



# Rochester Hills

## Minutes - Draft

### Planning Commission

1000 Rochester Hills Dr  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*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*

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Tuesday, April 7, 2015

7:00 PM

1000 Rochester Hills Drive

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#### CALL TO ORDER

Chairperson William Boswell called the Special 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: Ed Anzek, Director of Planning and Economic Dev.  
John Staran, City Attorney  
Paul Davis, Deputy Director DPS/Engineering  
Maureen Gentry, Recording Secretary

#### APPROVAL OF MINUTES

[2015-0125](#) February 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** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

[2015-0134](#) March 24, 2015 Special 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** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

## COMMUNICATIONS

- A) *Planning & Zoning News dated February 2015*
- B) *Response Letter from J. Jones, rec'd April 7, 2015 re: Enclaves*
- C) *Letters received concerning Enclaves of Rochester Hills (various dates):*
  - D. Hartmann, 6450 Little Creek, RH 48306 (3)*
  - M/M S. Leslie, 236 Cross Creek Blvd., RH 48306*
  - Dennis Charnesky, 21 Cross Creek Blvd, RH 48306*
  - H. Stroup, 200 Cross Creek Blvd., RH 48306*
  - S. Stroup, 200 Cross Creek Blvd., RH 48306*
  - M/M A. Amici, 6225 N. Rochester Rd., RH 48306*
  - L. Laing, 1250 Lakeview Dr., RH 48306*
  - M/M E. Boesler, 1409 Otter Dr., RH 48306*
  - J. Tsay, 60 Cross Creek Blvd., RH 48306*
  - J. Hunter, 28 Cross Creek Blvd., RH 48306*
  - M/M M. Harrison, 32 Cross Creek Blvd., RH 48306*

## UNFINISHED BUSINESS

[2014-0146](#) Request for Recommendation - An Ordinance to amend Section 138-4.300, Table of Permitted Uses by District; add new Section 138-4.425; and re-number existing Sections 138-4.425 through 138-4.445 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County Michigan to regulate oil and gas wells, repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations.

*(Reference: Memo prepared by Ed Anzek, dated April 2, 2015 and Draft Ordinances (2) prepared by City Attorney John Staran dated March 27, 2015 had been placed on file and by reference became part of the record thereof).*

*Mr. Anzek summarized that the Ordinances were discussed at length at the March 24, 2015 meeting. There were several changes suggested, and the Planning Commission wished to see the corrected Ordinances. He noted that Mr. Staran was present to answer any questions.*

*Mr. Kaltsounis stated that he had reviewed the documents and had seen the necessary changes. He asked if there was a Public Hearing, and Chairperson Boswell advised that there was not, but that he had received three cards. He directed Mr. Kaltsounis to proceed:*

***MOTION*** by Kaltsounis, seconded by Yukon, the Rochester Hills Planning Commission hereby recommends that City Council adopts an

*Ordinance to amend Section 138-4.300, Table of Permitted Uses by District; add new section 138-4.425; and re-number existing sections 138-4.425 through 138-4.445 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to regulate oil and gas wells, repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations.*

*Chairperson Boswell called the first speaker at 7:12 p.m.*

**Lee Zendel, 1575 Dutton Rd., Rochester Hills, MI 48306**. *Mr. Zendel referenced Section 138-4.425 3., which called for three documents to be furnished by the permitted drilling company: An Environmental Impact Assessment, a hydrogeological study and the test results of water monitoring. He asked if the MDEQ already required those documents, and if so, why the City also needed them. He asked who in the City would get the documents, for example, the Mayor, the City Clerk or the City Engineer, and what they would do with them afterwards. He noted that the Ordinance required reporting the results of the water analysis to the City Engineer within two days. He asked if that should be two “business” days. If the water analysis showed evidence of contamination, he asked what specific action the City Engineer would take that the MDEQ was not already in the process of taking, since the MDEQ also required the same report, and it had the power to do something. For resident comfort, he suggested that the Ordinance might read, “The City Engineer is to report the results of the water tests at the next regularly scheduled City Council meeting.” He referred to Section 6 and said that since the active drilling of a project normally took about a month, he asked why the Building Department could not go to the site not less than every three business days to monitor the site for potential dust, noise, vibration, fumes or odor that might leave the site. He remarked that the City should be proactive rather than reactive. He read Section 13 and read in part, “No tanker trucks used in conjunction with production operations of oil or gas wells shall be moved over public roads.” It sounded to him like the crude produced by the well needed to receive City permission to be trucked out of town, while the same size gasoline trucks that traveled daily in the City did not need such permission. Section 14 read in part, “The owner or operator shall provide the City and its emergency responders with an emergency response plan.” He asked who in the City, other than the Fire Chief, needed that information and why. If others, beyond the Chief, did need the information, he felt that it should be spelled out by job title. Section 16 read in part, “Owner or operator shall maintain written procedures to minimize hazards.” He thought that rather than just asking the owner to maintain procedures, the owner should send a copy to the*

*Fire Chief prior to the start of drilling and thereafter when significant changes were made to the procedures. Section 16(b) stated that the City ran the 911 system, but he wondered if the County 911 system would be aware of what to ask.*

**Nancy Lewis, 3223 Parkwood, Rochester Hills, MI 48306** *Dr. Lewis said that her comments regarded Section 2 of the proposed Ordinance, and in particular, the final sentence: "This paragraph shall not be construed to restrict or prohibit underground horizontal drilling directional or horizontal drilling where lawfully permitted by the MDEQ." She felt that it was important to realize, since priority was given to the DEQ regulations, where the DEQ allowed drilling to occur. She maintained that it allowed drilling to occur in any type of Residential as well as Industrial zoning. It allowed oil and gas wells to be located as close as 300 feet from an existing building or 450 feet from residential buildings. The way Section 2 was written, the setbacks would not be 1,000 feet; they would be what the DEQ regulated, which was 450 feet from homes and 300 feet from buildings such as schools. It appeared to her that there was a tremendous contradiction between the two sentences in Section 2. Some people had said to her that it was because horizontal drilling was the part that was horizontal to the surface, but she stated that horizontal drilling was defined as from the well site - the vertical portion down - and the horizontal part. She claimed that the entire process started with the well site, and the well site could be 300 feet from a school. Other people had said to her that the Ordinances were just like Auburn Hills' Ordinance, but Auburn Hills' said that "In addition to the spacing and setback requirements of the State of Michigan and the regulation of its Supervisor of Wells, the drilling completion or operation of oil or gas wells shall not be located within 1,000 feet of a residentially zoned building." She stated that there were specific differences from the DEQ's regulations. The proposed Ordinances said 1,000 feet and "where allowing drilling to occur wherever lawfully permitted by the DEQ." She encouraged that if the City wanted 1,000-foot setbacks that the words "where lawfully permitted by the MDEQ" should be deleted. If the City wanted oil wells to be as close as 300 feet to the schools, she suggested that they could leave the language as it was.*

**Denise Doyle, 1446 Burhaven, Rochester Hills, MI 48306** *Ms. Doyle said that in comparing the previous and the new Ordinance in Section 138-4.425, number 5, it talked about the prevention or control of objectionable dust, noise, vibration, fumes, odors, etc. The previous version stated that it would be prevention and control of those items, but the draft had been changed to read prevention or control. She felt that*

was quite a difference. Also in number 2, it talked about a 1,000-foot setback from residential dwellings or schools, etc., or 330 feet from an adjoining property line. She read it several times and had spoken with several people, and she was confused because she understood it to mean that if there was a residence on a property line it was o.k. to drill 330 feet away. Number 17 read, "The requirements established in MDEQ Supervisor of Wells Instruction I-2015 applicable to oil and gas development in high population density areas are hereby adopted and incorporated herein by reference and shall apply to all new oil and gas wells wherever located in the City." In the Supervisor of Wells Instruction, it talked about taking water samplings, and the DEQ required seven days to get back to the City about the findings. In the proposed Ordinance that had been updated to two days. She questioned whether the DEQ requirements superseded what was in the proposed Ordinance, or if it was the other way around. She referred to the Pipelines Ordinance, and said that a performance guarantee was required, and if something should happen, the City would then have funds to take care of any type of emergency. There was no mention of surety bonds or letters of credit in the Oil and Gas Ordinance, and she wondered if it would be added. There was a section in Pipelines Ordinance that talked about abandoned or inactive pipelines, and she wondered if there would be any mention in the Oil and Gas Ordinance in reference to abandoned or inactive wells and how they would be handled. She thanked everyone for putting effort into the Ordinances.

Chairperson Boswell closed the public comments at 7:22 p.m. He asked Mr. Staran about Mr. Zendel's questions about reporting redundancies. He thought that was the way the City wanted it. Mr. Staran agreed, and recalled that it was discussed at the last meeting. The purpose of the Ordinance was to get the City involved, even if it meant that the City was, to some degree, duplicating the State's efforts. There was some question about making sure that when the City imposed requirements and asked for information that there was a legitimate City purpose for doing so and also that the City had the personnel and expertise to actually make sense out of it. It was the consensus of the Planning Commission that the information would be useful to the City to have a baseline established before any oil exploration commenced and to have an ongoing process to hopefully be able to determine if there was any deviation or problems resulting from an operation. He commented that time would tell; there was no company that had applied for a drilling site to be located in Rochester Hills. If the Ordinance was ultimately adopted by City Council, it would impose some additional layers and limitations that would influence the ability to locate a well in Rochester Hills.

