a one on six slope, meaning that if someone was in the water, that would be a comfortable slope to get out of the basin.

Chairperson Boswell indicated that he was not sure it was different from any other development in the City. He asked Mr. Davis, Deputy Director of DPS/Engineering to comment. Mr. Davis was present for the third agenda item.

Mr. Davis agreed that it was not any different. There was a similar project under construction currently (he referred to Rochester Meadows on the south side of Avon, east of Rochester) where they had heard the same type of concerns from adjacent residents. That basin was constructed with a detention area and also a forebay area. It had a permanent standing water level with a minimum of two feet. It was over-excavated to provide that. He agreed that what Mr. Mickalich had said was correct; per the City's Engineering Standards, if there was a one-on-six side slope for the basin, it was considered a walkable slope and a slope that was flat enough so that it did not require fencing. When there were steeper side slopes, the City would allow a basin to be constructed with a one-on-three slope, but anything steeper than that was not permitted. Between a one-on-three and a one-on-six, the City would require a basin to be fenced. If there was a flatter side slope, the basin would take up more area. Generally, developers would go with that to avoid having to put a fence around the basin. The proposed design was a result of the City's Engineering Standards that were adopted four years ago. It was a balance to try to encourage sediment not being transferred downstream. The sediment would settle into the forebay before it hit the detention area and then exit. To make it safer, it would have to be a dry basin, but the Oakland County Water Resources Commissioner preferred the incorporation of forebays and incorporating provisions in basins to encourage sediment to settle out.

Hearing no further discussion, Mr. Kaltsounis read and moved the first motion in the packet. He thanked Staff for re-looking at the development, and said that he appreciated getting a second look at the changes.

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 05-031 (The Legacy Site Condominiums), the Planning Commission grants a Tree Removal Permit for an 11-unit site condo development on 4.5 acres, located on Hamlin between Livernois and Rochester, zoned R-3, One Family Residential, Parcel No. 15-22-351-013, based on plans dated received by the Planning and Development Department on October 19, 2012, with the following three (3) findings and subject to the following one (1) condition.

Findings:

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 43 percent of regulated trees on-site.
3. The applicant is proposing to replace as many as 6 regulated trees with 12 replacement tree credits on site.

Condition:

1. Install tree protective fencing, as reviewed and approved by the City's Landscape Architect, prior to issuance of the Land Improvement Permit.

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

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

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

Mr. Schroeder recalled that when the project was reviewed previously, the Commission questioned the need for a passing lane. He asked if that was looked at again.

Mr. Rosati said that he was not aware of that request. Mr. Anzek advised that with the improvements to Hamlin and the taper lanes, with the reactivation of the project, the question was brought to the Traffic Engineer. He stated that a passing lane would not be necessary at this

*time because of how the improvements were done*

**2007-0325** Public Hearing and request for Preliminary and Final Site Condominium Plan Approvals - The Legacy Site Condominiums, a proposed 11-unit development on approximately 4.5 acres, located on the north side of Hamlin, east of Livernois, zoned R-3, One Family Residential, Parcel No. 15-22-351-013, Rosati Mason Contractors, LLC Applicant.

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of File No. 05-031 (Legacy Site Condominiums), the Planning Commission recommends that City Council approve the Preliminary and Final Site Condominium Plans for an 11-unit development on 4.5 acres, located on Hamlin between Livernois and Rochester, Parcel No. 15-22-351-013, zoned R-3, One Family Residential, based on plans dated received by the Department of Planning and Economic Development on October 19, 2012, with the following four (4) findings and subject to the following five (5) conditions.

Findings:

1. Upon compliance with the following conditions, 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 Tentative and Final Plan represent a reasonable and acceptable plan for developing the property.
4. The Tentative and Final Plan are in conformance with the Final Plan approved by City Council on June 27, 2007.

Conditions:

1. Provide a performance guarantee in the amount of \$23,510.00, as adjusted if necessary by the City, to ensure the proper installation of replacement trees, irrigation and other landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
2. The applicant must post a bond for any monuments and irons not set, prior to issuance of the Land Improvement Permit.

3. *Compliance with the Engineering Department memo dated October 31, 2012 prior to Construction Plan Approval and compliance with the Fire Department memo dated October 31, 2012, prior to Final Approval by Staff.*

4. *Deposit \$2,200.00 into the City's Tree Fund for one street tree per lot.*

5. *Entryway signage shall be approved and permitted by the Building Department.*

**A motion was made by Kaltsounis, seconded by Schroeder to Recommend Approval and send to the City Council Regular Meeting. The motion carried by the following vote:**

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

*Chairperson Boswell stated again for the record that the motion had passed unanimously. He commented that although the project had been approved, it had been five years, and he thanked Staff for bringing it forward again so they all knew. He wished the applicants good luck, and said that hopefully, it was a sign of things to come, commenting that things had been a little slow at the Planning Commission for the past few years.*

## UNFINISHED BUSINESS

**2012-0062** Request for Site Plan Approval - City File No. 04-034.2 - A proposed 6,010 square-foot, 3500-ton Salt Storage Facility on 7.6 acres next to the City's DPS Facility on Auburn Road, west of John R, zoned R-4, One Family Residential, Parcel No. 15-26-451-032, City of Rochester Hills DPS/Engineering Department, Applicant

*(Reference: Memo prepared by Ed Anzek, dated December 7, 2012 had been placed on file and by reference became part of the record thereof.)*

*Present for the City was Paul Davis, Deputy Director of DPS/Engineering.*

*Mr. Davis stated that when he was last before the Planning Commission in October, he presented some of the changes to the facility and the drawings reflected those changes prior to the meeting. During the meeting, Mr. Hooper suggested that additional landscaping should be incorporated in the berm area, perhaps adding 30, 10 to 12-foot tall evergreen-type trees, to provide screening from Auburn Rd. to the facility. He showed a landscape drawing. He mentioned that in the bottom right*