



Rochester Hills

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Master

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Reference: 17-019

Controlling Body: Planning
Commission

File Created Date : 04/25/2018

File Name: Cumberland Village PSCP

Final Action:

Title label: Request for Final Site Condominium Plan Approval - Cumberland Village, a proposed 57-unit site condo development on approximately 23 acres, located on the east side of Livernois, south of Hamlin, zoned R-3 One Family Residential with a MR Mixed Residential Overlay; Various Parcels, Section 27, Lombardo Homes, Applicant

Notes:

Sponsors:

Enactment Date:

Attachments: 081219 Agenda Summary.pdf, Staff Report Final 7-16-19.pdf, Review Comments PC.pdf, EIS.pdf, Cumberland Engineering Follow-up memo with map.pdf, Response Letter Lombardo 6-28-19.pdf, Response Letter AEW 6-27-19.pdf, Landscape-Gate Plans.pdf, ROW Plan.pdf, FSCP 7-30-19.pdf, Floor Plans-Elevations.pdf, Minutes PC 5-21-19.pdf, Minutes PC 6-5-19.pdf, Minutes PC 7-16-19.pdf, Resolution 051518.pdf, Resolution (Draft).pdf

Enactment Number: RES0145-2018

Contact: PLA 656-4660

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Planning Commission	05/15/2018	Recommended for Approval	City Council Regular Meeting			Pass
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Notes: *(Reference: Staff Report prepared by Kristen Kapelanski, dated May 11, 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 Greg Windingland, Lombardo Homes, 13001 23 Mile Rd., Suite 200, Shelby Township, MI 48315.

Ms. Kapelanski noted that the subject 23-acre site was on the east side of

Livernois just south Hamlin. The applicant was proposing 57 units. The site was zoned R-3 One Family Residential with an MR Mixed Residential Overlay, and the site was being developed using the R-3 standards. The applicant also proposed using lot size averaging. She advised that there were no natural features on the site involving wetlands or woodlands. The plan was in compliance with Ordinance provisions, and all staff recommended approval. She added that the applicant did reach out to nearby neighbors with an informational meeting at the Rochester Hills Library.

Mr. Hooper asked the outcome of the center left turn lane for Livernois. Mr. Windingland said that through discussions with Engineering, they talked about doing restrictive turn movements to have right-in, right-out of the northerly approach and recently, Engineering made it a condition of approval to require a center turn lane, to which he was agreeable. Mr. Hooper asked if the plans would be revised to show that turn lane, which Mr. Windingland confirmed.

Mr. Kaltsounis said that looking at the development and the lot averaging, he had hoped there might be open space. He asked if there would be anything for the people in the sub, such as a little park, other than just "slamming" in a bunch of homes.

Mr. Windingland responded that because it was an infill site with a limited number of homes, they did not propose any type of community facilities, but there would be sidewalks throughout. Mr. Kaltsounis said that he was just suggesting a park. He understood that the proposal met all the rules, but they had seen other subs that offered areas to congregate. He remarked that the subject development was filled to the brim.

Chairperson Brnabic noticed that they were offering a variety of housing styles from ranches to colonials, and she wondered about the market demand for the different types sold. Mr. Windingland related that currently, they were typically selling about 10-15% ranches, and he thought that would be reflective of the subject development.

Mr. Anzek mentioned that Mr. Windingland had been building houses for a long time, and he asked his thoughts on affordable housing in Rochester Hills. Mr. Windingland said that a lot of it depended on the community. Rochester Hills had a name, location and school districts, and affordable housing was certainly different than in other communities (higher). At Bloomer Woods, a similar product, they estimated prices to be in the low to mid-\$300k's to start, and the average selling price was \$484k. The highest sold was \$545k, which was totally beyond what they had anticipated. For Cumberland Village, they estimated around \$400k, and they expected that to

be the low end. He was not sure if it was affordable housing or not. Mr. Anzek thought that affordable housing was tied more to the cost of land, which had always been high in Rochester Hills. He noticed more homes getting underway in Cumberland Pointe, which was a higher-end product, and he asked if it was sold out. Mr. Windingland noted that there were 18 home sites, and they had seven or eight recent sales and a couple more under construction. They had some good momentum early on. They were structured to sell a certain number of homes, and they raised prices to slow that down, which took some of the momentum away. Recently, there had been a spurt of interest.

Mr. Anzek said that he tended to agree with Mr. Kaltsounis that there was a lot on the site. He understood that the regulations allowed it. He liked that the frontage along Livernois was set back enough so they could put in denser landscaping to cut down on the noise from traffic. He hoped they could find a place to put some benches.

Chairperson Brnabic opened the Public Hearing at 7:15 p.m.

Bruce Cullen, 2144 Hamlin Ct., Rochester Ct., Rochester Hills, MI 48307

Mr. Cullen asked if they were talking about condos or single-family homes when they mentioned low to mid-\$300k's as affordable housing. He asked what the prices of the condos would be. He claimed that kids from the elementary school would walk through their yards on Hamlin Ct., and he wondered if there would be a provision for a fence or some way to block that.

Mr. Windingland said that as far as affordable housing, the subject development would not be attached condos; it would be single-family homes similar to a subdivision in all aspects. He advised that they would allow a fence in the Master Deed if a homeowner wished to install one. Traditionally, that would be restricted to a picket-style similar to what was around a pool. They did not have any intentions to install a perimeter fence. He said that the prices would be market driven, but based on their experience, they expected they would start at \$400k.

Christine Hughes, 1408 New Life Lane, Rochester Hills, MI 48309 Ms.

Hughes did not want to jump on the project, because she felt that it was needed in the City. She wondered why the Commissioners could not just require a park if they felt there needed to be a park in subdivisions. She thought that there had to be some green space, and if they did not have that as part of their DNA, they would never have green spaces, because a developer was there only to make money. She felt that they needed to keep open land for everyone to walk around and sit down once in a while and not live "in" but live "on."

Thomas Wietchy, 2116 Hamlin Ct., Rochester Hills, MI 48307 Mr. Wietchy said that at the neighbor meeting, there was a discussion about his property where the sump line emptied west into the subject property. Other sump lines went out to the culvert in Hamlin Ct. He was concerned because he had two sumps, and there was a prolific flow of water. At the time, Mr. Davis (Deputy Director of Engineering) said that there would have to be a drain, and he would be allowed to hook into that. Before the project got too far along, he wanted to make sure there was some assurance that would be the case. If he put it in front, there would be a big collection of water. There was no flow to the street down to Hamlin, and it had been a problem for years. He asked at what point in the planning stage he could make that concern known.