*Chairperson Boswell noted that Dr. Lewis asked about horizontal drilling. If the State law was followed, he asked if that meant that a company could drop a well within 300 feet of a residence. Mr. Staran believed that the operative language in the proposed Ordinance was identical to what was in the Auburn Hills Ordinance. He did not believe that the language in Section 2 was conflicting. He thought that it read very clearly that there would be a 1,000-foot separation from residential. In the last sentence it talked about the horizontal drilling process, or the drilling done under the ground. It was not talking about a well site location, which was addressed in the preceding sentences. The setbacks did not apply to the actual horizontal drilling. That would be regulated and permitted by the MDEQ.*

*Mr. Anzek mentioned the question about changing prevent and control to prevent or control. He said that it was also discussed at the last meeting, and Chairperson Boswell had pointed out that if something was prevented, it did not need to be controlled. Mr. Staran pointed out that the change from "and" to "or" was specifically requested by the Planning Commission at the last meeting.*

*Regarding surety bonds, Mr. Staran explained that they were not required because under the proposed Ordinance, unlike the Pipelines Ordinance, regulations were being imposed in terms of setbacks and so on, but it was not requiring a permit from the City to locate an oil well. He stated that there was no other permitted use in the Zoning Ordinance where bonding and insurance was required. Sometimes a bond was required in connection with certain permits such as building permits, but there were no other examples under the Zoning Ordinance where it was required for a permitted use. He wanted to be consistent with that.*

*Ms. Brnabic thought that it was a good suggestion to add that two business days were required for results of water testing rather than just two days. If a water sample was received on a Friday, it would clarify. Mr. Kaltsounis and Mr. Yukon agreed to the added condition as shown below:*

***MOTION*** by Kaltsounis, seconded by Yukon, the Rochester Hills Planning Commission hereby recommends that City Council adopts an Ordinance to amend Section 138-4.300, Table of Permitted Uses by District; add new section 138-4.425; and re-number existing sections 138-4.425 through 138-4.445 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to regulate oil and gas wells, repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations with the following condition:

Condition:

1. Page five, Section 138-4.425 (3), add the word "business" before days in the last sentence.

**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

2015-0097

Request for Recommendation - An Ordinance to add new Article VI Pipelines to existing Chapter 94, Street, Sidewalks and Certain Other Public Places to the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to regulate the construction and permitting of pipelines in the City, repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations.

**MOTION** by Kaltsounis, seconded by Schroeder, the Rochester Hills Planning Commission hereby recommends that City Council adopts an Ordinance to add new Article VI Pipelines to existing Chapter 94, Streets, Sidewalks, and Certain Other Public Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to regulate the construction and permitting of pipelines in the City, repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations.

**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 motions had passed unanimously. He thanked Mr. Staran, the Planning Commission and the citizens involved, and advised that the matter would move back to City Council.*

## **NEW BUSINESS**

2015-0093

Public Hearing and request for Rezoning Recommendation - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone two parcels of land totaling approximately 1.06 acres, located on the east side of Rochester Road (3841 S. Rochester Road and vacant), south of M-59, Parcel Nos. 15-35-352-019 and 15-35-352-067 from B-5, Automotive Business to B-2, General Business, Dave Leshock on behalf of Auto City Investments, Inc., Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated April 7, 2015 and associated Rezoning documents had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Dave Leshock, Vice President of Auto City Investments, Inc., 14165 N. Fenton Rd., Suite 202, Fenton, MI 48430 and Louis Ciotti and Scott Sonnenbar, Real Estate Consultants, 27995 Halstead Rd., Suite 150, Farmington Hills, MI 48331.*

*Mr. Anzek advised that Mr. Leshock had been working with Staff for some time, trying to do a redevelop for the site. Mr. Leshock would like to build a small retail center and replace the gas station. As they had heard from others, the gasoline business was difficult. Mr. Leshock would need to make a significant investment in the property to keep the gas station up, so he would like to go in a different direction. Mr. Anzek said that B-2 zoning was not unique in the area; the property immediately to the north was B-5, but all the other properties on the east side of Rochester Rd. (south of M-59) were currently zoned B-2. The Master Plan did call for office for the area in the future, but he considered that the retail center could service the office buildings.*

*Mr. Leshock stated that the existing operation was at a very low profit mode, and they needed to find an alternate way to succeed in business. He felt it was a dynamite opportunity, and that retail would do very well in that location.*

*Mr. Yukon noted that under the criteria for amendment of the zoning map, number six stated that the redevelopment of the site should be able to safely accommodate anticipated traffic, but under the findings for denial, it stated that it could increase the potential for development with higher trip generation rates in the area. He did not think they could determine that without a traffic study. Mr. Anzek said that was correct. It was a presumption put out for discussion, but Staff's position was to support it. He felt that there was a lot of traffic in and out already, and he could presume the traffic would be higher with retail, but it would depend on the mix. He reminded that they could not discuss a site plan at this point and explained that it was a finding for consideration.*

*Mr. Reece said that under the findings for denial, item three said that the applicant had only submitted verbal evidence that a reasonable return could not be realized. He asked if there was any financial documentation to support that statement. Mr. Anzek said that Staff typically took the word of the applicant, because the economics of a business were not really*



*within Staff's purview. They wanted to know it would work, and Mr. Leshock's assessment in working with his real estate team was all they had, and nothing further had been requested.*

*Ms. Brnabic noted the comment, that the applicant could not receive a reasonable return with the gas station, but she stated that she had seen it done at a station at Auburn and Dequindre. It was a small lot, and the building was demolished, and a larger convenience store was added. The gas station was always busy, and she would assume that it was very profitable. The station had previously been closed for several years. She took the perspective that the applicant would just rather have another option for the property, and she questioned whether there was no possibility for a reasonable return with the current situation.*

*Mr. Leshock responded that he was not familiar with the gas station Ms. Brnabic was referring to, but he stated that he was an expert in the business. He had 22 locations and 130 employees, and he had been in business for 39 years, so he assured that he knew how to run a gas station and how to make a profit. He knew when a station underperformed. The subject station was the worst of his 22 locations. He commented that he would be happy to open his books to anyone, but it was not hard to figure out - someone just had to visit it. Seeing that another station was busy did not mean someone was profitable. They could be selling gas at low prices. He said that his wife talked about how Kroger sold gas for \$1.99, and he said that he just shook his head because cost was \$2.40, and there was no way it would work at \$1.99. If people drove by a busy gas station, he reiterated that it did not guarantee profitability. The subject gas station was 60 or 70 years old, and the canopies were 30 years old. The tanks in the ground were from 1990. He agreed that someone could update the station, and he did look at that. He did two in the past and it cost \$2.5 million each. He noted that he was in his stations every day, and he remarked that he was a worker. He had been inundated from developers calling him. The subject property was under contract for one year with a developer that wanted to do a retail center and gas station. A problem developed with the finances, and he backed out of the deal, but he later called and wanted to get back in. Mr. Leshock said that seven different groups had approached him about developing the site. When he talked to Mr. Anzek about it, Mr. Anzek said that they had heard from a lot of people, but they had never seen the owner come in and talk about the property. Mr. Leshock said that he wanted to be a face that they all knew. He advised that his company was 100% gas stations, and they did not do anything else. He believed that he had experts in the retail business that would make the property*

*fabulous. His vision was to do something beautiful, sharp and clean. If he put \$2.5 million in redeveloping the gas station, he would not get the return. He had run the pro-formas. His banker was convinced, and Mr. Leshock joked that he was the most important person.*

*Ms. Brnabic asked if there was a c-store attached to the gas station. Mr. Leshock said that it did have a small footprint c-store - about 800 square feet with nine cooler doors. Years ago, it was two service bays, and they blocked the doors and added a walk-in cooler.*

*Mr. Kaltsounis said that in looking at the proposal, and he realized that they could not look at a site plan, he could imagine what could be put in B-2 zoning. It seemed to him that they were putting shopping centers up like crazy. The area was Master Planned for office, and he would personally like to stick to that. There was a lot of studying for the area that determined office, with the potential to use M-59 as a conduit, and he noted the corridor across Rochester Rd. His vote would be to deny with finding one: Approval of the Rezoning could facilitate all uses in the B-2 district, which is contrary to the Master Land Use Plan vision for the future development of this area of the City.”*

*Chairperson Boswell opened the Public Hearing at 7:46 p.m.*

**Geoff Simpson, 55 Eastlawn, Rochester Hills, MI 48307** *Mr. Simpson wanted to confirm that the City had no idea what would be going in. He said that Eastlawn was just a strip of asphalt, and it looked like an airport runway. He claimed that if any traffic was pushed to Eastlawn, it could endanger the kids. He did agree that the buildings submitted with the packet looked really good.*

