



Rochester Hills

Minutes - Final

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Ed Anzek, Gerard Dettloff, Nicholas O. Kaltsounis,
Stephanie Morita, David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, July 17, 2018

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:07 p.m. in the Auditorium.

ROLL CALL

Present 9 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Ryan Schultz

Quorum present.

Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2018-0319 June 12, 2018 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 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

COMMUNICATIONS

- A) *Planning & Zoning News dated June 2018*
- B) *Letter from St. Mary's dated July 14, 2018 re: Berkshire*
- C) *Email from M. Lapanowski, dated July 11, 2018 re: Berkshire*

NEW BUSINESS

2018-0281 Request for a Tree Removal Permit - City File No. 17-040 - for the removal and replacement of as many as 40 regulated trees for Berkshire Site

Condominiums, a proposed 13-unit site condominium development on 4.3 acres, located on the east side of John R, south of Hamlin, zoned R-4 One Family Residential, Parcel No. 15-25-351-045, Francesco Bartolotta, Applicant (Reference: Staff Report prepared by Kristen Kapelanski, dated July 13, 2018, and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

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

Ms. Kapelanski stated that the applicant was proposing to construct a 13-unit site condominium development on the east site of John R south of Hamlin. The property was zoned R-4. The applicant was proposing to use lot size averaging, and the plan was in compliance with an average width of 84 feet and average size of 10,000 s.f. A connection to Gravel Ridge was also proposed. A Tree Removal Permit was required for the removal of 40 regulated trees, which would all be replaced on site. She advised that the development was generally in compliance with all Ordinance provisions, and there were only minor items to be addressed on the Final Plan. All staff recommended approval.

Mr. Lindh said that he had no additional comments. He noted the letter from the neighbor about trees, and he stated that they had no objection to trimming trees. They wanted to be nice neighbors and do whatever they needed to satisfy the neighbor.

Chairperson Brnabic mentioned that the property size listed in the staff report was 4.3 acres, but the City's Survey Technician stated that the property size was 3.356 acres. She wondered if that was a discrepancy or a typo. Ms. Kapelanski believed it was a typo. Chairperson Brnabic indicated that she would like verification before Final.

Chairperson Brnabic noted that images for ranch and colonial homes had been included, and she asked the projected mix for the 13 homes. Mr. Lindh said that he was not sure; it would be whatever the market would bear, and it would be up to the prospective buyers. He knew that the cost per square-foot to build a two-story house was less than a ranch.

Chairperson Brnabic had looked at the location and site plan, and it appeared that lot 8 was right against the side of the house and driveway to the south of it. She asked where the property line was exactly. Mr. Lindh said that the existing house was about two feet from the applicant's property line, and he added that the property line was also close to the house on John R. Chairperson Brnabic asked what the rear yard setback

was, and Mr. Lindh said 35 feet. He pointed out that there would be a substantial buffer of trees along most of the southern property line.

Chairperson Brnabic opened the Public Hearing at 7:15 p.m. and explained the procedure for speaking.

Angela Brow, 2725 Gravel Ridge Dr., Rochester Hills, MI 48307 Ms. Brow thanked the Commission for the opportunity to speak. She noted that she grew up on Gravel Ridge in a home built by her father. Since then, five generations of her family had lived in the home, and her children would be raised in the home as well. After reviewing the plans, she had three primary concerns and recommendations. First was the proposed street, Berkshire, which would connect John R and Gravel Ridge. She maintained that allowing Berkshire to connect those streets would turn them into a cut-through route, so drivers could skip the light and traffic at the intersection of Auburn and John R. For many years, she had witnessed drivers attempt to do that on a daily basis speeding to the end of Gravel Ridge without realizing that there was no exit to John R. If Berkshire Rd. connected Gravel Ridge, she claimed that it would give drivers a cut-through at the expense of the community's safety and quality of life for their children. She felt that it would clearly encourage drivers to use the streets when they were in a hurry and did not want to wait for the light or get caught in rush hour traffic. As a mother of four young children, it made her extremely concerned for their safety. The children in the area, as well as the students at Holy Family School, felt safe walking, playing and bicycling in the general vicinity of the proposed intersection of Berkshire and Gravel Ridge. She would much rather that the children enjoyed the outdoors rather than be stuck inside playing video games or watching television. She was confident that many of the other residents felt that way, and she believed that the future residents of the Berkshire community would feel the same for their families. She urged the Planning Commission and the developer to not allow Berkshire to go through to Gravel Ridge. She understood that there were rules and codes that might require a turnaround for emergency vehicles, so instead of connecting to Gravel Ridge, she asked that the plans be changed to include a cul-de-sac, a T, as already seen with Jewell (in Regal Estates) or even a gate similar to the one at the end of Gravel Ridge currently. That would prevent speeding drivers from using the street as a shortcut. She also had concerns about vehicle headlights turning onto Gravel Ridge from Berkshire. If the intersection was allowed, the headlights would constantly project in the evening hours into the homes at 2725, 2731, 2743 and 2744 Gravel Ridge. She requested some sort of barrier, either wooden, brick or trees in order to block the lights. Ideally, it would be