Mr. Windingland said that Mr. Davis talked to him prior to the neighbor meeting and made him aware that there were several drainage concerns along Hamlin Ct. as well as some existing sump lines that discharged onto the subject property. At the meeting, it was the number one concern, and he agreed that they would provide storm sewer along the common property line. They would provide periodic points to collect sump pump discharge, whether through a direct connection or some overland flow to a catch basin. They had been working with that, and it would show up on the final engineering plans.

Mr. Wietchy asked if it would be his responsibility for the cost. He asked if he would hook up to it or if that was to be determined. Mr. Windingland advised that anything at the property line would be Lombardo's cost. If for some reason, Mr. Wietchy had to run a line 20 or 30 feet from his property to get to what they were providing, it would be at his cost.

Mr. Reece said that when he moved to Rochester Hills in 1985, he bought a home in Cumberland Hills, which he considered affordable at \$75k. The one nice thing that attracted them was that there were multiple green spaces built into the development. There were no sidewalks though. He thought that not having some kind of a pocket park in the proposed subdivision would be a disservice to the residents. There was no place for people to congregate or kids to play. He thought that giving up one or two of the home sites for a park was essential going forward. He felt that the left turn lane was appropriate at the north entrance. He agreed with Mr. Kaltsounis that they would be slamming everything in. Mr. Reece said that he could appreciate their position, but he maintained that having a nice amenity like a pocket park would help sales.

Richard Kakkuri, 2130 Hamlin Ct., Rochester Hills, MI 48307 Mr. Kakkuri asked if the applicants were planning to remove additional trees over what had been excavated so far. He said that there was a fence in the back of his

property, and he wondered if it would be left or removed.

Mr. Windingland said that there would be additional tree removal associated with developing the land and home construction, but they would try to minimize that. He commented that it cost money to cut down trees, and the fewer the trees, the less valuable the land was. He advised that if the fence was on Mr. Kakkuri's property, it would not be removed. If it was on the subject property and did not impact what they were doing, they were not opposed to leaving it up. They could let the future residents decide if they wanted it or not.

Chairperson Brnabic closed the Public Hearing at 7:23 p.m.

Mr. Schroeder asked if the south entrance would be restricted, but there would be left turns allowed at the north entrance. Mr. Windingland said that they discussed that the north entrance would be restricted to right in, right out only. Mr. Schroeder clarified that the boulevard entrance would allow left turns. He asked Mr. Windingland if he would consider working with Mr. Cullen to plant some trees and shrubs along the property line to establish a screen to discourage cut-through traffic. Mr. Windingland said that they would be willing to do that, and Mr. Schroeder suggested getting together with Mr. Cullen to work it out.

Mr. Schultz wished to echo a lot of the comments. The Commissioners understood that the applicants were playing by the rules from a planning standpoint, but he felt that a major component missing was an amenity. They should have a place for kids to congregate to keep them off the streets if possible. He realized the economics, as he developed land for a living as well, and there was fine line to the tipping point. He suggested that they could charge a premium for the lots that were adjacent to the park and lose a home site, and he felt they would get the votes needed.

Mr. Windingland said that with the cost of the land, the additional costs for the Livernois improvements, the storm sewer along the east property line and the landscaping enhancements to help with cut-through traffic, the cost kept adding up. He did not believe that their demographic was interested in open space. Similar to Bloomer Woods, where there was no open space, the customer was interested in having a yard where they could put play sets or whatever. As far as charging a premium for people adjacent to a park, he believed that it would actually be the opposite. He claimed that people did not want to live next to a park because of the noise. He indicated that they had complied with all the requirements of the City, and if they took out one or two lots, there would be a significant economic impact. He did not disagree that open space looked nice, but they were not proposing it.

Mr. Anzek mentioned a development called The Vistas on Avon, which had a preserved area in the middle with required trees. The subject site did not have that requirement, but he felt that it definitely helped the other development. He looked at the topo survey, and he suggested that it would be nice if lots 41 and 42 could be left as is. There would be a stand of trees. He realized it might add a maintenance cost, but he thought that it would help the development tremendously. He was only talking about two lots out of 57, and since they estimated to start at \$380k but were up to the mid \$400k's, he thought they had some profit built in. He agreed that people would not typically go to a neighborhood park because their park would be their backyards, but it was the same thing with pools. People thought they were great even if they did not ever swim, but it was an amenity and a selling item. He just asked them to consider it.

Ms. Morita stated that she did not have a problem not having open space. She considered that there were only 57 lots. It was smaller than the sub she lived in, and they did not have a park or sidewalks, and it was not an issue. She liked the idea of sidewalks, and she wished she had them, but she would not be comfortable sending her son around the corner to a park if she was not there. If she was going to a park, it would not be to the neighborhood park; she would drive her son to one of the bigger parks to play. She noted that they hung out in the cul-de-sacs in her sub when they had neighborhood parties. She did not have a problem with the proposed sub as it was.

Chairperson Brnabic said that several Commissioners wanted to see open space, and Mr. Anzek had suggested that lots 41 and 42 be eliminated. She said that she would like to hear further feedback.

Mr. Schroeder said that it had been his experience that unless it was a big park, people did not like a park, especially those living next to it. He had seen citizens plant trees and do things to restrict the use of the small parks. In his opinion, he did not think they were used much, and he could understand not having one.

Mr. Dettloff said that it was not a deal breaker for him. He agreed with Ms. Morita that sidewalks were a great amenity. He was curious about Mr. Windingland's comment about their target demographic, and he asked him to expound.

Mr. Windingland said that they expected to see a demographic of first time home buyers, where both parents worked, or it would be a move up buyer with a family. He thought that there would be very few empty nesters or seniors - it would be mostly families and more than likely those with elementary and middle school kids. A lot of parents did not want their kids out of their sight. If

they took out a couple of lots and made a gathering space, there was a good chance that children would not be allowed to go there by themselves. Their customer would not be interested in an open space park, or they certainly would have included it. The residents wanted their homes and backyards with some sort of entertainment. They did not see where there would be a demand for park space within the community. Mr. Dettloff asked the average lot size. Mr. Windingland said that 90 feet was the minimum width for the R-3 district, but with lot averaging, they would be between 81 to over 90.

Ms. Roediger responded that lately, the Commissioners had seen a lot of PUDs and lots developed under the MR or FB Overlay regulations. Those districts did require more amenities and open space, which a "by the zoning" development did not. She suggested that if the Commissioners were looking to change that, they could consider requiring some type of open space in the future in the regular underlying districts. As proposed, the applicants had met the regulations for the site.

Mr. Reece indicated that to their benefit, applicants could take advantage of lot averaging to get more lots. Ms. Roediger said that they had some smaller and some much larger lots, so it averaged. Chairperson Brnabic said that there were a lot of 81-foot lots. She had counted only ten over 81 feet out of 57. The larger ones were quite a bit larger, and that was how they achieved the averaging.