*Chairperson Boswell closed the Public Hearing at 7:47 p.m.*

*Chairperson Boswell acknowledged that several different possibilities could go into a B-2 district, such as offices, a small shopping center, and child care. If it was Rezoned to B-2, any one of the items that were permitted and even Conditional Uses, such as a drive-thru, might go there. With a B-5 zoning, the applicant would be limited to gas stations, car washes, repair shops or tire sales. He could not say what would be there if a Rezoning was approved. Under Conditional Rezoning, the applicant could tie the Rezoning to a site plan. In this particular case, the applicant could put anything in, such as dry cleaners, health and exercise clubs, restaurants with drive-thrus, etc.*

*Mr. Kaltsounis moved the following motion, seconded by Mr. Yukon:*

***MOTION*** by *\_Kaltsounis, seconded by Yuion, in the matter of City File No. 15-003 (3841 S. Rochester Rd. Rezoning) the Planning Commission recommends denial to City Council of the proposed rezoning of parcel no. 15-35-352-019 and 15-35-352-067 from B-5 Automotive Business to B-2 General Business with the following finding:*

***Finding for Denial***

1. *Approval of the rezoning could facilitate all uses in the B-2 district, which is contrary to the Master Land Use Plan's vision for the future development of this area of the City.*

*Mr. Dettloff said that Mr. Leshock referenced that he owned 22 other locations, and he asked if he owned and operated those or if any were leased. Mr. Leshock advised that he owned them. Mr. Dettloff observed that it would be Mr. Leshock's first venture as a landlord for a facility. Mr. Dettloff cautioned him to make sure, because there were a lot of so-called real estate people who could blow a lot of smoke. He hoped that Mr. Leshock aligned himself with the right partners moving forward.*

*Mr. Leshock said that he believed he had. He was dealing with Landmark Real Estate, and he felt that they were as good as they got.*

*Mr. Simpson, who spoke earlier, said that he got a letter from someone who wanted to buy his home. He asked if that had anything to do with the Rezoning request. He wanted to make sure no one was being forced to move.*

*Chairperson Boswell said that was not the case. Mr. Simpson's property was zoned Residential, and it would stay that way. Chairperson Boswell said that he avoided that strip of Rochester Road as much as he could. When he did have to go through there, he thought it looked pretty seedy, although the Discount Tire looked up to date and modern. He could understand Mr. Leshock wanting to tear down the gas station, because there did not appear to be a lot of cars using it. Putting in a small retail center might not be the best idea, but he was not sure. He could sympathize that as it stood, the gas station was probably not going to stay open much longer unless major changes were made. He said that he was a little torn on this one.*

*Mr. Leshock said that he asked Mr. Anzek a few days ago about a*

*Conditional Rezoning, because he figured it might be brought up. It was his understanding that Conditional Rezoning would tie a project to the Rezoning, and he could not change it to any other uses allowed under B-2. He said that he was very open to that procedure. He felt that it was disingenuous to just deny the request by saying there could be a myriad of other uses there. He maintained that it was not what he was about. He was noted as a pillar of the community in the Fenton area, and everything they did was above board. He had been before many municipalities arguing the same cases most of his adult life, and he knew what the Commissioners were concerned about. He asked that he be able to do Conditional Rezoning. He would present a site plan and say exactly what it would be. He mentioned that the Oakland Press had a rendering of the project, and it was the one he had submitted for the packet. He wanted to put in a beautiful, boutique shopping center to serve the area. It would not be very large, and he felt it should lend some credibility to what they were trying to accomplish.*

*Chairperson Boswell responded that the Commissioners knew that Mr. Leshock had the best of intentions. He reminded that circumstances could change, and they never knew what could happen. They had run into it many times over the years. They knew a person meant exactly what he said, and they wanted to vote for him, but things could happen, and something else could end up being there. The person could have to sell for some reason, and someone else who bought the property could do something the City really would not want there.*

*Mr. Anzek agreed that Mr. Leshock inquired about a Conditional Rezoning. Mr. Anzek said that he had honestly advised him that he did not think it was necessary because he looked at the site, and the gas station and the Tire store were the only places along Rochester Rd. between South Boulevard and M-59 zoned B-5. Everything else was zoned B-2, and that was why Staff recommended continuing with B-2. Mr. Leshock had already been through concept review with Staff and gone to some expense, but if the Planning Commission was more comfortable with Conditional Rezoning, Mr. Anzek felt that would be fine. It would just take some time. Mr. Anzek really had not thought there would be an issue with a B-2 Rezoning. He thought B-2 could be supportive of future office use. It was certainly the Planning Commission's call whether they wanted to go with the motion or postpone and have the applicant come back with a Conditional Rezoning.*

*Mr. Hooper agreed that the station needed an overhaul with some reinvestment, and he felt for the applicant. With regards to the future use,*

*he would not be opposed to a Conditional Rezoning. His only concern would be a fast food restaurant. He would be absolutely opposed to that. He commented that everyone had the best of intentions coming forward, but the next request could be for a Conditional Use for a drive-thru. If they did a Conditional Rezoning and restricted the uses under B-2, he would not be opposed to that at all. To do a straight B-2 and then have the chance the applicant might come back with a fast food restaurant would be his biggest fear. He agreed that the site needed reinvestment, and it needed to improve to get a return on that investment.*

*Mr. Anzek believed that the concept plan showed an end cap for a drive-thru, but it would not be fast food. It would be more like a coffee shop, or perhaps another Tim Hortons. He knew that Tim Hortons was looking for a location in that area. He did not believe it would be the level that Mr. Hooper was referring to with fast food.*

*Mr. Hooper said that everything else had to work as well. The site was small. He suggested a condition such as eliminating the drive by the access on Eastlawn, and said that it would be a huge benefit if there was only one access onto Rochester Rd.*

*Ms. Brnabic agreed with Mr. Hooper. She would prefer a Conditional Rezoning, because it would be more specific. The Commission had seen it happen where a plan was in place, and then a property was sold. She asked if a Conditional Rezoning for the site would transfer to any future owner if the property were sold. Mr. Anzek said that a new owner would have to follow the Conditional Rezoning. If the new owner tried to change it, that would have to come back before the Planning Commission.*

*Mr. Kaltsounis wanted Mr. Leshock to know that the Commissioners were not against him, and they trusted he was a good businessman. He explained that the Commissioners had to consider everything allowed in a new zoning district. He thought that even though Mr. Leshock had provided a rendering, that a lot of the Commissioners might be tired of that type of development, especially with a drive-thru. He observed that the property was closer to residents than any of the others with a drive-thru. It was a bit concerning to have headlights coming into homes from a drive-thru. He said that he would be willing to consider a Conditional Rezoning, but he would not like to see a drive-thru. It would be hard to encourage it so close to residents. He said that he would withdraw his motion to deny and recommend postponing to a later date. Mr. Yukon agreed to withdraw.*

*Mr. Anzek said that if the Planning Commission was in agreement, the proper procedure would be to ask Mr. Leshock to withdraw his application for B-2 zoning and allow Staff to work with him to bring it back as soon as possible for a Conditional Rezoning. He asked for clarification about the drive-thru, and asked if an end cap coffee shop was not supportable. He pointed out that the retail markets were all moving to that offering.*

*Mr. Kaltsounis suggested that it might be good to have a concept review before the Planning Commission. Mr. Anzek said that Mr. Leshock had put a lot of work into it, so Mr. Anzek felt it could be brought forward as a Conditional Rezoning, noting that time was urgent to help with reinvestment of the site. Mr. Leshock agreed to withdraw his application.*

*Chairperson Boswell summarized the outcome and said that as Mr. Kaltsounis said, it was nothing personal. It was just that the Commissioners had been there before. Mr. Leshock said that he understood. He complimented the Planning Department, and he said that he was really impressed with the community. He told Mr. Kaltsounis that he did not take anything personally. Mr. Dettloff added that Mr. Leshock had picked a good group with Landmark.*

**Withdrawn**

**2006-0226**

Request for Planned Unit Development Agreement Recommendation - City File No. 03-009 - Enclaves of Rochester Hills PUD, a proposed 26-unit residential development on two parcels totaling approximately 30 acres, located on the east side of Rochester Road, north of Tienken (north of Cross Creek Sub), zoned RE, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated April 2, 2015, PUD Agreement and Final Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Tom Cooney, TJ Realvest, LLC, 54153 Deer Ridge Ct., Rochester, MI 48307 and Ralph Nunez, Design Team Plus, 975 E. Maple, Suite 210, Birmingham, MI 48009.*

*Mr. Anzek outlined that the PUD was in front of the Planning Commission in May 2014 for Preliminary PUD review. Design features, layout and proximity to neighbors were discussed, and it was recommended for approval. The matter went to the City Council in June 2014, and Council approved it unanimously. The applicant had been working on the engineering since then. The City Attorney had signed off on the PUD*

*Agreement. He turned it over to Mr. Nunez, and he asked if he would also summarize responses to the letters Staff had received from the neighbors.*