placed along the east and south borders. Her other concern was with the detention pond. The proposed location placed homes directly in between and in close proximity to two detention ponds, the other being at Regal Estates Site Condos. She had concerns for many of the homeowners who had basements and sumps, which already ran irregularly since Regal Estates was built. In addition, she was concerned about standing water during the winter thaw in spring. She asked them to consider moving the detention pond towards the west end of Berkshire Rd.

Maureen Springer, 2731 Gravel Ridge, Rochester Hills, MI 48307 Ms. Springer noted that her home would be right at the end of Berkshire. That was not their primary concern, because they knew that property owners had a right to develop. They were asking them not to connect John R to Gravel Ridge and to not add a sidewalk along Gravel Ridge. It would be a 300-foot sidewalk to nowhere. There was no other sidewalk on Gravel Ridge and no sidewalk on DeMar, and they did not see a need for a sidewalk. They were also concerned that it would become a cut-through from Auburn to John R. People tried to go through currently. She talked to the developer in the spring when they first got word of the project and asked about the road and if he could change it to a cul-de-sac or a T, and he told her that it was a Fire Department rule that could not be changed. Since then, she talked to Mr. Bill Cooke of the Fire Department who told her that any of the three Ms. Brow mentioned would be an option. They understood it would be an extra cost for the developer, because he would have to redo the plans and might lose a lot. The people that lived on Gravel Ridge bought on a dead-end because they wanted to be on a dead-end. Many of them had been there multiple years. Ms. Brow was not the only kid that grew up on Gravel Ridge that now owned a house there. They did not want a drastic change to their dead-end street and neighborhood. She handed in a petition with 35 signatures. There was only one resident that did not want to sign it. She said that there were 21 people present who grew up in Rochester Hills, and they would like to keep their dead-end a dead-end. She commented that the people at Rochester Hills, and she had talked with many people in many departments, had been so helpful and cooperative to try to help them figure out how to do something without ambushing the developer. They wanted to continue to be good neighbors. She felt that it would be an advantage to the people who bought in the new development to be on a closed street versus one that was used as a cut-through.

Chairperson Brnabic asked Ms. Kapelanski if she had talked with Mr. Cooke in regards to the road connection. Ms. Kapelanski stated that she talked to him, and he did express that the options mentioned would be

acceptable. The policy of the City had generally been to connect streets where possible, but the other options were available should the Planning Commission and City Council choose to go that direction.

Michelle Lapanowski, 2749 John R, Rochester Hills, MI 48307 Ms.

Lapanowski noted that her home would be right next to the backyards of the proposed homes. Her concern was only for themselves, although she agreed with the excellent points that had been raised. She wanted to know how the developer would treat the fence line. Currently, it was full of very overgrown trees. There were trees along the whole fence line, and at least ten grew over their property by 30 feet. She remarked that there was nothing pretty about it. She stated that she loved trees, and they had a place, but she wondered what the developer would do with the trees down her fence line.

Margaret Goethe, 2743 Gravel Ridge, Rochester Hills, MI 48307 Ms.

Goethe said that she lived next to Ms. Springer on the corner of DeMar and Gravel Ridge. She had a great concern about cut-through traffic. She believed that the people who lived in Berkshire would soon tire of people trying to circumvent the intersection. She asked her neighbors to raise their hands so the Commissioners could see how many people felt just as strongly about it even if they were not speaking. They tried to get a meeting together to see what the general feeling was. She agreed that they did not want to be bad neighbors in any way, but they were really concerned about where they lived. She had lived on Gravel Ridge for 41 years, and it was amazing that all her neighbors had been there as long. They loved the street, and they wanted things to be handled in the best way possible so it met their needs and the developer's needs.