Mr. Hooper clarified that Mr. Windingland was not inclined to provide a park, which was confirmed. Mr. Hooper said that it was not a deal breaker for him, and he moved the following seconded by Mr. Schroeder:

MOTION by Hooper, seconded by Schroeder, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission **recommends that City Council approves the Preliminary One-Family Residential Detached Condominium plan** based on plans dated received by the Planning Department on April 10, 2018, with the following six (6) findings and subject to the following eight (8) conditions.

Findings

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

have no substantially harmful effects on the environment.

- 5. The proposed project will be accessed from two entrances from Livernois, thereby promoting the safe flow of vehicular traffic both within the site and on the adjoining street. Paths have been incorporated to promote the safety and convenience of pedestrian traffic.*
- 6. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.*

Conditions

- 1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.*
- 2. Provide landscape bond for landscaping, replacement trees, and irrigation in the amount of \$74,261.00, prior to issuance of a Land Improvement Permit.*
- 3. Payment of \$11,400 into the tree fund for street trees prior to issuance of a Land Improvement Permit.*
- 4. Approval of all required permits and approvals from outside agencies.*
- 5. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
- 6. Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
- 7. Provide modified plans showing the center left turn lane at the northern entrance, along with Final Site Condo Plan submittal.*
- 8. Add trees/shrubs along the eastern property line of the adjacent subdivision(s) to discourage cut-through traffic to Hamlin Ct., along with Final Site Condo Plan submittal.*

Mr. Kaltsounis said that he understood the rules. When he pulled up an aerial for the site, he saw a lot of parks around it. He had one in his sub and he used it, and kids sometimes used it to play soccer. He stated that Mr. Windingland's inflexibility was disappointing. He did not know if Mr. Windingland had the capacity to make a decision about a park or not. Mr. Windingland said that he did.

2 City Council Regular Meeting 06/04/2018 Adopted by Resolution Pass

Notes: *Kristen Kapelanski, Manager of Planning, reviewed the Cumberland Village development proposed to be located east of Livernois and south of Hamlin. She noted that the development is proposed under the R-3 provision, which allows for some variation. She pointed out that there are no regulated natural features on the parcel, and the development is in complete compliance with all Ordinance provisions. She stated that staff and the Planning Commission recommend approval. She mentioned that the developer has agreed to place shrubs along the east property line.*

Greg Windingland, Lombardo Homes, mentioned that two of the street names in the development honor two long-time retired City employees, Ed Leafdale and Bob Lemon. He stated that Memorial Drive is given that name in honor of Mr. Leafdale's

work on Veterans Memorial Pointe.

President Tisdell pointed out that sidewalks are incorporated, and the density is well within or under the limits of the applicable zoning.

Dr. Bowyer commented that the developer is doing a nice job with Cumberland Pointe; however, the proposed development appears to return to the 1950s and 1960s with its dense format. She noted that Planning Commissioners asked for open areas. She stated that her subdivision is located behind the proposed development, and has 22 acres of open space. She noted that she would not support this plan without an open space.

Vice President Morita questioned where the sidewalks would be located.

Ms. Kapelanski responded that they are along Leafdale Circle.

Vice President Morita noted that the Planning Commission had a vibrant and heated discussion on whether a subdivision of this size would need an open space and how often it would be used. She commented that while she understands Dr. Bowyer's perspective, she did not believe it was necessary for a sub of this smaller size to have open space. She stated that they are getting sidewalks, and she commented that she sees families using them much more. She noted that if this were a larger sub with more homes, she would see a desire for open space. She commented that it appears to be a nice product coming in.

Dr. Bowyer stated that young families will not stay as they will not have a place to congregate and have a community. She pointed out that parks in the surrounding neighborhoods are used all of the time. She noted that Vice President Morita is close to Innovation Hills; however, this proposed development does not have parks in close proximity. She commented that the development is going back to the 1950s and 1960s.

President Tisdell stated that incremental lots are where a developer builds his profit. He commented that it is almost counterintuitive that while everyone likes open spaces and commons areas, density actually inhibits sprawl. He noted that this is a dilemma that urban planners are faced with, and he stated that there was a compromise position and discussion within the Planning Commission.

Mr. Deel noted that he has lived in two different neighborhoods in Rochester Hills, and his preference was the neighborhood that had at least two parks. He commented that while his current neighborhood has some parks and trails, at the end of the day it does not drive his motivation to live there. He stated that the market will dictate whether these homes are desirable, and he questioned whether the developer knows that there is a market for this type of home.

Mr. Windingland responded that the company has done extensive market research in Rochester Hills. He pointed out that a development underway on John R has 30 home sites with no open space. He noted that the customer who will purchase in this development will want a playset in their backyard. He stated that he respects Council Members' thoughts and opinions, and noted that they have developed communities that have open spaces for those customers who want them. He

pointed out that there is a financial impact and an impact on the homeowners' association to have open space.

Dr. Bowyer questioned what this homeowners' association would be responsible for.

Mr. Windingland responded that there is a small amount of open space at the entrance to the development as well as a stormwater detention pond to maintain. He pointed out that the roads will be private. He stated that there will be monthly fees.

Dr. Bowyer questioned whether the developer would consider an open space if the homes are not selling well.

Mr. Windingland responded that they would consider looking at open space if sales were struggling. He mentioned that Cumberland Pointe is a part of the Cranbrook Custom Home Division, and that sales were expected to take a couple of years for that development. He stated that this is more of a production series, with home sales expected at 2-1/2 units per month.

Ms. McCardell pointed out that these homes will start out priced at around \$380,000.

Mr. Windingland responded that this was the original estimate. He mentioned that Bloomer Woods was expected to be priced in the low \$300,000s; however, the lowest has actually been \$406,000 to \$409,000. He stated that this development might be slightly higher than estimated.

Ms. McCardell questioned whether these homes are comparable to other homes in the area.

Mr. Windingland responded that they are.

3 Planning Commission

05/21/2019 Postponed

Pass

Notes: (Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and Final Site Condo Plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Brandon Wagner, Lombardo Homes, 13001 23 Mile Rd., Shelby Township, MI

Mr. Kapelanski summarized the request, location and zoning. She noted that the Preliminary Site Condo Plan had been approved on June 4, 2018 by City Council after a positive recommendation by the Planning Commission. There were a number of conditions with that approval, most of which would be addressed prior to the issuance of a Land Improvement Permit. However, two did affect the site layout and Final Plan. The first was that a center left turn lane was to be added to Livernois in front of the northern access point of the development. The applicant had changed that access point to emergency only, which negated the need for the left turn lane. The second was that trees and shrubs were to be added to the eastern property line to provide screening for the residents, and that had been included on the plans. She advised that

the Final Plan was in compliance with the Preliminary Plan and ordinance requirements, and staff recommended approval.