*Mr. Nunez stated that the site contained 30.5 acres. There were two parcels; the north parcel was five acres, and the other was approximately 25. There were 26 lots proposed with two points of access. The original one was called Tree Top Lane, and it was also used by neighbors to the northeast. At the Preliminary review, the northern five acres had not gone through a tree survey. Subsequently, they had a complete wetlands survey done. There had previously been more wetland areas, but wetlands change, and it ended up showing 6.29 acres. That was verified by King and McGregor, ASTI, the City's wetland expert and the MDEQ. He pointed out the wetlands and said that where it crossed Tree Top Lane, there was a culvert that connected to the northern wetland. He noted that there were steep slopes, but it had been verified that a permit was not needed. He said that after the tree survey, they determined that they were able to save 47% versus the 37% normally required for a subdivision. Lot 25 was widened, and it was still 40 feet from the right-of-way of Rochester. They gave the 60-foot one-half right-of-way for Rochester as part of the project. They modified lot 2 closer to the north and the three lots to the south would have larger back yards. They would exceed the tree replacement criteria. There would be trees along the perimeter adjacent to the neighbors and many along Rochester Rd. The wetland impact would all be within MDEQ's allowable impact of .19 acre. He advised that they made sure that all the notes that were required on the plans were there, and that they had addressed the review comments.*

*Mr. Nunez spoke in response to letters received from the neighbors, which he said they took very seriously. One gentleman came to the Concept Plan meeting and asked about headlights, and Mr. Nunez said that his property was over six feet higher and headlights would not impact. He stated that their method of operation had always been to deal with the neighbors as best as they could. There were four original letters and six were copies of those. The engineer for the project, Jim Jones, had prepared a response letter, which was passed out to people in the audience who wished to see it. Regarding a question about wetlands, he went over the impact again. There was a lot of documentation regarding groundwater and dewatering and what had happened with a project across Rochester Rd. to the west. It apparently damaged some homes in Cross Creek, but he maintained that it was not his client's project. He assured that soil borings would be done as a requirement of Engineering for the storm water detention basin to determine what the capacity and depth*

would be. Another question was about Oakland County's 100-year storm requirement. Mr. Nunez advised that the project would not drain into a County Drain, and that the City had a 25-year storm event requirement. He noted that Mr. Jones was also the design engineer for the project to the south (Cross Creek). That project had a 10-year storm event, because those were the City's standards at the time for storm water detention. The homes in Enclaves would be on the upland side of the site (there were 20 acres of upland), and soil borings would be done during the construction phase. At that point if it was determined that there was a high ground water table, the engineer would recommend best practices for how to resolve it, but he did not believe there would be any impacts to the wetlands from construction. There were recommendations in the letters that a 12-inch pipe was not sufficient. Mr. Nunez said that the storm system varied from 12" to 21," and it was designed to match the calculations for the water sheds to get the water off of the impervious areas into the forebay and into the storm water detention basin. There were concerns from neighbors that the sanitary line along Rochester Rd. should be used, but Mr. Nunez advised that it was not at the depth where they could take all of the lots to that area. The lots that could go there would. When the project to the south was originally designed, future plans to develop to the north were part of that concept. The sanitary system was designed for that. There was an easement between lots 13 and 79 (35-foot utility easement) designed for the sanitary for the future connection to the proposed site. It was held back from the edge of the property, because there were some major trees, but they were in the utility easement and as such, they would not remain where the sanitary would go. The cul-de-sac was requested to be extended as part of planning. The water and utilities would be extended to the east so that in the future, if the five-acre parcel became something other than one single-family home, it would allow for connections. There was a concern about trees falling in the wetlands. Mr. Nunez advised that it was illegal to remove trees that fell in a wetland. There had been photographs sent of the trees that had fallen and damaged a fence, but the applicants could not remove the trees. One resident said that 75% of his backyard was wetland area. Mr. Nunez said that there had been a change over the last 25 years, and the wetlands had shrunk. He said that they would not be dewatering the wetlands, because that would be in violation. When they did the sanitary, there would be a trench and clay barriers to keep it from dewatering the wetland. The water would stay in the wetland unless nature drained it. An exhibit was sent that showed a Michigan wetland map from years ago. He noted that if there had not been a wetland survey within five years, the City required another one, which had been done. The map from the State showed that a lot of the homes in Cross Creek were in



wetlands, so that was not accurate. The detention basin was designed to calculate for the impervious areas of the lots based on the City's Ordinance. They could not discharge any water off the site faster than it occurred presently. There would be no increase of storm water detention onto the neighbor's or into the wetland other than what was currently being allowed under normal issues. Mr. Nunez said that one neighbor had looked at the engineering plans, which did not show the landscaping. He said that the landscape plans showed significant plantings. The evergreens would be 10 feet, 3" caliper trees to screen the property. Another concern was about the boulder walls. The walls were designed based on the City's Ordinance. Anything over four feet had to be structurally engineered. The client proposed boulder walls and to stair step the wall, which was similar to what the neighbor to the east would like to see. They originally looked at a 27-foot wide pavement for the road, which would be integral with the walkway and they looked at doing colored, textured pavement. After investigating, they decided that it would be better to take an integral sidewalk with mountable curb and raise it up to three inches and keep it as a sidewalk. It would still be structurally sound for fire trucks to turn, and it would be safer for pedestrians because of the slight deviation of the sidewalk. It would also reduce the maintenance problem of having to repaint it every season. He concluded that they appreciated everyone's comments and went over the approvals they were seeking, and said that if any neighbors wanted to meet afterwards, they would be more than happy to do so.

Ms. Brnabic stated that it was a very good presentation. She asked for a point of clarification. The Staff Report said that there were 255 regulated trees, but in the plan review, it stated that there were 2,060. Mr. Nunez explained that there were 2,055 regulated trees. They would be removing 1,101 and providing 1,118 credits.

Chairperson Boswell opened the Public Hearing at 8:34 p.m. He asked that comments be limited to three to four minutes.

**Jeanette Cooper, 6233 N. Rochester Rd., Rochester Hills, MI 48306**

Ms. Cooper stated that she lived immediately north of the smaller lot. She noted that the two wetlands shown were also on her property and onto the property to the north of her, and she was very concerned that they were kept viable, and that there would not be flooding onto her yard. Her other concern was that on the northeast corner of the lot, there was a stand of mature, white pine trees, and they were not marked, and she hoped that they would not be taken down. She felt it would be a tragedy.

**Ray Cooper, 6233 N. Rochester Rd., Rochester Hills, MI 48306** Mr. Cooper said that he was concerned that the applicants wanted to build on 30 acres. They were treed and it was wetland, and he asked why they needed to take down 30 acres of trees and trash them. He said that they needed trees for a number of reasons, including oxygen, and they would be putting in homes to make their bank accounts a little higher. He felt that there were other places where the project could be built. He mentioned wildlife, and said they were concerned.

**Stan Leslie, 236 Cross Creek, Rochester Hills, MI 48306** Mr. Leslie said that they had not heard from him in the past because he had not heard about the meetings until they had happened. He reviewed the minutes from previous meetings, and he was aware the applicant had been there before, but the City was not required to notify him of a meeting. Regarding dewatering, he had not been affected, but some of his neighbors were. Some were on spring break and were not able to represent themselves. From what he understood, there was some litigation and settlement, and the City had approved dewatering, and he assumed a ball got dropped somewhere in the soil sampling. His primary concern was that the ball did not get dropped again during construction. He realized that the developer and his engineer had fulfilled all the current Rochester Hills obligations. It appeared that the Rochester Hills detention pond requirements were a bit behind the times relative to the State and Oakland County recommendations. Since water flowed downhill, and he was downhill from the development, he was concerned. It had somewhat been addressed, but he was concerned that the rate of outflow did not become different than it was today. They would collect the water, and he asked if the amount of peak water runoff or the timing relative to today would change and if so, if it would change in a negative fashion. He was not sure if the impact to the surrounding areas was looked at as much as required, and he wanted to make sure that the City had taken into consideration the people down stream. With regards to the sewer, he did not question that the pipe was put there with plans for future development. At that time it was put there and inspected, it was under three feet of water. To connect to that pipe would require trenching through over 250 feet of wetland that was roughly at the same elevation and would require the destruction of a lot of trees. He knew some trees would get replaced, but they would not be equivalent to what was there today. His concerns were not so much for 20 years down the road but for the construction phase and for the next ten years while the trees were growing. He thought that the development overall was very nicely laid out, and he had no problem having them as neighbors. He just had some concerns about the process.

**Alan Amici, 6225 N. Rochester Rd., Rochester Hills, MI 48306** Mr. Amici noted that he lived two parcels north of the proposed site. He said he had a simple request; to continue the pathway proposed from the south end of the Enclaves property all the way to Wimberly Dr. There was a subdivision there and a number of houses in that area. He thought that while all the equipment was there, that it would be very economical to finish the pathway northward. It would be much safer for pedestrians, joggers and cyclists to go down Rochester Rd. on a path. It would also service some of the businesses at City Walk.

**Paul Wise, 299 Wimberly Dr., Rochester Hills, MI 48306** Mr. Wise advised that he lived in the Waverly Woods subdivision. He said that he had been working with the pathway committee for several years to get a path from Cross Creek to Wimberly. He had been working with Paul Shumejko and Paul Davis of DPS/Engineering. Mr. Wise was told that his area was not on the list for a path, and they discussed that when a development was built, that the City would work with the developer to extend the path to Wimberly. He got petitions from residents and businesses in the area that wanted the path very badly. They had been walking along Rochester Rd. nearly getting killed for the last 30 years, and he felt that it was time to rectify that. He reiterated that the resources would already be there to build the path, and it would only be another 600 feet. It would service 200 families and all the businesses coming down from Oakland Township and the Stony Creek bikers. He asked the Commission/Council to consider, as an extension of the project or with the project, extending the pathway.