Chairperson Brnabic asked Mr. Lindh if he had any comments. She mentioned the overlapping trees. Mr. Lindh said that he spoke with his client, and he said that he would be willing to hire an arborist and walk the tree line to see what they needed to do. He did not think they had been trimmed in many years, so they needed someone skilled to figure out what to do. They were willing to save them, but if they should be cut down, they needed to know that.

Ms. Roediger pointed out the landscape plan, which showed that a substantial amount of existing vegetation along the southern property line was being saved, which was a requirement of the Tree Conservation Ordinance. The plans did show preservation of at least 37% of the trees, a majority of which were along the southern property line.

Chairperson Brnabic said she had noticed that many of the trees were designated "unsound," but they were not being removed, and she questioned that. Ms. Roediger said that the City's Forestry Dept. determined that if a tree was not diseased or dying, they preferred that it was preserved. She was not sure if unsound meant fair and viable, but there should not be a safety hazard. Chairperson Brnabic said that she would be interested to know how unsound was defined and the reasoning behind it.

Chairperson Brnabic referred to the proposed road, which would line directly with 2731 Gravel Ridge. The house had many existing trees, but she did not feel it would offer a complete barrier from car lights shining into the windows, especially in the winter when the leaves were gone. Mr. Lindh said that if it was a concern, they could talk to the homeowners about putting in some arbor vitae to shield the headlights. They wanted to make sure it would not be too inconvenient for the people who lived there. They looked at the property a number of years ago, and another development called Rochester Ridge was reviewed in 2005 with the same layout. The economy went down, and it did not move forward, but now they were figuring out how to develop properties around the City that could be a win-win for the community and the developers.

Chairperson Brnabic said that she would like to see the developer provide some sort of berm if the road went through. She asked if the developer would agree to that. There would definitely be car lights shining into the home at the end of Berkshire if the road went through. Mr. Lindh said that he would like to sit down with the homeowner with his landscape architect and come up with a solution. They would be willing to do something to make it happen and satisfy the neighbor.

Chairperson Brnabic closed the Public Hearing at 7:35 p.m.

Mr. Reece thought that perhaps a better solution, if the homeowners were amenable, was instead of trying to squeeze trees on the new development, they could be planted on the homeowners' lots to do a better job of shielding headlights, as St. Mary's was allowing. Chairperson Brnabic agreed that the developer could work with the homeowners about having a berm placed in their yards at the developer's expense. Mr. Reece thought that a cluster of evergreens would do a better job and look better than a berm that had to be maintained.

Mr. Schroeder thought that it would be better to get an easement from the property owner to plant a low, spread out berm with evergreens.

Evergreens would give coverage and control, and they would not have to be trimmed. As far as the road connection, it was his opinion that when there were long dead end roads like Gravel Ridge and Berkshire, it was really beneficial to have an emergency access for fire and police. He would recommend adding a locked gate that fire and police had access to. He recalled a subdivision with one exit where a car got stuck in the snow, and nobody could get in or out. Having a gated access would relieve that type of situation. He suggested that after the meeting, the neighbors should give Mr. Lindh their names and addresses, and he and his landscape architect could meet with them to go over everything and find a solution for plantings to address their concerns. He felt that it would be good to deal with all the surrounding people about trees. He pointed out that the detention pond had to be at the low part of the drainage, and the proposed location was where it drained. If it was on John R, it would have to be pumped, and that was not desirable.

Ms. Morita said that she agreed with the idea of a gate at the end of Berkshire to prevent cut-throughs. She asked Mr. Lindh if the owner would agree. Mr. Lindh said that he could go along with that solution. The Fire Department could add a knox box for emergency vehicles. Mr. Schroeder thought that there still had to be a turnaround or cul-de-sac.

Ms. Kapelanski believed that if there was a gate, there did not need to be a turnaround. Mr. Lindh noted that there was something similar on Bellcone by the school. Ms. Morita noted that there was a gate there that could be opened. She said that the Commissioners would need clarification from the Fire Department, and Ms. Kapelanski agreed. Ms. Morita liked the idea of a gate, and she also liked the idea of evergreen screening. Even if the gate went in, they should still provide some screening, because the residents that lived right across from the road end would still get lights they never had before.