Mr. Wagner stated that he was present seeking Final Site Condo Plan approval. They currently had permits in order. He said that he would be happy to answer any questions.

Mr. Kaltsounis recalled that some of the Commissioners had voted no for the Preliminary, because they were concerned about the density and layout. Regardless, for the Final Site Condo Plan, it was their job to review it and make sure it was the same as what had been approved for the Preliminary. He moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission recommends that City Council **grants Approval** of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on April 22, 2019, with the following four (4) findings and subject to the following five (5) conditions.

Findings

- 1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.*
- 2. Adequate utilities are available to properly serve the proposed development.*
- 3. The final plan represents a reasonable and acceptable plan for developing the property.*
- 4. The final plan is in conformance with the preliminary plan approved by City Council on June 4, 2018.*

Conditions

- 1. Engineering approval of all permits and agreements prior to issuance of a land improvement permit.*
- 2. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.*
- 3. Post a landscape and irrigation bond in the amount of \$74,261.00 plus*

inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.

- 4. Payment of \$12,355.00 into the tree fund for street trees prior to issuance of a land improvement permit.*
- 5. Compliance with all outstanding staff review comments, prior to final approval by staff.*

Ms. Morita asked Mr. Wagner how they envisioned having only one operating entrance for 57 homes during rush hour. Mr. Wagner responded that they felt it would be functional. They felt that by eliminating the northern entrance, it would be better for traffic, and there would be less interference with the roundabout. Ms. Morita asked how many cars would stack in the subdivision before getting to the first street. Mr. Wagner was not sure. Ms. Morita asked if staff had looked at that. Ms. Kapelanski said that Engineering did not express any concerns about having only one entrance or changing the northern to emergency only. Ms. Morita stated that she had concerns. She lived in a similarly-sized subdivision, and they had two entrances. During rush hour trying to get out of the sub, they could easily have three or four cars stacked waiting to turn out. She did not know how it would work with only one entrance. She asked Mr. Wagner if they had thought about that at all. Mr. Wagner thought that they could fit more than three or four cars stacked. Ms. Morita asked the length of lot 27, and Ms. Kapelanski said that it was 144 feet. A parking space was about 20 feet long, so seven cars could stack before the first street.

Mr. Gaber mentioned that he lived very close to the proposed development. There was another Lombardo development to the south, Cumberland Pointe, for which he felt Lombardo had done a great job. It was a beautiful example of what could be done, and Lombardo and the City worked well to come up with the design. He indicated that Cumberland Village was a little different; it was more of a production home instead of a custom home subdivision. He felt that the layout was incredibly unimaginative and as basic as it could be. He also questioned having one drive. The City's policy over the years had tried to provide for multiple entrances and exits into subdivisions, whether on a main road or through another development. He felt that it had aided in traffic flow, especially during rush hour. It was his understanding that they were not having two entrances for the proposed development, because Lombardo did not want to do any road improvements at the north entrance. Mr. Wagner had said that there was a potential for conflicts with the traffic circle, which Mr. Gaber felt was understandable. He stated that he was not a big fan of gates, and they did not look very inviting. He noted that the proposed gate would

probably be aesthetically pleasing and match the entrance features, but he maintained that it was a big gate. He encouraged the Planning Commission in the future to go a different route. He felt that there were other mechanisms, other than gates, that could be utilized to achieve the same purpose.

Mr. Gaber brought up a problem he saw with lot averaging. The ordinance gave the ability to vary a lot size and width by 10%. He felt that the applicant had taken advantage of those options. It worked out well for the lot area. The ordinance said that the minimum lot area in R-3 had to be 12,000 s.f., so they had to have an average lot size of 12,000 s.f. The average proposed was 12,426 s.f., and some lots were larger some were smaller. That made sense. However, for the average lot width, he felt that there was disconnect. The ordinance required 90 feet in the R-3 district, and if that was varied by 10%, a lot could go down to 81 feet. However, the average width proposed was only 85 feet. He thought that it should be 90 feet, so that some should be above 90 and some should be below to average 90. There was no requirement in the ordinance that the average should be 90. That was allowing a developer to go down to 81 feet if that option was being exercised. He stated that there was no trade-off or consequence for doing that in the ordinance. He suggested that it was something that needed to be addressed in the next round of ordinance updates. He nonetheless thought that it would be a nice subdivision, and he trusted Lombardo to do a quality job for the City, and he thanked Mr. Wagner.

Mr. Kaltsounis asked if the gate was in the Preliminary approval, which it was not. He asked if the roads were that tight in the original. Ms. Kapelanski said that the roads were in compliance; it was that a left turn lane would have been required in order to have the northern access public. They could not put that left turn lane in, so the applicants needed to provide the emergency access, which would be gated.

Ms. Roediger said that since the gate was new, that was not consistent with the Preliminary approval. It sounded like the Planning Commission wanted a secondary access for peak times, and they were not fans of the gate. She asked if there had been discussion about right in right out only in lieu of the center turn lane to still provide some access. Mr. Wagner did not think that there was. Mr. Schroeder felt that a subdivision had to have more than one access. Ms. Roediger agreed for the Fire Department, and they were o.k. with a secondary access being emergency only, but it sounded as if there were concerns about a gate. She felt that a right in right out could help satisfy the goals. It would have to be run by Engineering. Ms. Kapelanski said that right in right out would have likely been discussed directly with Engineering. It was not discussed with Planning, but she could broach that with Engineering.

Mr. Hooper stated that it was a significant change to the approval. He

questioned 57 homes using one boulevard entrance. He recalled that years ago, they dealt with a sub called Hazelwood, and it had been quite a hassle with only one boulevard entrance in and out. He did not think he wanted to repeat that. He was not in favor of moving forward unless there was a secondary entrance.

Ms. Morita asked Mr. Wagner if he would be willing to look at doing right in right out and coming back. Mr. Wagner said that he would. He believed that at one time, the right in right out was discussed, but he did not recall if the City or the Road Commission had been against it. Ms. Morita said that she would like some clarification as to why the left turn lane could not go in and if it was the developer or the Road Commission who said no to that. Mr. Schroeder said that it would interfere with the roundabout. Ms. Morita said that they did not have documentation about that, and if it was the Road Commission, she would like it confirmed in writing. Ms. Kapelanski pointed out that the Engineering review memo was written up to show that it was the applicant's request to revise the northerly drive to be a gated emergency access. The way Ms. Morita read it, she agreed that it was the applicant who did not want to put in the left turn lane. Ms. Kapelanski said that she could talk further with Engineering. Ms. Morita reiterated that she had a problem with having only one entrance for 57 homes. If the applicant was willing to do a right in right out, she felt the Commissioners could consider it, but she would like clarification as to why the left turn lane could not be installed and why the northern entrance could not function as an access in some fashion other than emergency.