**Russell Smith, 1250 Lakeview Dr., Rochester Hills, MI 48306** Mr. Smith addressed the comment from Mr. Nunez, and said that the reason he and his wife did not attend other meetings was because, as far as they were aware, the notice was only submitted to the 12 houses abutting the development. He was not aware of the requests until two weeks ago. He reiterated that the water ran downhill and at some point, he could be impacted if something went wrong. He said that he did not fully understand how the planning worked in the U.S., but in the UK, their councils posted planning requests that had been submitted to a whole neighborhood, not just 12 or 20. He thought that might explain why there had not been that many people at the door lodging complaints or having discussion. He said that he would like to take Mr. Nunez up on his invitation to meet afterwards.

**Harold Stroupe, 200 Cross Creek, Rochester Hills, MI 48306** Mr. Stroupe said that he had a number of things to say, but his neighbors said very well what he had intended to say. It had dawned on him that if someone looked at the lower right hand of the site plan, the new development could be envisioned as a coffee cup turned over on its side, spilling water into his backyard. He had a real concern about the effect the development would have on the wetlands. He was the one who wrote that his backyard was 75% wetlands, and he said it might be more than that. It was beautiful, rugged and natural. He hoped the planners knew what they were doing when they designed the wetland so that the impact to the surrounding properties would be minimal, if anything at all. He said that he just learned about the pathway project, and he said that he would support that idea.

**Debra Gash, 1421 Otter Dr., Rochester Hills, MI 48306** Ms. Gash said that a lot was mentioned about the 25-year detention pond. She did not think that some things had been adequately addressed by the developer. Mr. Nunez said that the detention pond would be holding the runoff from the development and discharging into the existing wetlands at the same reduced agricultural rate that was discharging today. She asked how that could be and how they knew that. If the trees were taken away that held the soil down and absorbed the water, and concrete pads and foundations were put in, she asked how it would not create extra runoff. She stated that the detention pond was good in theory, but the development to the west side of Rochester Rd., at the corner of Orion and Rochester, had multiple detention ponds, and they flooded. For all the good intentions, rain happened, as they saw with the floods in Detroit. They did not know if the water runoff would occur at the same rate that it currently did. She lived downhill from the proposed development by the drainage outlet on Otter. Her yard to the north was flooded every spring currently. That was without a new development and with the thousand trees. It took months for it to drain, and it did not drain until sometime in June. She stated that it was not inconceivable that if there was development and extra rain that the water would come down Otter Dr. and empty out and flood their houses. There had already been two floods in her house. Her next door neighbor had two floods. Her sump pump ran almost continuously. They knew that there was a high water table. There was standing water well into spring. She was very concerned that being at a lower grade and with having a natural habitat that held the existing water taken away, that there would be extra runoff into her neighborhood. She concluded that she would like to see that addressed.

**Henry Barcino, 218 Cross Creek Blvd., Rochester Hills, MI 48306** Mr.

*Barcino stated that he lived at the southeast corner of the proposed development. He said that he would not repeat what Mr. Leslie said, but he had the same concerns. He was sure that the developer was going through a painstaking effort to meet the Ordinances and guidelines. They did not question that, and he was not opposed to the development, but he had serious apprehensions about the plans. He had a creek through his property. In the spring when it rained, it tended to wind away from his property. He had a below grade, fully furnished, white basement with two sump pumps that ran throughout the spring. He had serious concerns with what he believed would be the additional runoff of water that would be caused by all the impermeable land draining into the detention pond. He reviewed maps with City engineers, and there was some runoff. All the storm drains drained into the detention pond, but if it overflowed, there would be runoff into the wetlands. He walked the property about a week ago, and there was well over two feet of water. That was with the naturally occurring runoff that existed, and it had not really rained. The developer was planning to connect their sanitary sewers down 250 feet for which they would have to dig some trenches. He learned from the City's engineers that the developer would have to cut down the trees, and although the trees would be replaced, they could not be replaced in the area they dug them out, because it was a utility easement.*

*Chairperson Boswell closed the Public Hearing at 8:55 p.m. A short recess was taken from 8:55 p.m. to 9:05 p.m.*

*Chairperson Boswell mentioned that people had brought up not getting noticed for the meeting. He advised that anyone that lived within 300 feet of a project would be notified. Public Hearings were noticed in the paper and notice was put on the City's website. He noted that the main concern was about water runoff and the bike path, which he thought sounded like a very good idea, and he asked Mr. Nunez to address the water runoff. Mr. Davis introduced himself as the Rochester Hills City Engineer, and he said he would try to answer some of the questions presented.*

*Mr. Nunez noted Mrs. Cooper's comments, and said that there was no intention of altering the wetland on their site. There would be a crossing, but there would be a pipe that would allow the water to go south. Regarding the trees at the northeast corner, two lots had been pushed away from the property line, and the trees would remain. Mr. Cooper had talked about 30 acres of trees being removed, which Mr. Nunez said was not the case. They would save 47%, and if they removed all of the trees, there would be nothing but an open field, and that was not indicated. Mr. Leslie talked about dewatering. Mr. Nunez could really not comment*

*because it was not their project, but he understood the concerns. There was an overflow device, and the impervious area that would be used for the homes, rooftops, roadways and walkways had been designed with a storm system that would collect the water. It took into account the water from adjoining properties. He agreed that water went downstream, but without any development, the neighbors were complaining that their sump pumps were running and that there was flooding, but nothing had even been done to the proposed site. The water currently running through it naturally would continue to run through it naturally. If the sump pumps were running now, they would most likely continue to run after the development. He stressed that the discharge of the water off the property could not go any faster than it did now. The impervious area would run off faster, but it would collect into the storm system pipes, store there and go into the detention basin and be released at an approved rate. In the case of the flooding that hit the area last year, it was based on quantity, not quality, which was what the storm system would do for water infiltration with the forebay and holding the water for the regulated period of time. There was interest for a safety path to the north. They agreed it was a great idea if the City would like to participate. He felt that if there were 25 business owners that were interested, that they might have the wherewithal to participate and work with the City to extend the path. There might be some grants available. He said that he would be more than happy to give his number out and talk with people.*

*Mr. Davis said that the proposed development, similar to other developments in the City, was being held to the same criteria. It was consistent with what the City would require for storm water detention throughout the City. The standards prior to 2007 were based on a 10-year basin storm event. He explained that a detention basin provided a temporary volume for storm water generated to be directed to, and then it was released at a controlled rate. He advised that in storm water design, there was a difference between rate and volume. When flooding occurred, oftentimes, it was because the receiving streams or sewers did not have enough capacity to handle a rate that was inundating them. A detention basin would attenuate the rainfall. Sometimes, there were very intense rainfalls, and without a basin, the rate would be higher into the streams or sewers. Progressing from a ten-year event to a 25-year event required developments to hold 30% more storm water than previously. There were comments that the Oakland County Water Resource Commission required sizing for a 100-year event, which he agreed was true. The City had looked at a 100-year event, and they would continue to do see if they wanted to revise the standards, but as of today, any type of development would be held to a 25-year event. There was a comment that there would*

*be the same amount of storm water generated with the proposed development as pre-conditions, and that was not true. An open field would generate less storm water runoff than a development that had pavement. When impervious areas were created, it would generate more storm water runoff. The counter to that was to provide a detention basin, where the runoff could be directed to temporarily hold and release water at a controlled rate which would not inundate the downstream waterways. Although the volume of storage requirement was different for the City and the County, the rate had not changed. For many years, the rate had been to design storm water detention facilities at .2 cubic feet per second per acre. If there was a ten-acre site, it would be ten acres times two or 2 cubic feet per second would be allowed to discharge. The developments in the City had all been designed with that same criteria.*

*Mr. Davis felt that the development would be a terrific project to coordinate with a future pathway extension. He said that Mr. Wise had mentioned talking with him and Mr. Shumejko previously. The reason why they did not move forward on a pathway project along Rochester Rd. in the area was because they felt certain that a development on the subject property would occur. Typically, the City looked for the developers to help extend the pathway system that the City ultimately took ownership of and maintained in the future. Similar to road construction projects, such as the Hamlin Rd. project going in the summer, the City did look for opportunities to take any economies of scale and if they were reconstructing a roadway, to also construct pathways. It was possible that the City could try to coordinate activities with the development in order to get a pathway extended to Wimberly. He was not sure if the City had the necessary right-of-way or where the pathway alignment would go. He did not know if trees on other people's properties would have to be removed or what would be necessary. They would want to offset the pathway from the roadway as much as they could.*

*Mr. Davis suggested that someone could make an additional calculation about the additional volume that would be generated from an existing condition and a post development condition. It was fairly simple to determine how much more volume of storm water there would be. He observed that wetlands were good to discharge to, because they provided a good water quality benefit. They helped settle out sediments that might otherwise (without a wetland) be carried downstream. The City liked to try to avoid sediment transfers. In the subject case, he felt that the detention basin was sited appropriately to use the wetland. He thought that they could make an estimate about the wetland height. He did not think it would be very much. He thought that there was a lot of surface area, and*