Ms. Morita said that the other issue raised was about the detention pond, and there was a comment about it having to be at the low end of the development. She asked Mr. Lindh if they had explored other options, such as underground or something where the water would not be sitting next to the homes. Mr. Lindh said that he had contacted the Drain Commissioner's office several times. The property was in two different drainage districts. Part of the stormwater flowed to John R, and the rest flowed to Gravel Ridge. The deepest outlet was by Gravel Ridge. There was only a 12" pipe across the street, and it was grossly undersized. The Drain Commission had already approved the preliminary plan to do a cross district change, and if the Preliminary Plan was approved, he would

get permits from the Oakland County Water Resources Commissioner.

Chairperson Brnabic asked if there should be a conversation with the developer in regards to evergreen screening for 2731 and 2725 Gravel Ridge. Mr. Reece thought they should include the three most eastern properties. Mr. Schroeder suggested including the properties off John R adjacent to the southerly border. There were two houses adjacent to the proposed development off of John R and Gravel Ridge that were very close to the property line where he thought something could be worked out. Mr. Lindh said that he was open to suggestions. He agreed that they could work with the property owners to tweak the plan, as long as the costs were not exorbitant. Their goal was to make it a win-win for the community. Mr. Schroeder said that he always recommended pine trees, because they gave privacy and coverage without having to do maintenance.

Chairperson Brnabic clarified that the developer would agree to meet with the three neighbors about the trees for screening. Mr. Lindh said that he had no objection to that, but he felt that someone from Planning should come along. Chairperson Brnabic agreed; she just wanted to make sure that there was total agreement before making conditions of approval. Mr. Reece said that as Mr. Schroeder had suggested, the two houses on the southern property line should have the same consideration and review for landscape screening. He realized that most of those trees were remaining. He went over the three conditions: A gate at the intersection of Berkshire and Gravel Ridge; meeting with the residents of the identified properties to develop landscape screening on their lots to protect against headlights; and having an arborist walk the south property line to clean up some of the trees to make the development better for the residents who bought there and for the existing residents.

Mr. Kaltsounis stated that he had been doing some math about the lot averaging, and the numbers seemed to work out. He went over the conditions mentioned, including that staff should confirm the acreage prior to final approval. He asked Mr. Lindh if he had the authority to agree to those conditions. Mr. Lindh believed that he could act on behalf of his client who told him to do the best that he could. Mr. Kaltsounis noted that it was a Preliminary Plan, and they would be back for Final Plan, so the conditions would carry through. He said that they could postpone, but he would like to move forward. Mr. Lindh said that he would agree to the conditions, and unless his client told him otherwise in the next few days, he would like to move ahead. He indicated that they had been working on the project for over a year. Chairperson Brnabic advised that if, for some

reason, his client did not agree, he would have to come back before the Planning Commission.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 17-040 (Berkshire Site Condominiums), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on June 15, 2018, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove 40 regulated trees and replace with 40 tree credits on site.

Conditions

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at \$216.75 per tree.

Mr. Dettloff asked if the selling prices would be from \$450k to \$600k, and Mr. Lindh agreed. Mr. Dettloff anticipated that as a benefit to the surrounding homes' property values. In the Environmental Impact Statement on the second page (after cover) there was a typo. It said that the units would be "world" for approximately \$450k to \$600k. He asked if that could be cleaned up. Other than that, he felt that it was a good development, and he appreciated their willingness to listen to and work with the neighbors, which he stressed was a very important step.

Ms. Morita asked if the proposed street Berkshire would be a public right-of-way, which Ms. Kapelanski confirmed. Ms. Morita said that they needed to include the Fire Department, DPS and others in the conversation as to whether or not a gate would be acceptable. She asked if Ms. Kapelanski could report back to the Planning Commission about what would be required with a gate, such as a T or something else. Ms. Kapelanski agreed that she would. Mr. Lindh asked if having a gate would make the road private. Ms. Morita said that was a question Ms. Kapelanski would find out about when she talked with DPS. Ms. Kapelanski told Mr. Lindh that he should provide a revised plan that tentatively showed the gate, and she would submit it to the appropriate people. It could be informal but would confirm that they were all on the right path.

Mr. Schroeder said he had read that there would be a bike path on John R and a concrete sidewalk on Gravel Ridge, but he did not see the concrete walk shown on the plan. Mr. Lindh said that it was shown behind the right-of-way, which was only 50 feet.

Mr. Reece noticed that there were no sidewalks on Gravel Ridge, so he wondered if money for the sidewalk construction would be put into a fund should a connection ever happen. He commented that having a sidewalk to nowhere made no sense. Ms. Roediger responded that it was the City's policy to require sidewalks in front of all new single-family residential neighborhoods. She noted that there were sidewalks on Jewell in Regal Estates. In order to have that requirement revoked, an applicant would need to apply for a Waiver from City Council. Regarding the road, she suggested that because the Planning Commission was making a recommendation to veer from the policy of connecting neighborhoods, that there should be a finding that connectivity of John R to Gravel Ridge was not appropriate because of potential cut-through traffic. Overall, they had upheld the policy to promote it, so she felt that they should make a finding as to why they were deviating from it (added above).

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

2018-0282

Public Hearing and request for Preliminary Site Condominium Plan Recommendation - City File No. 17-040 - Berkshire Site Condominiums, a proposed 13-unit site condo development on 4.3 acres, located on the east side of John R, south of Hamlin, zoned R-4 One Family Residential, Parcel No. 15-25-351-045, Francesco Bartolotta, Applicant

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 17-040 (Berkshire Site Condominiums, the Planning Commission **recommends approval of the Preliminary Site Condominium Plan**, based on plans dated received by the Planning Department on June 15, 2018, with the following seven (7) findings and subject to the following eight (8) conditions..

Findings

1. The site condo 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 proposed project will be accessed from John R, thereby

promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Sidewalks have been incorporated to promote safety and convenience of pedestrian traffic.

- 3. Adequate utilities are available to the site.*
- 4. The preliminary plan represents a reasonable street and lot layout and orientation.*
- 5. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
- 6. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
- 7. The City finds that the connection of Berkshire Rd. and Gravel Ridge is not appropriate in this circumstance because of the potential for cut through traffic and extra traffic for the existing residential neighborhood.*

Conditions

- 1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
- 2. Provide a landscape performance bond for replacement trees and landscaping in the amount of \$51,370, plus inspection fees, as adjusted as necessary by staff, prior to issuance of a Land Improvement Permit by Engineering.*
- 3. Provide an irrigation plan plus cost estimate with Final Plan submittal.*
- 4. Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
- 5. Addition of a gate for emergency access only at the intersection of Berkshire and Gravel Ridge, prior to final approval by staff.*
- 6. Applicant to work with staff and the residents to install screening to block headlights shining into the homes on Gravel Ridge, prior to approval by staff.*
- 7. Verification of the exact acreage of the site, prior to final approval by staff.*
- 8. Arborist to walk the property lines to improve the conditions of the existing trees to remain as part of the development, and make necessary improvements, prior to final approval by staff.*

Mr. Kaltsounis said that he wished the applicants could have met with the residents prior to the meeting to work out some of the details.

Mr. Reece supported what Ms. Roediger said about the gate. To the

residents, he cautioned that in the matter of life or death for a loved one at their homes, seconds would count. The residents had chosen to take away the opportunity to have an emergency vehicle access their houses immediately, and the decision could potentially impact someone.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. Ms. Roediger noted that the matter was a recommendation to City Council. If names and addresses were given, people would be noticed when it was ready for Council.

2018-0285

Request for Site Plan Approval - City File No. 16-023 - KLM Bike & Fitness, for a 2,280 s.f. addition to the existing 2,800 s.f. building located on Rochester, north of Auburn, zoned B-2 General Business with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-020, Frank Marciniak, KLM Bike & Fitness, Applicant

(Reference: Staff Report, prepared by Kristen Kapelanski, dated July 13, 2018 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Mark Schovers, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307.

Ms. Kapelanski stated that the applicant was proposing changes to the KLM Bike shop on the west side of Rochester north of Auburn. The property was zoned B-2 with an FB-2 Overlay, and the site plan was designed under the FB provisions. Improvements to the site included 2,280 s.f. of additions to the front and rear of the building, an updated façade, improved landscaping with a pedestrian plaza and the addition of stormwater detention. As part of the FB overlay, the applicant would need modifications for the front yard arterial setback, build to frontage area and minimum façade transparency which showed 66% when 70% was required, and the Planning Commission could modify the standards. The applicant was also seeking a modification of the required parking standards to allow parking in excess of 125% of the required parking. A maximum of 17 spaces was permitted, and 19 were proposed. The applicant had indicated that customer and employee parking demands necessitated the increase. She noted that all staff recommended