Mr. Wagner asked if the emergency access would not be an option if the Road Commission was against it. Ms. Morita said that if the Road Commission was against that, she would like the applicant to look at a right in right out only with them. She felt that a second access was needed. Mr. Wagner knew that there had been conversations, but he was just filling in for the applicant, and he apologized that he did not have enough background. Ms. Morita suggested that he go back to the applicant and inform that the matter was agreeably postponed, because the Planning Commission was not in favor of closing the entrance. She asked if that was what he would like to do, and he said he would if it was his only option. Ms. Morita claimed that it was not, but she indicated that it was probably the best one.

Mr. Kaltsounis decided that after further discussion, there were some things to be considered. He stated that the Final Plan was not the same, and the Planning Commission had concerns. He withdrew his motion, concurred by Mr. Schroeder, and moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No.

17-019 (Cumberland Village Site Condominiums), the Planning Commission hereby postpones consideration of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on April 22, 2019 so the applicant can provide further information about the northern access, the left turn lane and right in and right out options.

To clarify, Ms. Morita said that if the Road Commission definitely said no to a left turn lane, they needed to know whether the developer was willing to change the plan to allow right in right out.

Mr. Hooper noted that the Preliminary Plan showed the northerly access, so he felt that it had been approved by the Road Commission. He did not believe that one access was a Road Commission-directed issue.

4 Planning Commission

06/05/2019 Tabled

Pass

Notes: (Reference: Staff Report prepared by Kristen Kapelanski, dated May 31, 2019 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Greg Windingland and Cosimo Lombardo, Lombardo Homes, 13001 23 Mile Rd., Shelby Township, MI 48315.

Ms. Kapelanski stated that the proposal was for a 57-unit site condo development. It had been considered at the May 21, 2019 Planning Commission meeting and postponed. She noted that the Preliminary Site Condo Plan had been approved by City Council on June 4, 2018 after a positive recommendation by the Planning Commission. There had been a change to the Final Plan in that the northern access had been changed to emergency only, and a gated access had been proposed. A right in, right out only and a full access were discussed for that drive in the provided Engineering memo and a letter from the applicant. The gated access was the preferred option both by the applicant and the City's Engineering staff. It would provide the required Fire access and would not increase the potential traffic conflict on Livernois, which had been a concern by staff, especially given the proximity to the roundabout at Hamlin and Livernois. The Fire Department had indicated that a gate with a knox box was the acceptable standard for emergency access, and that bollards and grass pavers were not acceptable options. She noted that Mr. Davis of the Engineering Dept. was present to answer questions.

Mr. Windingland apologized for not being at the last meeting. He had a conflict and had sent another project manager to the meeting who did not know the site as well. They did not know the issue would come up. The history of how it went from what was shown on the Preliminary to what was shown on the Final Plan involved a lot of discussion and meetings with staff, the Road

Commission, and their traffic consultant and design engineer. They first looked at full access for the northern drive, but there were issues in being able to construct it within the existing right-of-way (ROW). The west side of Livernois only had a 33-foot ROW, and the Road Commission (RCOC) would not let them offset improvements. There was an issue being able to construct the lanes to the full width, and one would only be 11 feet wide. They talked about right in, right out, but that was not desirable from an enforcement standpoint and controlling movements closest to the roundabout. They talked with Mr. Cooke of the Fire Dept., and he told them they could do an emergency access that would satisfy the requirement of having two means of ingress/egress. Mr. Cooke pointed out a couple of locations on South Boulevard where the gated configuration they were proposing was in use in the City. The City had not had any issues, and they met the Fire Code requirement. He concluded that they were present to answer any additional questions, and they were seeking approval.

Mr. Gaber said that he was trying to understand how traffic was going to flow out of the main boulevard entrance. He wondered how left turns would be accommodated into both the development coming from the north and for across the street going from south to north. He asked if there would be any bypass lanes. He just saw a single lane going in each direction.

Mr. Windingland responded that they would be providing a bypass lane at the southern entrance. There would be two outbound lanes - one for northbound and one for southbound traffic. There would be significant stacking ability if needed. If they had to put in the northern entrance, the concern was having traffic movements that close to the roundabout. The southbound traffic would use the southern entrance, and there was enough room to queue for northbound traffic. Also, the warrants necessary for a second entrance were not met. The second entrance was exclusively to satisfy the Fire Code.

Mr. Gaber said that made sense, but he was still trying to figure out how traffic would flow relative to the entrance. If someone wanted to turn left from either the north or south, he did not see a bypass lane for traffic to go around them, like there was for Cumberland Pointe. He said that he would have a problem if people were in rush hour traffic turning left across the street from the proposed development and not allowing anyone to get around them. That congestion was provided for in all the other subdivisions up and down Livernois. Mr. Schultz asked if there was a lane striping set provided. Mr. Windingland said that it was not in the site plans, but it would be in the engineering plans. He was trying to determine if there was sufficient room to accommodate a bypass. Mr. Gaber reiterated that Cumberland Pointe had them.

Mr. Davis said that if people were going northbound and wanted to turn into the subdivision on the west side of Livernois, they would turn from the through lane, but northbound traffic would have the bypass lane and go around that person. For the south side, it would be the same. It was wide enough to get around.

Mr. Gaber said that with respect to the northerly entrance, he understood the concerns that it might not be needed, or that it would be too close to the roundabout. He respected the Fire Dept.'s position as well. He just had difficulty with putting a gate as the type of mechanism to use for emergency accesses. He pointed out that the City's policy over the years was to have an interconnected community with roads connecting new and old subdivisions and stub streets. He was sure it would be an attractive gate, but it would be big. It would be like a gated entrance to a neighborhood, which he thought they were trying to get away from. He believed that Walnut Brook Estates used to be gated, but it was removed. He was not sure if there were any other alternatives to satisfy the Fire Dept. other than an imposing gate. He encouraged them to try to come up with a resolution that looked less intrusive. Mr. Windingland stated that they would be willing to work with the Fire Dept. to see if there was something other than a gate that would satisfy.

Mr. Davis indicated that the issue was a classic example of competing requirements amongst departments. The Fire Dept. had something they preferred, Engineering might come up with a different recommendation, and Planning Commission and Planning Dept. might have different ones as well. They were trying to figure out the best situation, which might not be the best alternative for all departments. The noncompliance with right in, right outs had been mentioned, and they knew that would be a problem. They were only as good as the ability to enforce them. They were confusing, and people would violate. Engineering felt that the development was sufficient with one entrance to the south, getting it further away from the roundabout. Part of the objection to the northerly entrance, whether it was full access or limited, had been that people would come out of a dual lane roundabout. Traffic might negotiate that from the roundabout to the entrance in 7 ½ seconds. There would be traffic on Hamlin turning south on Livernois competing with someone coming south on Livernois through the roundabout. That Hamlin Rd. person might want to get into the center turn lane, and they would have a shorter period to make one lane movement and slow down and get into the center turn lane. He realized that the Fire Dept. had a requirement for a second entrance, but from an engineering and access management standpoint, they did not recommend it.