*they could ask their engineer to make a calculation about the difference in water volume that would be generated between the existing condition and the proposed condition during construction plan review. He reminded that there would still be a lot more reviewing from the Engineering Dept. for the site after the meeting. The Wetland Permit would have to be acquired through the MDEQ, and the City would have to review it, and there would be a number of other steps to further scrutinize the wetlands.*

*Mr. Davis said that he had been with the City almost 15 years. The concern about dewatering and some of the damage that was done to the homes predated his employment. He heard about it from an employee that was no longer with the City, and it sounded like it was an issue where dewatering had occurred to the extent where residents felt that their homes were damaged. He noted that he was involved with the sewer extension that the City did to take the sanitary from Cross Creek north to Mead. That was done about eight years ago. At that time, and because of the previous dewatering concern, they approached the homes close to the intersection of Rochester and Cross Creek and told them that if they really felt that their problems were a result of dewatering the area, that the City would video tape their homes before and look at them afterwards. The City wanted to have a baseline to make sure the damage was a result of the sewer extension. When the time came for waivers to be signed and for the City do that effort, not one homeowner took the City up on it. Something like that could be set up again, but if dewatering was needed, and soil borings would determine that, the dewatering wells had a limited influence. The pump that temporarily drew down the water table in order to extend a utility in a trench had a limit as to where it would influence the ground water table. He believed that what was proposed for the sanitary sewer extension was further away from the homes than what was seen previously by Cross Creek and Rochester.*

*Mr. Kaltsounis asked Mr. Davis to define dewatering and the process. Mr. Davis said that it had been done on a number of different projects. There would be a series of ground water pumps or pipes put into the ground. The pumps would draw up the water and discharge it into a receiving stream. After the pumps had been run for a little while, it would have the effect of drawing down the location of the ground water level below the surface so that work could be done and trenches would not cave in.*

*Mr. Kaltsounis said that one of the comments talked about the detention basin releasing the water into the ground at a controlled rate. He asked if, in a 25-year storm, the basin would fill up and release the water into the*



ground. Mr. Davis said that was the difference between a detention basin and a retention basin. A retention basin retained water. It did not release it after a period. It would eventually infiltrate into the ground. A detention basin had an outlet. There was a pipe that would discharge and dewater the basin. It only detained it temporarily. Retention basins were typically for two 100-year events. As a result, the City had very few of them. There had to be appropriate soils to allow the water to infiltrate into the ground. With all the wetland area, he would not expect it to be a good location for a retention basin. If there was an area with a lot of good sand, someone might be able to have one, but the City did not typically see that type of design. The City did check to make sure that the detention basin was not affected by the ground water, and that was where the soil borings came in. If it showed that the ground water was higher than the bottom of the basin, that volume would not count.

Mr. Kaltsounis mentioned the 100-year emergency overflow line, and he asked for some details. Mr. Davis said that the City had design criteria where basins were sized or where storm sewers were sized. There were a lot of different rainfalls. Design storm was kind of a theoretical condition. A ten-year design meant that there was a 10% chance that there would be a storm that exceeded the design condition. A 25-year design meant that there was the possibility in 100 years that the design condition could be exceeded. There could be a secondary route for a 100-year storm for the water to go. They would not want the basin to uncontrollably flood all over the place. They would want to have a predefined path that directed the water to a better path if the basin topped. The City had something called freeboard, which was a safety factor. It was generally another foot of storage before it went into an overflow condition. The City looked for that on all the designs in the event that there was a storm that exceeded the carrying capacities of the basins.

Mr. Kaltsounis referred to page one of one (last page of the Engineering plans). He pointed out the north part of the cul-de-sac by lots 11 and 12, and said that the north part of it was higher than the south. There were two catch basins on the right and one on the left, but there were none to catch any sheeting of water in the cul-de-sac on the south, and there were two houses without any catch basins in their backyards. He asked what the plan was to capture the water from the middle of the road down. He asked how the water from the gutters of the roofs of lots 11 and 12 would be captured. Mr. Nunez pointed out where it would run.

Mr. Kaltsounis asked how the water from the back of the houses would not dump into the slope behind them and erode it. Mr. Nunez said that for

lots 11 and 12, the storm water would run directly into the wetland. The rest of the lots had rear yard drains and would discharge into the storm water detention basin.

Mr. Davis said it was a good question. Sometimes they saw developments where not all the drainage was directed to a detention basin. It was termed "unrestricted flow." If a property was ten acres but only nine-and-a-half was captured and directed into the detention basin, the applicant would not get credit for ten acres worth of allowable discharge. The City would only allow nine-and-a-half acres to discharge. They would have to show that runoff would be equivalent to the natural ground.

Mr. Kaltsounis asked what other plans would be put in place to capture the rainwater. Mr. Davis said that it could be a rear yard swale directed toward the basin or a shallow, smaller pipe system.

Mr. Schroeder asked if the City had the right-of-way to do the remainder of the bike path to Wimberly. Mr. Davis was not sure. Mr. Wise came forward from the audience. He said that there were three properties between Wimberly and the top of the project. Two people were present at the meeting, and the third was his good friend. They had all signed the petition, and they all walked the path. They were all very gung ho, and the City would have their permission for the easement. In terms of the properties, they were leveled, and there was a little bit of a hill on the last one. They would have to figure out if they would need a boardwalk or bridge and some type of engineering. He did not think there were any trees involved. He felt that the number one thing for the project was the bikepath.

Mr. Schroeder explained that if the City had to acquire right-of-way, it could delay a project. He said that it sounded as if that would not be a problem.

Mr. Kaltsounis confirmed that a pathway would be installed across the project on Rochester Road. He asked the applicants if they would be willing to extend it to Wimberly. Mr. Cooney said that he could not speak for his partner, but he could talk to him. There was still a lot of studying to be done in order to extend it, and he did not know about the timing. Hearing no further discussion, Mr. Kaltsounis moved the following:

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the PUD

*Agreement dated received March 4, 2015 with the following four (4) findings and subject to the following two (2) conditions.*

*Findings*

- 1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.*
- 2. The proposed Final PUD is consistent with the approved PUD Concept Plan.*
- 3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.*
- 4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to preserving natural features, the environment and open space.*

*Conditions*

- 1. The appropriate sheets from the approved final site plan set shall be attached to the PUD Agreement as exhibits, including the building elevations.*
- 2. All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.*

*Ms. Brnabic asked if the roads would remain private and be maintained by the developer rather than the City. Mr. Nunez said that was correct. Ms. Brnabic commented that the PUD Agreement was very well done. She felt that the pathway was a good idea, but she realized it would be 600 feet, and she thought that the City should also participate rather than asking the developer to take on the whole expense to extend it.*

*Mr. Davis asked if the Planning Commission might consider adding a condition regarding the sanitary sewer. He explained that extending it though a wooded area and towards the easterly end of the property by the cul-de-sac meant that it would be owned and maintained by the City in the future. The City would want access to that and over the line. He asked for some consideration to require a maintenance path along the distance of the sanitary sewer. Chairperson Boswell advised that it could be added as part of the Site Plan motion.*

Mr. Anzek pointed out that in some of the documents, there was a discrepancy in the name of the development, and he asked that the exhibits in the PUD be consistent in stating Enclaves of Rochester Hills.

Voice Vote:

Ayes: All  
Nays: None  
Absent: None

**MOTION CARRIED**

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

2014-0174

Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 03-009 - Enclaves of Rochester Hills PUD, for impacts of up to 12,321 square feet (out of 6.29 acres of wetlands) associated with the proposed construction of a 26-unit residential development on 30 acres, located on the east side of Rochester Road, north of Tienken, zoned RE, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC, Applicant

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission recommends City Council approves a **Wetland Use Permit** to impact approximately 12,321 square feet for the construction and grading of units, the road, retaining wall and utility installation and utility easement and the placement of a culvert, based on plans dated received by the Planning Department on March 2, 2015, with the following two (2) findings and subject to the following four (4) conditions.

Findings

1. Of the approximately .6.29 acres of city-regulated wetlands on site, the applicant is proposing to impact approximately 0.2 acres.
2. The city's wetland consultant believes that revisions to the plan preserve regulated wetland and the Natural Features Setback and are exemplary of the objective of a PUD by minimizing impacts to a Priority One Natural Feature Area of the city.

Conditions

1. City Council approval of the Wetland Use Permit.
2. The applicant shall obtain 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 wetland impacts on Sheets 2 and 3 must be also shown on the final grading plan for the project.*

**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

**2015-0098**

Request for Tree Removal Permit - City File No. 03-009 - Enclaves of Rochester Hills PUD, for the removal and replacement of as many as 1,101 regulated trees for a proposed 26-unit development on 30 acres, located on the east side of Rochester Hills, north of Tienken, TJ Realvest, LLC, Applicant *Mr. Kaltsounis said that Mr. Cooper had a valid comment about the trees. He said that he had moved a lot of motions, and this type was really the one that gave him some heartache. When they talked about removing 1,100 trees, it made him stop and think. However, with the processes in the City and the regulations, the applicant was saving a lot more than required. The trees would have to be taken down at a certain point, not right away, which gave him a little comfort in the decision.*

**MOTION** by Kaltsounis, seconded by Reece, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on March 2, 2015, with the following three (3) findings and subject to the following one (1) condition.

**Findings**

1. *The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is removing up to 1,101 regulated trees from the site.*
3. *The applicant is proposing to provide at least 1,116 replacement credits.*

**Condition**

1. *All tree protective fencing must be installed, inspected and approved by city staff, prior to issuance of a Land Improvement Permit.*

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

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

**2015-0100**

Request for Natural Features Setback Modifications - City File No. 03-009 - Enclaves of Rochester Hills PUD, for permanent and temporary impacts to approximately 2,242 square feet associated with the construction of a 26-unit residential development on Rochester Road, north of Tienken, TJ Realvest, LLC, Applicant

***MOTION*** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **grants Natural Features Setback Modifications** for permanent and temporary impacts to as much as 2,242 square feet of natural features setbacks associated with the construction and grading of units, a proposed road, utility installation and associated utility easement and proposed storm water sewer line, based on plans dated received by the Planning Department on March 2, 2015, with the following three (3) findings and subject to the following two (2) conditions.

**Findings**

1. *Natural Features Setback Modifications are needed to construct several units, a portion of the road, utility installation and associated utility easement and a storm water sewer line.*
2. *ASTI, the city’s wetland consultant has no objection to the requested modifications.*
3. *Natural boulder retaining walls are proposed to preserve the natural features setbacks.*

**Conditions**

1. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*
2. *Construction of a 12 to 18 inch boulder wall to prohibit future development within other areas of Natural Features Setback and associated wetland areas, other than areas where the retaining*

*walls are proposed, to be approved by city staff prior to final approval as recommended by ASTI.*

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

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

**2015-0118**

Request for Cul-de-Sac Waiver - City File No. 03-009 - Enclaves of Rochester Hills PUD, for an addition to the required maximum 600-foot cul-de-sac of approximately 90 feet to allow Enclave Ct. to connect to the driveways to units on the east end of the development and to allow the road to be extended to the east property line for potential future connection, TJ Realvest, LLC, Applicant

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **approves** a **Cul-de-Sac Waiver** of up to 90 feet for proposed Enclave Drive/Court, based on plans dated received March 2, 2015 by the Planning and Development Department, with the following three (3) findings.

**Findings**

1. *A Cul-de-Sac Waiver is requested for the length and layout of the street Enclave Drive. to be able to get to the lots at the east end of the development and to have the flexibility to extend the road and connect with the property to the east in the future if necessary.*
2. *The proposed cul-de-sac length and lot layout have been reviewed and recommended for approval by both the City's Public Services and Fire Departments.*
3. *The proposed street design incorporates a cul-de-sac bulb that meets city's standards allowing for easier movement of fire vehicles.*

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

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

**2015-0099**

Request for Final Site Plan Recommendation - City File No. 03-009 - Enclaves of Rochester Hills PUD, a proposed 26-unit residential development on 30.5 acres, located on the east side of Rochester Road, north of Tienken, TJ Realvest, LLC, Applicant.

*Mr. Kaltsounis asked the developers to consider helping with the extension of the pathway if at all possible. Chairperson Boswell agreed, but he said that the City, the residents and the businesses - that would benefit - might all be able to help.*

***MOTION*** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the **Final Site Plans**, dated received March 2, 2015 by the Planning and Development Department, with the following five (5) findings and subject to the following three (3) conditions.

*Findings*

- 1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other city ordinances, standards and requirements can be met subject to the conditions noted below.*
- 2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.*
- 3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.*
- 4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.*
- 5. The proposed final plan promotes the goals and objectives of the Master Plan.*

*Conditions*

- 1. Provision of a performance guarantee in the amount of \$508,935, as adjusted if necessary by the city, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.*



2. *Address all applicable comments from city departments and outside agency review letters, prior to final approval by staff.*
3. *Add a maintenance path to the sanitary sewer line to be approved by Engineering Staff, prior to Construction Plan approval.*

**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 motions had passed unanimously, and he thanked the applicants.*

## **ANY OTHER BUSINESS**

### **2014-0450**

Request to discuss Eddington Blvd. located on the east side of Rochester Road between Avon and Hamlin - Lorraine McGoldrick, Resident, Eddington Farms  
*Chairperson Boswell noted that Ms. McGoldrick had, for some time, been trying to come before the Planning Commission to speak about Eddington Blvd. and Rochester Rd., and the agenda was finally able to accommodate.*

*Ms. McGoldrick said that she appreciated the opportunity to share some of her concerns as different options for the Rochester Road segment between Avon and Hamlin were being looked at. She showed a map of the surrounding roads, and pointed out Meadowfield and Yorktowne, which she stated had been aligned at the City's expense. It was a 13-year drive for a light placement and to see if it would meet warrants. She indicated that the Avon and Rochester intersection was a concern, and it was known as one of the worst intersections for delays and its level of service as dictated by MDOT standards. She added that there were several intersections in Rochester Hills that were of great concern. She said that her house was in the back of the Eddington Farms subdivision, and she did not have a "not in my backyard" issue. When they looked at the process thus far, her Homeowner's Association discovered the plans to realign Eddington Blvd. They had wanted to plant trees along the boulevard, and it was denied because of pending development. They made several calls to MDOT and to the City to try to understand what was happening. The City's position appeared to be that it was the landowner's property rights going forward, and they were not involved. Then MDOT indicated that it had worked with the City, and they were following through*

*because the City had requested the realignment. G&V (property owners) had indicated to her that the City wanted it, and that it would happen. She said that was concerning, and she believed she lived in a town where processes and evaluations were followed. She had been asked what it was she wanted - whether the homeowner's wanted a light on that road segment or not. For many years the residents had asked for a light, and the standard answer from the City was that MDOT would not put a light there unless Eddington Blvd. was aligned as a four-way intersection. The concept came out about closing Eddington Blvd., which was an MDOT conditional approval if a Eddington was realigned with Drexelgate. The latest concept was to angle Eddington, and she felt that would be a better position. She had been fighting for an objective report on the safety issues. She could see some negative things happening if Eddington Blvd. were closed. She had done a lot of work, and she appreciated Mr. Anzek stating in his memo that she had done a lot of work. She has had Commissioners tell her that she was not talking to the right people, but she had talked to more than 25 MDOT employees. She had worked her way up the chain of command. She had talked to at least 25 City workers and 25 different agencies to tap them for resources and information. She had gathered three binders full of background information to get to where she was. There had been a lot of documentation, and she claimed that there was a lot more information in the process. It took her almost a year-and-a-half to get through to people who made the decisions and found that neither intersection, realigned Eddington and Drexelgate nor Meadowfield and Yorktowne met warrants needed for a traffic light. She read the first Traffic Impact Study, which she claimed had been bought and paid for by the landowner through an MDOT approved study person, but it was clear that the report was not correct in a number of ways. She said that she found about 20 errors in the overall report. She had also done a lot of work with the speed humps placed along Eddington, and the traffic counts there were not aligning up with the TIA study. She FOIA'd the City for information and was charged over \$3,000 for emails back and forth. MDOT was able to provide that information for no cost. As a resident, she has had some difficulty getting information. Another thing Mr. Anzek said was that he did not want to project what she was going to say or why she was saying it. She hoped that she could convince the Commissioners to change the culture regarding residents' input to the City. She indicated that some people were not supposed to know all the rules and regulations, and other people were very educated in their positions. There were a lot of concerns about the push to close Eddington Blvd. and realign it with Drexelgate and put a light there. If people read the TIA reports, they could see that most had a theme of why a light could not be installed at Meadowfield and Yorktowne and why it*

would be perfect at Drexelgate and a realigned Eddington. She pointed out that Eddington was at the exact midpoint between Avon and Hamlin, and MDOT standards stated that the midpoint was always the best location. There was a new TIA report that came out March 27, 2015. There were numbers that indicated it was better at Eddington because of the distance Yorktowne was from Avon. She stated that there was a very limited amount of space from there to Avon, and that had a low impact on the decision. She thought that the March report was the best one she had seen. In her training as a grant writer, she had also used data to get the end result that she wanted to accomplish and convince people it was the best for a match in funding. There had been three different vehicle counts in the last three years in the area. The first one was from the landowner. She attended a director's meeting at MDOT and explained the 20 problems in the report, and a recount was granted. They were convinced. All the vehicle counts and data collections were similar. The process used for the outcome showed that they were correct. She maintained that the outcomes were like comparing an apple to a pear. The March study showed that the only improvement in safety or traffic movement was with a light placement at Meadowfield. The report did not include any level of service numbers. Her training led her to question why it did not. She put the numbers into a chart, and she could see that Meadowfield was the only place to improve things. She said that she would type it and make it available.