Mr. Gaber asked Mr. Windingland if he could make the gate as inconspicuous as possible and blend it in with landscaping. Mr. Windingland said that they

would be happy to work with staff.

Mr. Hooper noted that the Preliminary passed six to three, so he considered that if two yes votes were lost, the Final would not pass. He went over the two conditions added for the Preliminary approval: provide modified plans showing a center left turn lane at the northern entrance at Final, which had been changed. He felt that was where things went sideways. Two entrances were shown on the Preliminary, so that situation should have been halted back then. The other condition was to add trees and shrubs along the eastern property line to discourage cut-through traffic to Hamlin. He asked if the Juniper trees were added to satisfy that requirement, which Mr. Windingland confirmed. Mr. Hooper noted that Mr. Shumejko had talked about Foxboro Subdivision in his memo. Mr. Hooper mentioned Hazelton Condos. 22 years ago he was on the Commission, and there was the same argument. It was a long, circular subdivision similar to what was proposed that had a single entrance. At that time, the Fire Dept. wanted two entrances in and out, and they ended up putting in a boulevard. He said that he had been opposed to that right from the start, although it eventually passed. He stated that he did not want to repeat that situation again. He had been a yes vote for the Preliminary, but he could not support the current plan. He would support it if the northern entrance was a right in, right out with no gate. He said that he wanted to see the development happen. It was a great subdivision with a great developer, and he knew Mr. Windingland personally as a great guy. He felt that they needed to do the right thing, however, and provide a second means of entrance, and a compromise for him would be a right in, right out.

Mr. Schroeder suggested that they could put in a pork chop that would force right in, right out. Mr. Windingland advised that the RCOC would not allow any improvements to extend into the row. When they plowed, they did not want to encounter a high curb or obstacle. Mr. Schroeder considered that it could be moved back.

Mr. Reece said that he agreed with Mr. Hooper. When the project came before them for the Preliminary, there was discussion about the density. Getting rid of the second entrance would be a show stopper for him. He could not support it as it was currently depicted.

Mr. Gaber commented that he respectfully disagreed with his colleagues. He lived in that area, and he did not think that right in, right out would alleviate any of the issues. The real difficult turning movement would be going south in the morning. In morning traffic, most people wanted to go south and with a right in, right out, they would not be able to do that. If they wanted to go north, they could go to the southern entrance. In the evening, most of the traffic would be coming from the south, and they could easily turn into the south entrance. It

did not think right in, right out would alleviate the traffic they were concerned about.

Chairperson Brnabic asked Mr. Gaber if he had a solution. He said that he could live with what had been presented. The options were to close it, do a right in, right out or have a full access. He understood what Mr. Davis had said about Engineering's concerns about proximity to the roundabout. He felt that those were valid concerns.

Ms. Morita said that she tended to agree with Mr. Gaber in terms of staff's recommendations and trusting that they had made the right decision. If the Fire and Engineering Depts. were okay with it, then she should be okay with it. The problem was that she did not want a gate there, either. She did not think that it would look good. The project had already faced opposition on Council, because there was no park or open space. Even if it got through Planning Commission, she was not sure whether there would be support on Council with the changes. She did not think that some of her colleagues would find it acceptable. She was not sure how she would vote. She asked the applicants if they wanted the Commission to vote or if they wanted to take the plan back and see if there was another option to make the proposal a little more desirable.

Mr. Windingland said that regarding a full access, he did not think it was in anyone's best interest. The right in, right out would not really address any of the concerns he had been hearing. The concerns were mostly about people leaving the sub to go southbound. A right in, right out would prevent that, unless the curbing was disregarded. They would be happy to work with Fire and Planning to try to make the gate look less inconspicuous. He suggested that they could make it look like a landscape feature. He understood the objection to gates in the community.

Ms. Morita was not sure, because she did not have a gate design in front of her to be able to weigh in. She commented that a picture "speaks a thousand words." She asked if they wanted to look at that and come back, and she considered that it might be more palatable once people could see what the gate looked like. She appreciated their hard work and investment in the community, and she did not want it to be any more difficult than necessary, but she stressed that it would be on a major north/south thoroughfare in the community. She did not know what the traffic count was, but it was not a minor road. She added that people would see the gate every day.

Mr. Windingland understood that the right in, right out was Engineering's second choice. If that would satisfy the Commission, they could do that. He did not want to go against professional staff, but he indicated that he was in the

middle.

Mr. Davis pointed out that the secondary entrance would only serve two homes. They required a 22-foot wide roadway, and he suggested that they could try to minimize the appearance of the gate and work with Fire to come up with something acceptable.

Mr. Schultz asked if Fire was not on board with a grass paver solution, and if it had to be paved. He questioned how often the emergency access would ever be used. In that one instance where it was, he believed that they would put the fire truck where they wanted. Ms. Kapelanski stated that the policy of the Fire Department was to not accept grass pavers, because it would not be plowed, and it was against the fire code. Ms. Morita wondered who would plow the gate. Mr. Schultz said that he knew enough about civil engineering to be dangerous, but he struggled when the professionals on staff rendered decisions, and the Planning Commission sometimes undermined staff's decision. He said that he could be on board with the proposed plan as presented.

Mr. Windingland said that as far as plowing the gate, they would have a Master Deed, and the Association would be responsible to do the private streets. There would be a snowplowing contractor. One of the obligations would be to make sure that the access was maintained in the winter. Ms. Morita thought that the grass pavers could be plowed as well. Mr. Windingland agreed. He suggested that they could also add colored, stamped concrete to look more decorative. He understood the gate issue, but it was kind of a corner they were boxed into.

Chairperson Brnabic pointed out that the Fire Dept. would not budge on grass pavers. Ms. Kapelanski agreed, and said that stamped concrete might be something that would work. Mr. Davis agreed. He said that it was not often that Mr. Cooke dug his heels, but for this project, grass pavers were totally unacceptable.

Mr. Reece stated that one of his issues was that they had talked about pocket parks, and it was turned down by the applicant. A bigger issue was 57 homes with one entrance across the street from another subdivision. He respected the City's Engineering Dept. and their professional opinion. However, with that many homes and one entrance directly across from another major subdivision on an already congested road, he maintained that it was a recipe for disaster. He did not care what the warrants said, and it came down to common sense. There would be 57 homes with one entrance on a major thoroughfare that was already congested, which made no sense to him.

Mr. Davis agreed that Mr. Reece made a fair point. They had to determine at what point the second entrance would be required from an Engineering standpoint. They showed an example of Foxboro on Walton with 54 homes with a single entrance that had been effective. For many years, Kings Cove and the Summit did not have a traffic signal, and there were far more homes onto a busy road. At some point, professional judgment came into play, whether it was a Planning Commission member or an Engineer or the developer. From Engineering's standpoint, one should be sufficient, but he said that he could respect contrary opinions.

Mr. Gaber asked if the development met all the Ordinance requirements, which Ms. Kapelanski confirmed. Mr. Gaber said that it would be hard to say no to the development when the Ordinance allowed the applicants to do what they proposed. If the Commissioners did not like it, they needed to revise the Ordinance. He pointed out at the last meeting a problem with the Ordinance for average lot width. For the proposed development, it allowed the widths to go down to 81 feet, and it did not require an average of 90. He felt that the proposed layout took full advantage of that, although the lot area did require the right threshold. He would have liked to see something less dense, but the question was whether they had a right under the Ordinance. In terms of landscaping and tree preservation, he asked if they were replacing as many as they could on site as opposed to paying into the Tree Fund. Mr. Lombardo explained that they were not subject to the Tree Conservation Ordinance.

Mr. Windingland said that they were trying to work with the competing interests of the City, but they were caught in the middle. They would do what they needed to move forward, whether that was working with Planning staff and trying to minimize the width of the entrance and masking the look or coming up with something that was not a gate. If it meant having right in, right out, they were willing to do that. They understood that it was not the first choice of Engineering.

Mr. Dettloff said that Mr. Davis raised an interesting point. He lived in King's Cove, and he lived with the issue before having a traffic signal for many years. There were times he wondered if he could ever get out of the sub. He asked if the development could possibly merit a traffic signal. Mr. Davis said that it would not at this point, and with the roundabout proximity, he was not sure it ever would. He thought that Livernois would come up in the Master Thoroughfare Plan update. The last one said to not touch Livernois, and they did not want to expand it to a five-lane road no matter what the traffic. The traffic on Livernois was 15,140 vehicles (from 2016). That was less than what Tienken had. It was approaching capacity, and at some point, the City would have to decide about widening Livernois or not. If it was kept at a two-lane roadway, there would be congestion regardless of the proposed development.

Chairperson Brnabic stated that the whole situation was difficult. She realized that the applicants were trying to cooperate. The Planning Commission had concerns, and there was advice from staff. She had a concern because of the density and having one entrance, but the Ordinance was being followed and lot averaging was allowed. The Ordinance did not require open space for the development, and that was more of a discretionary item.

Mr. Gaber mentioned that as Mr. Windingland said, there were ways to provide a Master Deed mandating the plowing in the sub and to provide self-help remedies with penalties the City could exercise if, for whatever reason, that was not done. He had seen that in a lot of condo documents. He understood the competing concerns, and he saw different opinions on the board, so in order to give the project its best chance for success, he moved to table the request so the applicant could look at the northerly drive issue. They could look at the options, such as right in, right out, colored pavers, more landscaping and trying to obscure the gate, reducing the width of pavement and working with Fire and Engineering to try to come up with a solution. Mr. Dettloff seconded the motion.

Mr. Windingland said that he appreciated everyone trying to help move the project along. If they came back with a decorative gate, he was still not sure that would be compatible to some of the Commissioners. He was willing to do a stamped, decorative concrete to a narrower width, but he was not sure that would get enough votes. He asked if they should just agree to the right in, right out in an attempt to satisfy everyone.

Mr. Gaber said that it was hard to say. There had been a variety of opinions, and there was not a consensus. Ms. Morita made a great point about pictures being worth a thousand words. If some kind of rendering could be provided and what right in, right out might look like, it would be up to the Commission to make a decision.

Mr. Schroeder asked if it would be possible to put in a decorative, wooden fence that could break away. Mr. Windingland said that they could do that, but he was pretty sure that the Fire Dept. did not want a break away. That was why they wanted a Knox box. Mr. Schroeder noted that there were break away wooden signs, and when trucks hit them, they broke at the bottom. He acknowledged that it would be the Fire Dept.'s decision. He asked if they had a traffic engineer look at it, and Mr. Windingland said that they used Mike Labadie. Mr. Schroeder suggested that someone else should look at it.

Mr. Hooper asked what ROW improvements were proposed. Mr. Windingland advised that there were some storm sewer and improvements at the south

end. There was a taper that would go to the emergency entrance. It would be minimal based on the need to install the two connections. Mr. Hooper noted that the southern entrance was existing. Mr. Windingland said that there was not much. Mr. Hooper said that the Preliminary approval was conditioned upon providing a center left turn lane at the northern entrance, but they would now not do anything. He felt that there were other things they could do. He asked why they could not eliminate the piece on the west side of Livernois at the southern entrance and extend the center turn lane. Mr. Windingland was not sure that would alleviate anything. Mr. Hooper said that it would provide more stacking for someone going southbound in the center turn lane. It sounded like due diligence was missed all over, and he asked what ROW improvements they could do to mitigate the problem. Mr. Windingland said that the center through lane would still have the existing bypass lane, but he saw the point. Mr. Hooper suggested that there might be other options.

Chairperson Brnabic asked the applicants if they agreed to table the matter. Mr. Windingland said that they did.

MOTION by Gaber, seconded by Dettloff, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission hereby **tables** the request for **Recommendation of Approval of the Final Site Condominium Plan** so the applicant can further investigate options regarding the northern entrance as discussed.

5	Planning Commission	07/16/2019	Recommended for Approval	City Council Regular Meeting	Pass
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Notes: (Reference: Staff Report prepared by Kristen Kapelanski, dated July 12, 2019 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Greg Windingland and Brandon Wagner, Lombardo Homes, 13001 23 Mile Rd., Shelby Twp., MI 48315.

Ms. Roediger noted that this matter had been tabled at a previous meeting. The applicants were hoping for approval of the Final Condo plans, for which Preliminary approval had been granted a little over a year ago. At the last meeting, there was one outstanding item regarding the northern access. There was discussion about whether it should be an emergency only access with a decorative gate or a right in, right out only access. The applicant was amenable to either option. They had worked with the Road Commission and staff and had provided additional information from the City's Engineer who believed that one access was adequate for the size of the development. The applicants realized that there were mixed feelings on the Commission, so they tried to downplay the presence of the gate and created more of a fence-like detail. That was option A, which would satisfy the Fire Dept. Alternatively, the applicants were willing to put in a pork chop to allow a right in, right out onto Livernois as well. She noted that Mr. Davis, City Engineer, was present to answer any questions related to access. The applicants hoped to get consensus from the Planning Commission as to how it should be resolved. She said that she

would be happy to answer any questions.

Mr. Windingland said that their preference would be for the modified gate entrance, because they already had a Road Commission ROW permit and Engineering plan approval, subject to Planning Commission approval. If they went with the right in, right out option, which they would agree to, it would cause them to have to go back to the Road Commission and revise the plans and permit and also revise the Engineering plans with the City.

Mr. Kaltsounis said that it sounded as if the Commission would have to have a straw vote, and his vote would be for the pork chop and right in, right out.

Mr. Gaber stated that contrary to his colleague, he preferred the gated option. The reason he felt that it was the way to go was because of the traffic and safety issue that staff had raised. In Mr. Shumejko's memo in the packet, he had outlined that a curb cut would be minimized onto a busy road close to the traffic circle which could get congested. In addition, it would be hard to enforce the right in, right out, because it was not a large pork chop, and it would not force a right turn out of the subdivision. He thought that there would be violations, which would create a safety issue. He felt that the applicant had done what the Commissioners had suggested when it was tabled at the last meeting in terms of looking at alternatives to increase the aesthetics of the gated entrance, making it look less like a fortress barrier and making it blend in to the surrounding area. For those reasons, he felt that the gated option was the way to go.

Ms. Morita asked the applicants the plan for handling snow and ice removal with a gated emergency access. Mr. Windingland said that the gate would be locked. The streets would be private, and the HOA would have to engage a private company to plow them. The contract would include the obligation to open the gate, clear the access and reclose and secure the gate. Ms. Morita asked if there was a safety path in the area, which was confirmed, and she asked how it work clearing the snow across the path.

Mr. Davis said that even with right in, right out only, it would be a private road entrance. The snow would have to be removed from the path as well, and the contractor would probably remove snow before the City got to clearing the pathway. Whether the entrance was gated or a right in, right out configuration, the contractor would remove the snow and later, the City would go and plow the pathway after doing the road network.

Ms. Morita asked what material would be used under if the gate option was selected. She knew that the Fire Dept. had given a couple of options. Mr. Windingland agreed that the Fire Dept. gave three options - concrete, asphalt and stamped concrete. The only criteria was that it had to support 75,000 lbs. for their vehicles. Ms. Morita asked which material they would use. Mr. Windingland said that they would be glad to let the Planning Commission make the call, as they did not have a preference. Ms. Morita asked how wide the emergency access would be, and Mr. Windingland advised that the opening would be 20 feet. Ms. Morita said that she would be in favor of the emergency access, but she would like decorative, stamped concrete used to make it look more like a pretty sidewalk as opposed to concrete where someone could get confused and think it was a place they could turn into and figure out how to

unlock the gate.

Mr. Hooper said that the only way he would vote yes would be for the pork chop option. Going back to the beginning when the project was first before them, if it had been presented with only one access, he never would have voted for it. He said that he was looking at the bigger picture for future developments. The proposal was for 57 units, but someone might ask what was wrong with 80 or 100, and he questioned where it might stop. He stated that he supported the development. He observed that with a gate, there would be more parking for lot one. He appreciated that it was a private road, but it would not be enforced, and people would park there. He reiterated that his only support would be for the pork chop.

Mr. Schroeder said that his personal preference would be for the pork chop, but he agreed that it would be violated, and people would still make a left turn out, which would be worse. He would prefer the gated entrance with stamped concrete to make a difference between the driveway and sidewalk.

Mr. Dettloff said that he supported the gated emergency access and Ms. Morita's idea to have stamped concrete. He felt that Mr. Shumejko had outlined some good reasons.

Chairperson Brnabic said that she also supported the gate for the reasons mentioned, with stamped concrete.

Mr. Kaltsounis confirmed with the applicant that they would work with staff on the agreed upon gated option, and hearing no further discussion, he moved the following:

MOTION by Kaltsounis, seconded by Morita, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission recommends that City Council **grants Approval** of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on April 22, 2019 and July 3, 2019 with the four (4) following findings and subject to the following seven (7) conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The final plan represents a reasonable and acceptable plan for developing the property.
4. The final plan is in conformance with the preliminary plan approved by City Council on June 4, 2018.

Conditions

1. The northern access, as depicted in the provided sheet titled "Emergency Exit Details" shall be gated for emergency purposes only and styled as such that it

does not look like a driveway with decorative stamped concrete that holds appropriate vehicle weight as approved by staff.

2. *Engineering approval of all permits and agreements prior to issuance of a land improvement permit.*
3. *Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.*
4. *Post a landscape and irrigation bond in the amount of \$72,234.00 plus inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.*
5. *Payment of \$12,355.00 into the tree fund for street trees prior to issuance of a land improvement permit.*
6. *Compliance with all outstanding staff review comments, prior to final approval by staff.*
7. *The emergency access gate shall be built in conformity with the plans presented to the Planning Commission at the July 16, 2019 meeting.*

Mr. Kaltsounis indicated that he would be watching the development. He would vote yes based upon the discussion, but he wondered if it was setting a precedent and how it would work out, noting that someone else could come in with the same plan or the applicant could come back to change it, because the residents were upset (Mr. Windingland promised that would not happen).

Text of Legislative File 2018-0173

Title

Request for Final Site Condominium Plan Approval - Cumberland Village, a proposed 57-unit site condo development on approximately 23 acres, located on the east side of Livernois, south of Hamlin, zoned R-3 One Family Residential with a MR Mixed Residential Overlay; Various Parcels, Section 27, Lombardo Homes, Applicant

Body

Resolved, that the Rochester Hills City Council hereby approves the Final Site Condominium Plan for Cumberland Village, a proposed 57-unit site condo development on approximately 23 acres, located on the east side of Livernois, south of Hamlin, zoned R-3, One Family Residential with an MR Mixed Residential Overlay; Section 27, based on plans dated received by the Planning and Economic Development Department on April 22 and June 28, 2019, Lombardo Homes, Applicant with the following findings and conditions:

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The final plan represents a reasonable and acceptable plan for developing the property.

4. The final plan is in conformance with the preliminary plan approved by City Council on June 4, 2018.

Conditions

1. The northern access, as depicted in the provided sheet titled "Emergency Exit Details" shall be gated for emergency purposes only and styled as such that it does not look like a driveway with decorative stamped concrete that holds appropriate vehicle weight as approved by staff .
2. Engineering approval of all permits and agreements prior to issuance of a land improvement permit.
3. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.
4. Post a landscape and irrigation bond in the amount of \$72,234.00 plus inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.
5. Payment of \$12,355.00 into the tree fund for street trees prior to issuance of a land improvement permit.
6. Compliance with all outstanding staff review comments, prior to final approval by staff.
7. The emergency access gate shall be built in conformity with the plans presented to the Planning Commission at the July 16, 2019 meeting.