Ms. McGoldrick stated that she had been asking for an engineering study, because it would give the most information. It had been fought for over two years. It would be most significant to be able to look at the whole road segment. She said that she wanted the discussion to be about safety for everyone who traveled Rochester Rd. Staff had told her that in ten years, it might be a mistake to put a light at Drexelgate. MDOT had created a race to have one light on the road segment. There had been as many as three or four projected and other light placements considered throughout the years, and the only conditional approval for a light was at Meadowfield and Yorktowne and at a realigned Eddington and Drexelgate. Meadowfield and Yorktowne's conditional approval meant that an access point had to be closed. There were too many driveways according to MDOT's standards. There was about 300 feet of the road segment that was MDOT compliant, and those were the placements of Drexelgate and Eddington. The City wanted to focus on making a change when none of the other areas were MDOT compliant. She understood that MDOT standards were all about safety. The Chrysler dealership had five driveways, and she stated that not one request was put forth to close one of their five driveway, which, she said, would have

*increased safety. The traffic in front of Yorktowne backed up all the time, sometimes past Eddington. There was a young man trying to get out of Yorktowne, and some cars let him out to go south. It was backed up past Eddington, and people went into the left turn lane towards the mall. The man could not see the oncoming cars, and he almost lost his life because of the poor markings. She stated that a light placement would change those incidents. One of the reports said that Yorktowne was too close to Avon for a light. A traffic engineer told her that putting a light closer to the worst intersection would help relieve the problems at the intersection. A comparison study had never been done between a light placement at Yorktowne and one at Eddington to compare apples to apples. In the latest study, the PUD that was removed was used as parameters for a light. All the studies used apartments by the bank, but she maintained that no one living there would exit the boulevard to Rochester Rd. Those people would use realigned Eddington, although she would not do that. There were a number of exceptions to the MDOT standards used in the study for designing and planning. She asked the director of MDOT how many exceptions they could have for any one site before safety was no longer involved, and they answered that it was a moving target, and they would reassess when there were significant changes in the conditions in the area. The fact that there were two conditional approvals for light placement did not mean that they would happen. She claimed that they did not have the vehicle counts to warrant a light placement at Eddington.*

*Ms. McGoldrick said that the proposed development would be retail, and a trip generation for a fully developed retail had been looked at. However, the report never looked at Winchester Mall at full development as to how many trips would be generated. The March report was the first one that looked at the new Wellbridge development. The report indicated that it was an assisted living facility with 100 beds. She believed that it had 126 beds, and it was a rehab facility. There was a very limited amount of trips generated from that, and they predicted that people would go down to Drexelgate and exit. She said that the Hamlin intersection was not the best functioning in its scoring, and she knew that Crestline would be paved in the hope that some traffic would use that and exit Drexelgate. The March report included the residents on Yorktown and Eddington. They also talked to folks on Drexelgate, but that information was eliminated from the report. It felt to her that the report was set up to come out with the same conclusions - that the vehicle counts were similar, and that the process was similar with the others. All the vehicle counts and delays had improved, and one could assume that if nothing was done, things would improve on Rochester Rd. She wondered if a light*

*placement would create problems. She said that a four-way intersection was more dangerous than a three-way. They had never looked at what the negatives would be with a light placement at Eddington. They only looked at the negatives with a light placement at Meadowfield and the positives for a light placement at Eddington. There were many concerns about working with Eddington Blvd. There was a right-of-way agreement in the plat with Oakland County, and it would not be easy to just change it. Her board had been very consistent in wanting to see a site plan. When she moved in her home, next door in Arcadia Park there were streets, fire hydrants and gutters, but nothing was built yet. That was what she did not want to see in the process. She wanted the process to be focused on safety first so that Rochester Rd. could be improved for all the travelers. She felt that they could make a data driven decision based on real numbers and outcomes. She did not know what the answer was, but she felt that with an engineering study, there would be some direction. Yorktowne had been fighting for better markings, and she believed some would be placed in the summer. She maintained that they needed to make a good long-term decision. She could not find information about the last time the timing of the lights was looked at, and she felt that was information that needed to be included. The first TIA study indicated that in 2014, with or without a development, people leaving Eddington would sit for 2,000 seconds before they could make a turn. That equaled three minutes, and she stated that had never been seen. She did a survey of people, and someone said he had to sit for five minutes because two cars in front were not driving very well. She said that her husband used the exit all the time to turn south, and he said that he very seldom sat for more than a minute.*

*Ms. McGoldrick reiterated that the 2014 reports had been incorrect, and she said that they were probably done by projecting numbers. During the last study, there was an early snow, and it was not a good time to do the counts, but MDOT allowed the projecting of numbers that way. Her suggestion was that they should look at the timing of the lights in that area, increase some police presence to avoid the number of u-turns that were happening, and run more violation notices when people tried to use the left turn lane as a travel lane. They might even do some education about safety. They could get a complete engineering study as they moved forward, and maybe in a couple of years they could see the impact of Wellbridge. She thought that closing some of the accesses to get more MDOT compliant would help with safety on Rochester Rd.*

*Chairperson Boswell called a member of the audience who had turned in a card.*

**Jane Leslie, 1123 Marquette Ct., Rochester Hills, MI 48307** Ms. Leslie noted that she had met with Ms. McGoldrick and the TIA group prior to their last traffic count. Her concern was also safety. It was the biggest thing they were all interested in. She had lived in the Avon Hills Co-Op for over 30 years. Drexelgate was not a through street when she moved in. She said that very few people who drove from Avon Hills, the Heritage Townhouses and the Meadowfield Condos, with 600 units generating about 4,000 daily trips, made left turns out of Meadowfield. She knew that when Meadowfield and Yorktowne were realigned, there was a safety issue, and MDOT wanted the alignment for a traffic signal. There was nothing initially discussed about warrants, and when they were, the warrants were not apparently met. She knew that there were a lot of trips in and out, and few people made a left turn onto Rochester Rd. because it was very hazardous. She had traveled northbound on Rochester at rush hour, and she agreed that the traffic backed up sometimes to Eddington. She had to get into the left turn lane to turn onto Meadowfield, and it was very challenging. People were coming out of the Chrysler dealership into the left turn lane, and people were getting into the left turn lane coming southbound to turn onto Yorktowne. She stated that it was a very congested area, and whatever the development was (for the G&V property), she would like everyone to keep safety as the biggest consideration when it came to placement of a light. The safety extended to Drexelgate, which she claimed was pretty much a racetrack. It was posted for 25 m.p.h., and there were a lot of walkers and kids, and people did not seem to remember driver's training and crossed double yellow lines to pass. She thought that they should think about what would happen if a light was put in at Drexelgate and how to stop it from becoming even more of a race track. At Avon Hills and Heritage, the properties were divided by Drexelgate and to cross from one to the other, people had to cross Drexelgate which she reiterated was challenging.

Mr. Kaltsounis thanked Ms. McGoldrick for her presentation. He said that the MDOT people mentioned a good point to her about it being a moving target. He had been on the Planning Commission for 13 years, and he thought that the best thing to call the G&V property was a moving target. They had seen everything from a PUD to apartments to subdivisions to office. One of the challenges for the Commissioners was traffic studies, and he commented that they were handled like oil. The Planning Commission was an extension of City Council, and Council would make the decision about a road first and send it to the Commission for review. He had heard recommendations about curb cuts and safety, and he wanted her to know that the Commissioners thought about that, too. He

was sure Staff thought a lot about it, and he said that Ms. Goldrick's comments were shared with all of them and would be considered when the moving target hit again. He assured that her comments would not fall on deaf ears.

Ms. McGoldrick said that it seemed like the concept of a realigned Eddington was going to be the outcome no matter what the process was. She did not see where safety was thought about, and she stated that it would not increase safety on Rochester Rd. The last report indicated that the only increase in safety would come from a light at Meadowfield. She was hopeful when the truck depot came before the Commissioners, and the applicants were required to re-do their traffic study. It showed that the first one was not done for 24 hours per day; it was only done for a certain amount of time. It gave her hope that the Planning Commission would look at traffic studies in more detail and not just at the bottom line that supported just one option. She felt that it should not just be something that looked at the negative problems that would happen if they moved in a certain direction. She felt that it was extremely prudent to not create another hazard when the property was developed. She did not know when that would happen, and she did not understand why the City was choosing to put tax dollar money into the G&V site. She said that the only benefit would be to the landowner, and that the value of his property would be increased if safety was not the focus of the decision making. She said that she did not know of any other time where the City had wanted to put in tax dollars for a project to move a water main, realign the road and pay for a light. With the light at Meadowfield and Yorktowne, an access would be closed, but at Eddington, it would not be. It would close one and open another. She said that a four-way intersection was counted as two driveways. She reiterated that Eddington and Drexelgate were the only compliant parts of Rochester in that area. They would be increasing the non-compliance throughout the whole road, and she stated that it made no sense. She commented that very few residents would do what she had done and spend as much time as she had. Mr. Anzek had given her another compliment at the ad-hoc meeting last summer when he said that she might have missed her calling, and that she should have been a traffic engineer. She could read the manuals, and she could see how many times exceptions were put in and how the vehicle counts were manipulated to come out how they wanted. She really felt that no apartment dweller by the bank would go all the way down to Eddington; they would go out the exit by the bank. At one time, that was going to be the main entrance into a development. One condition in her subdivision's right-of-way agreement was that increasing the burden would not be allowed. She thought that was the strategy for creating a new road.

**NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for April 21, 2015.

**ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and upon motion by Mr Kaltsounis, Chairperson Boswell adjourned the Special Meeting at 10:31 p.m.

\_\_\_\_\_  
William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary