

- F) Ordinance No. 169
- G) Ordinance No. 170
- H) Planning & Zoning News dated May 2014

## NEW BUSINESS

**2014-0268** Request for Tree Removal Permit - City File No. 14-001 - for the removal and replacement of as many as 389 regulated trees for Cumberland Pointe, a proposed 18-unit site condo development on 9.25 acres, located on the east side of Livernois, north of M-59, zoned R-3, One Family Residential, Parcel No. 15-27-151-003, Lombardo Homes, Applicant

*Chairperson Boswell announced that there were two items on the agenda that required a Public Hearing, and if anyone wished to speak, that a card should be turned in to the Recording Secretary. He would allow three minutes for each speaker.*

*(Reference: Staff Report prepared by Ed Anzek, dated July 18, 2014 and Preliminary Site Condo Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Greg Windingland, Lombardo Homes, 51237 Danview Technology Ct., Shelby Twp., MI 48315 and Don Westphal, Donald C. Westphal Associates, LLC, 71 N. Livernois, Suite A., Rochester Hills, MI 48307.*

*Mr. Anzek noted that the project had been through several reviews. He advised that the development met all the City's requirements, and a few of the comments would be taken care of during Construction Plan review by Engineering. He observed that the controversy with the development concerned the extension of Corbin Rd. to Livernois, and he believed that was what most of the residents were present to discuss. He stated that the connection was established in the Subdivisions Ordinance, as was the stub street in the development going toward the south. The properties to the south had about 400 feet of width along Livernois which, if combined in the future, could sustain another road going out to Livernois. He asked Mr. Windingland to walk them through the proposed plans.*

*Mr. Windingland stated that as Mr. Anzek mentioned, they had been working with the City for some months, trying to come up with a plan that they felt not only complied with the Ordinances, but was also very harmonious for the area. They were very pleased and proud of it. It proposed 18 home sites on a little less than 10 acres. The existing zoning called for 12,000 square-foot minimum lots, and they were using*

lot averaging. The smallest lot would be about 11,375 square feet. There were several lots in excess of 16,000 square feet, and one was 21,000. There would be extensive tree preservation, and they complied with the Tree Conservation Ordinance. They had tried to use the existing trees as best as they could. They got creative with the storm water detention basin access to allow a meandering access. They would be increasing the cross section of the pathway from Corbin Rd. north, so that the maintenance vehicles would be able to use that rather than having another connection out to Livernois. There would be extensive tree preservation around the entire perimeter of the property to provide buffering to adjacent residents in all directions. He acknowledged that there was concern about the connection of Corbin Rd. He advised that last November, they (the applicants) invited all the abutting neighbors, including residents across Livernois, to the Rochester Hills Public Library for an informational meeting. They shared the plan with them, and about eight people showed. The Plan showed the connection of Corbin and also the stub street to the south. They discussed the pros and cons of the connection. Since then, they have had quite a bit of communication, as had the Mayor and Council members, about this issue. He reiterated that the road connection was required by Ordinance. It showed up in the Oakland County 1980 GIS aerials before any of the homes in the area were built. He understood that there was a process whereby they could apply for a Variance and show a hardship to not have the connection, but he did not feel that they could show a hardship, nor were they interested in pursuing that avenue. Mr. Windingland pointed out a paved area off of the stub street to the south, which was a Fire Department turnaround. They worked with the Fire Department to ensure that the stub street would have an adequate turnaround. They had been working with Engineering to make sure that the basic routing of the sanitary sewer, water main, storm system and the storm water management could be achieved according to the City's standards. He advised that the homes would be from their custom Cranbrook Home Division. He suggested going to the website, which gave a great illustration of all their custom homes. For the proposal, they expected that the homes would start in the \$450k range and go up. They did not anticipate selling the lots to other builders. Cranbrook Custom Homes, which was a division of Lombardo Homes, anticipated building all 18 homes. He asked if there were any questions.

Mr. Yukon asked what the buffering would be for lots 9, 10 and 11, and if there would be additional buffering other than what was shown. Mr. Westphal said that the trees shown on the plan were existing. Mr. Yukon asked if storm water would run to the detention basin at the northwest corner. Mr. Windingland advised that storm water for all 18 sites would be

collected and ultimately conveyed to the storm water basin. There would be a forebay for pretreatment, and then the water would go into the basin. The outlet would be to the Livernois roadside ditch. There were some areas in the tree preservation area where they were working with Engineering to try to minimize any impact, and they were still resolving that. They had conceptually agreed as to how it would be resolved; it was just a matter of working out the details. Mr. Yukon asked if the stub street Carlisle Dr. would just be for emergency vehicles, or if it would, at some point, be for cut-through traffic.

Mr. Windingland explained that Carlisle Dr. would stay as a stub street until such time as the land to the south developed. The roads in Cumberland Pointe would be dedicated to the City as public, so there would be public right-of-way and public street frontage stubbing to the adjacent property to the south. There were flair turnarounds for school vehicles, and it would stay in that configuration until such time as the property to the south developed and a road connection was extended, similar to what they were proposing for Corbin Rd. Mr. Yukon asked if the stub would be extended to Livernois adjacent to lots 12-18. Mr. Windingland advised that they did not own that property or any control or interest in it. He could not tell them whether it would ultimately be just a small cul-de-sac and terminate or whether it would go out to Livernois. He was not sure if there was enough frontage for that.

Mr. Anzek reiterated that the property was 400 feet wide for the three parcels to the south. If someone assembled those, there would be adequate width for another road to Livernois, and it could potentially line up with Rochelle Park directly across Livernois.

Mr. Kaltsounis asked if it would be proper to add a condition to the Tree Removal Permit that the numbers shown could change after Final Approval, although they would assume that what was shown was correct for the motion. Mr. Anzek said that no tree could be removed until the applicants got a Land Improvement Permit. That would not be issued until after Final Approval by Council and all Engineering plans were approved. They could not just go in and start clearing.

Mr. Hetrick asked what issues were discussed with regard to the stub road Corbin Rd. Mr. Windingland said that the concerns raised by the residents regarded cut-through traffic, pedestrian and vehicle safety and those types of issues. They met with the residents last November, and they showed the connection to Corbin. Mr. Hetrick asked if speeding was brought up. Mr. Windingland agreed that potential speeding was a

concern.

Chairperson Boswell stated that there were two Public Hearings; one for the Tree Removal Permit and one for the Preliminary Site Condominium Plan, and he combined both of them and gave everyone three minutes to speak. He had 11 cards, and he asked that if someone wanted to say exactly what another person said, it would be appreciated if there was just agreement rather than repetition. He opened the Public Hearing at 7:20 p.m.

**Susan Bowyer, 2145 Cumberland, Rochester Hills, MI 48307.** Ms. Bowyer thanked the Commission for allowing her to speak. She noted that she was currently the President of the Cumberland Hills Homeowner's Association. She said that she also appreciated the support of City Council members Stephanie Morita and Mark Tisdell over the distress they felt about the possibility of opening the stub Corbin Rd. She indicated that Corbin Rd. had been a stub for over 25 years, and they had major concerns about excessive traffic coming in and out of the new entrance. There would also be safety issues for pedestrians. There were no sidewalks in Cumberland Hills, and lots of children played in the road. The children were used to being able to play, but now there would be excessive traffic speeding through. There was also the possibility of exposing the properties to potential robberies. They had a couple of break-ins at the entrance to Cumberland Hills and on Elkhorn in the recent year. They understood that Lombardo could ask for a Variance to not open the road, but they did not wish to do that. They did meet with them in November and discussed the plans. They discussed the possibility of Lombardo asking to have a cul-de-sac and not connecting to Corbin. The neighbors thought that they were open to that idea and they (the neighbors) moved forward and asked City Council how they could make that happen. They thought everyone was on the same page. Mr. Mike Webber sent an email, explaining how a Variance could be requested by Lombardo, and Ms. Bowyer went to Mr. Windingland and told him how to apply for the Variance. At that point, he said that they had settled on the plan and did not want to move forward with a Variance. She questioned why Cumberland Hills would not be allowed to also request a Variance to not have Corbin Rd. connected. If a builder could ask for it, she wondered why a subdivision could not ask to have a subdivision plat change. She said that she knew there was an Ordinance requiring connecting streets, but she indicated that it should not mean that the plans from 1980 could not be changed. They would like the Commission to look at the excessive traffic that would come through Cumberland Pointe. She claimed that it was very hard to take a left out of Lake Ridge

onto Livernois, and she expected that Corbin would see a lot of her subdivision traffic coming through it. They had to put in speed humps on Cumberland Rd. to slow people down. She maintained that people would be speeding through Cumberland Hills to get out to Livernois.

**Hal Commerson, 783 Kentucky Dr., Rochester Hills, MI 48307** Mr. Commerson asked if sidewalks were planned for Corbin Rd., and Mr. Windingland advised that sidewalks would be on both sides of the street within the Cumberland Pointe community. Mr. Commerson said that they did not have sidewalks in Cumberland Hills, and years ago, that created a hardship, and it still did. There were hundreds of school age kids that had to walk the street at 7:00 a.m., and it was pretty dark. There were parents lined up in their cars to keep kids safe. He thought that the situation should be rectified, in terms of putting in a new road.

**Tom Swaffield, 723 Kentucky Dr., Rochester Hills, MI 48307** Mr. Swaffield said that Ms. Bowyer hit on pretty much all his points. He was also interested to know why they would not be allowed to ask for a Variance. He wanted to stress that he had little children who rode bikes in that area daily, and he realized they lived in a sub with no sidewalks, but he moved there 15 years ago, and it was the quieter end of the neighborhood. They had grown reliant on the area to have a little space. He said that he would appreciate any consideration, and he thanked them for listening.

**Adolph Kipper, 25255 Livernois, Rochester Hills, MI 48307** Mr. Kipper said that he had lived on Livernois for 64 years. He would like to know, since he had enjoyed the privacy and beauty of the trees, what the developers planned to do for the property line. He owned property to the south of the subject property.

**Jason Carlock, 321 Union Dr., Rochester Hills, MI 48307** Mr. Carlock thanked everyone, and said that he was a new member of the Board for Cumberland Hills. He lived on one of the current access roads into the subdivision. From what he saw on a daily basis, the children in his end of the sub, on the far east side, could not ride bikes on their street. There was way too much cut-through traffic from Cumberland to Prospect to Elkhorn to Union because of the condition of the lights and Hamlin. He said that he traveled Hamlin from Cumberland Hills all the way to Squirrel for work each day, and with the roundabout and the timing of the light at Rochester, it usually took five minutes for him to get from Livernois to the entrance to Cumberland Hills. With an access point on Livernois, it would be far easier for him to make a right on Livernois, a left into the new

Corbin Rd. and go straight through the sub to his home. It would be easier for everyone else who wanted to get to Rochester Rd. He hoped the Commission would allow them to apply for a Variance. He said that the Ordinance in 1980 required the stub, but he did not know how that was possible since his house was approved in 1979, and their sub was started at that point. Yesterday, he said that he watched the Council meeting, and cut-through traffic was a problem everywhere in the City. Mayor Barnett spoke about the intersection of Livernois and Tienken being under construction and homes in that area experiencing high, cut-through traffic. He claimed that the plan for the Hamlin and Livernois improvements over the next few years would significantly increase traffic if Corbin was put through.

**Susan Fuller, 693 Kentucky Dr., Rochester Hills, MI 48307** Ms. Fuller concurred with what everyone else had said about the heavy traffic, cut-through traffic and having small children. It was important for them, so she hoped there was something that could be done about it.

**John Gaber, 1024 Adele Ct., Rochester Hills, MI 48307** Mr. Gaber was present to speak as the President of the Covington Place Subdivision No. 3 Homeowner's Association. Covington Place was directly across Livernois from the proposed development. He said that he had spoken with many of his neighbors and shared the plans. They did not have many objections. They liked the tree stands that were currently there, but he recognized that it was not their property, and that it would be developed sooner or later. He spoke with Mr. Windingland about their major issue, which they believed could be dealt with rather easily. That was the light pollution that would shine from cars exiting the proposed development into the windows and yards of their homes. Mr. Windingland assured Mr. Gaber that the developer would work with them to make sure there were some supplemental plantings to mitigate light pollution. They were happy to move forward and take him at his word. It seemed to Mr. Gaber that there would be no improvements made to Livernois on the west side of the street, but he wanted to confirm that.

**Willie Mocabee, 759 Kentucky, Rochester Hills, MI 48307** Mr. Mocabee stated that he lived on the corner of Corbin and Kentucky. In his opinion, the concerns had been voiced, but he added that he did not think he could be at a worst possible situation as far as their home and family. They had three kids four and under. Not only did they use that area, but it had become a section that their whole sub came through, and it was a calm part of the sub. People came there for quiet in the neighborhood. If Corbin Rd. was opened, it would not have speed humps,

*although the other entrances that went through the sub did. He believed that everyone would go away from the other roads that had access to Livernois to come down Corbin.*

**Melissa Mocabee, 759 Kentucky Dr., Rochester Hills, MI 48307** *Ms. Mocabee wanted to reiterate what everyone else had said. She lived at the corner of Kentucky and Corbin. They had five children, ranging from 15 to twin three-year old boys. They specifically bought the house because it was a dead end and allowed the kids to play without having to be concerned about traffic. She brought up the safety aspect, and said that she really liked what Mr. Yukon alluded to regarding the dead end for Carlisle. Eventually, perhaps the Ordinance would allow Corbin to remain closed and Carlisle to eventually go through to Livernois so there would still be two access points. It would be heartbreaking for her, because it would not only be a safety issue, but it would change the whole dynamic of their property and the reason why they purchased it. She was disheartened, and she really hoped the Commission would take the safety of the children into account when reviewing the plans.*

**Caryn Beeson, 2346 Highsplint Dr., Rochester Hills, MI 48307** *Ms. Beeson thanked the Commission for letting them speak. She also lived in Cumberland Hills. As someone came down Corbin, they would run into her backyard. Someone would have to take a left or a right. If someone went left, there would be a dead-end street, and going right, the very first house was hers, and someone would have to turn left or go straight. If someone turned left, they would be on Highsplint. It was a not a road developed for heavy traffic like Cumberland, which was extra wide and had speed bumps. Highsplint did not have those, and she was really concerned about the high traffic volume, the stops and turns within a one-house distance, and she claimed that the straight line of the road that they were putting through would cause a lot of traffic for them. When Cumberland was developed, it dead-ended before Lake Ridge, so they added Lake Ridge so that people could get out onto Livernois. Lake Ridge was about 3/10ths of a mile from where they wanted to put Corbin through. There would be a lot of roads coming onto Livernois now. She said that she would also like to ask for a Variance. They had a very tight-knit community. When Lombardo said that they gave the surrounding residents a chance to talk, it was only sent to six or seven homes in her subdivision, so most of them did not know anything about the meeting in November. They found out through word of mouth, but most did not hear about it. She asked the Commissioners for their help and thanked them.*

**Dan Casasanta, 696 Brookwood Lane, Rochester Hills, MI 48307.**

*Mr. Casasanta stated that he was a property owner on Taj Drive, which was adjacent to the north of the proposed development. He thanked the Commission for the opportunity to see the extensive tree preservation proposed. He felt that it was very good, and he would take the developer's word that it would be administered. Regarding water runoff, he said that some time ago, they received a letter that discussed different alternatives for the runoff plan. He would like more information about that plan. He would also like to understand more broadly about the landscape plan for the detention pond area.*

*Seeing no one further come before the Planning Commission, Chairperson Boswell closed the Public Hearing at 7:39 p.m. He asked Mr. Westphal to talk about buffer zones and tree plantings.*

*Mr. Westphal stated that there was an extensive Ordinance in the City that required replacement trees. They were complying with that. They had met the tree preservation guidelines in terms of the trees onsite, which he commented was extremely difficult. The preservation zone would be documented and made a part of the Condominium documents. Regarding the detention pond, the Ordinance required screening, and they would be screening that according to the Ordinance, and also for the residents occupying the homes adjacent to the detention pond. There would be an extensive amount of landscaping along Livernois, in addition to the trees being preserved there. He said that he had driven by it for many years, and he realized that the trees were nice, and they wanted to preserve them.*

*Chairperson Boswell mentioned Mr. Kipper's comments, and he noted that Mr. Kipper lived to the south of the project. Mr. Westphal said that they did a complete tree survey, and the trees shown on the plan were existing and were being preserved. They had not shown any proposed trees for that area, but he was certain that there would be trees in the rear yards of the homes there. Chairperson Boswell clarified that there were no plans to plant anything additional at this point, which Mr. Westphal confirmed.*

*Chairperson Boswell noted that Mr. Casasanta was worried about water runoff. Mr. Windingland said that he could run through the questions as he heard. He said that several residents had a concern about safety and cut-through traffic, and he understood their concern. Corbin had been a public stub street for many years, and the Ordinance required a connection. They were providing a stub to the south, which duplicated*

what had been done with Corbin Rd. Beyond that, if there was something reasonable they could do, they would be glad to do so. They did not think that not making the Corbin connection was a solution, however. Regarding the volume of cut-through traffic, they could probably debate it for quite a while. The feelings were pretty strong about it. One gentleman asked about sidewalks, and he stated that there would be sidewalks within Cumberland Pointe on both sides of the street. He pointed out the tree plan, and the lighter area where there were no trees shown currently. They would be preserving a fairly extensive swath that would abut the property to the south and provide screening. He also mentioned a gentleman's question about understanding the Ordinance. Mr. Windingland made a reference to the stub street showing up on the 1980 aerials of the County's GIS website, and that was how he got the date. He did not actually know how long prior that it was there. The gentleman mentioned that his house was built in 1979, which Mr. Windingland was not disputing. Regarding light pollution that Mr. Gaber brought up, Mr. Windingland showed the connection to Livernois, and said that there was significant screening currently. He had told Mr. Gaber that he would work with their Association and the residents to make sure they were comfortable. He had worked with Mr. Gaber in the past, and he had assured him that they would resolve any issues. Mr. Gaber had also asked about improvements that might be proposed for the west side (southbound) side of Livernois. Per the Road Commission, they would have to put in some lane improvements. There would be minor pavement improvements on the west. A lady mentioned the meeting notice, and he reiterated that any property that abutted the subject site was sent a meeting notice, as were the residents directly across Livernois. There were about 18 properties noticed, but they did not go internally within Cumberland Hills. A gentleman asked about Taj Drive, and at one point, when they talked with Engineering at the City about how to manage the storm water and preserve trees, there was the possibility of doing a joint easement along the south side of Taj. Engineering suggested that they might be able to route the storm through an easement with the owners on Taj. When they looked at it further, the grades were not favorable from an engineering standpoint, and there was a water main in the easement, which shot that down. They sent a letter to the four property owners on Taj, asking if they would like to explore that, and they heard from one person. That idea proved to not be a viable solution. They tried to put more curvature to the road to try to naturally slow traffic down. They talked with the City's Traffic Engineer, and he felt that it would help alleviate or somewhat try to address the problem. At the beginning of the meeting, there was mention that the Cumberland Woods Homeowner's Association had provided a letter, which supported opening Corbin Rd.

*Their concern was that if it was not opened, it would penalize Cumberland Woods because all those years, they had assumed that at some point, the stub street would be connected.*

*Chairperson Boswell asked if speed bumps came up when they talked with the City's Traffic Engineer. Mr. Windingland agreed that they did talk about different types of traffic calming, such as speed bumps or a land separation. There were some concerns about the geometrics of having those located close to curvatures in the road.*

*Mr. Kaltsounis asked if stop signs were discussed for Corbin and Carlisle. Mr. Windingland did not recall that they were. If it was a recommendation, they would certainly be glad to pay for those. Mr. Kaltsounis asked if they would accept it as a condition of approval, to which Mr. Windingland agreed.*

*Ms. Brnabic indicated that the Ordinance did require the connection, and for years, it had been a requirement to adjoin subdivisions. She heard in the discussion that the developer could request a Variance, but that homeowners could not. She asked if Staff could expand on that.*

*Mr. Anzek pointed out that not being the City Attorney, he could not interpret the law. He read the section for Variances, and he did not see where it specifically referred to the developer being entitled to a Variance. If so, the Variance would go before City Council, not the Zoning Board of Appeals, because it was a matter under the Subdivisions Ordinance. He could not really answer the questions about whether the residents could request a Variance, but he said that he would take it up with Mr. Staran and contact the people who asked if it was viable.*

*Mr. Schroeder stated that the stop signs would not meet any warrants. He maintained that stop signs would be more dangerous than if they were not there, because when warrants were not met and there was not excess traffic, accidents happened because people ignored them. He would not encourage stop signs. Someone had mentioned sidewalks, and he recalled that when the City was being developed, people were adamantly opposed to sidewalks. They were moving out of Detroit and other cities, and they did not want sidewalks. It was not that the City did not want them; it was the residents who did not. Mr. Schroeder mentioned that streets were for cars, not for children to play. It was a very dangerous situation when they were allowed to play in the streets. He stressed that every development should have at least two accesses for fire trucks. There could be a snow storm and Livernois could be blocked, and there would*

*be no other way to get in if Corbin was not open. He gave the example of Great Oaks West. It had an access from Livernois and one from another subdivision. The residents objected to the second access, and it was not opened. The first winter, there was a snow storm and people tried to get out before the streets were plowed and got stuck. The subdivision had no access for a good part of the day.*

*Mr. Hooper referred to sheet 6 of 9 of the plans about right-of-way improvements, and he said that it was not fully developed yet because the Road Commission had to weigh in on the right-of-way improvements. However, he wanted to make sure that if the project moved forward, that the right-of-way improvements included continuation of the deceleration lane to Covington Place and provided a passing lane for left hand turns into Cumberland Pointe. He asked if that would be accurate. He could not tell from the plan, and it looked as if they would be making improvements, but not moving the curb or anything like that.*

*Mr. Windingland said that there would be a continuation to the south. Mr. Hooper clarified that a passing lane would be included. Mr. Hooper wanted to echo the comments that traffic calming should be provided on Corbin Rd. He agreed that a stop sign would not meet warrants, but he thought that speed humps to keep traffic to 25 mph or less would be something he would support, and he felt that it should be a condition of approval, if it moved forward.*

*Ms. Brnabic brought up speed humps, noting that Mr. Windingland had mentioned that the configuration of the road would prevent the effectiveness of speed humps. She asked if that was researched or if he just assumed that was the case. Mr. Windingland stated that they had specific discussions about several types of traffic calming devices. He thought that there might be an opportunity to put in some speed humps. He was not sure what the recommended spacing would be, but he recalled that there was a concern with speed humps relative to the curvature in the road. They would be open to adding speed humps if the Engineering Department thought it would make sense. Ms. Brnabic said that she agreed with Mr. Hooper that some type of speed calming method should be installed.*

*Ms. Brnabic said that Mr. Windingland talked about putting in additional screening to the south. She asked if that was definitely planned. Mr. Windingland said that from the aspect of the developer, they were showing what would be provided on the tree preservation plan. From the customer's standpoint, Cranbrook Homes would add extensive*

landscaping on each lot. He was certain that along the rear property lines, especially for the home sites on the south, that there would be extensive landscaping as part of each home construction. Mr. Windingland claimed that the new residents would want screening as much as the existing, so it would be a mutual interest.

Mr. Hetrick said that he supported the concept for some sort of traffic calming device so the speed of vehicles entering Cumberland Pointe was kept in check. He believed that whatever those devices were, they could be engineering appropriate. He suggested that it be a condition of approval. Another item he felt should be a condition concerned the screening for the Covington Place subdivision.

Hearing no further discussion, Mr. Kaltsounis moved the following motion, seconded by Mr. Hetrick:

**MOTION** by Kaltsounis, seconded by Hetrick, in the matter of City File No. 14-001 (Cumberland Pointe Site Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on July 9, 2014, with the following three (3) findings and subject to the following two (2) conditions.

Findings:

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. Of the 621 regulated trees onsite, 272 will be saved, resulting in a 37% preservation rate.
3. The applicant is proposing to replace 389 regulated trees with 184 tree replacement credits, as required by the Tree Conservation Ordinance.

Conditions:

1. Tree protective and silt fencing, as reviewed and approved by the City's Landscape Architect, 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 tree Fund.

*Chairperson Boswell asked if there was any further discussion regarding the Tree Removal Permit. Hearing none, he called for a voice vote.*

**Granted**

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

*Mr. Yukon stated that it was all well and good that they were looking at traffic calming devices for Corbin Rd., but the concern from the residents of Cumberland Hills was pedestrian safety in their subdivision. He asked for clarification that how, after speaking with the City Attorney, the opportunity for a Variance request by the residents of Cumberland Hills would affect the development going forward.*

*Mr. Anzek indicated that it was a very good question. Everyone had rights in the matter; there were rights to develop and laws that set the standards for that development. If there was a possibility that the Cumberland Hills residents could seek and/or receive a Variance, Mr. Anzek felt that Lombardo Homes would have to redesign. There might be the opportunity for a long cul-de-sac coming in from Livernois, and a stub street to the south. It was an area Staff had never encountered. As Ms. Brnabic mentioned earlier, the City had connected streets continuously. He could not recall not having those types of connections.*

*Mr. Yukon realized that they were discussing the Preliminary Site Condo Plan, but he wondered if there was time between Preliminary and Final recommendation for the residents to have an opportunity to apply for a Variance. Mr. Anzek believed that if possible, the opportunity would be done during the Preliminary stage. Final approval would happen after all Engineering construction documents were approved and all outside agency permits were obtained. There was time after the Preliminary but before the Final. Mr. Yukon said that if the matter moved forward and was recommended for approval to City Council, he wanted to make sure there was an opportunity for the residents of Cumberland Hills to put forth a Variance application, if available. Mr. Anzek stated that the first order of business would be to find out whether or not they had standing to do so. If that were the case, he was sure they would request it. He was also certain that Lombardo Homes would like to know that before they did the construction plans, because that was a costly venture. Mr. Yukon asked if the Planning Commission and the residents would be notified about the options prior to Final Site Condo Plan recommendation. Mr. Anzek clarified that Mr. Yukon meant during the time between this meeting and*

when it went to City Council for Preliminary. Mr. Anzek said that he would work with the residents. He would find out from the City Attorney as soon as possible, and if the residents could apply, he would encourage them to file right away. Mr. Yukon asked if it would be Cumberland Hills' responsibility to contact Staff after Mr. Anzek talked with the City Attorney, or if Staff would reach out to the Association. Mr. Anzek said that the Board members for Cumberland Hills supported the connection. Mr. Yukon corrected that it was Cumberland Woods that supported the connection; Cumberland Hills did not. Mr. Anzek suggested that if someone wanted to leave an email address, he would contact each person.

Chairperson Boswell stated for the record that the motion was passed.

2014-0267

Request for Preliminary Site Condominium Plan Recommendation - City File No. 14-001 - Cumberland Pointe, Lombardo Homes, Applicant

Chairperson Boswell said that if the people in Cumberland Hills were allowed to ask for a Variance, and if City Council granted that, he wondered if the Fire Department would allow a gate for their access only. Mr. Anzek said that in his opinion, that would be preferred over a cul-de-sac. He referenced the memo from Bill Cooke of the Fire Department, which stated that there was nothing in the Fire Code that required the street to be connected, but the Fire Department preferred it, as it would shorten the time for emergency response. The Fire Department always looked for as many opportunities as they could to access a neighborhood. If it were a workable solution and something Council would grant, he said that it would need to be taken up for consideration.

Mr. Kaltsounis said that he respected his colleague's opinions about stop signs and meeting warrants, etc., but unfortunately, he had to agree that warrants would not be met. He commented that it was a little upsetting that there could be a stop sign at the end of a Taco Bell parking lot, but there could not be one at an intersection of a subdivision. He understood there were standards that had to be met, but he also felt that a traffic calming device on a curve would really not do anything, because someone would get right back up to speed by the time they hit the existing Corbin. He observed that there were a lot of examples in the City, including on Springwood, where there were several stop signs. It would give residents some teeth to fight back if people ignored the stop signs. He suggested that Staff send the Minutes of the meeting to the City's Traffic Department, so they could get a better feel about the discussion. He then moved the following motion:

**MOTION** by Kaltsounis, seconded by Dettloff, in the matter of City File No. 14-001 (Cumberland Pointe 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 July 9, 2014, with the following five (5) 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.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.

Conditions:

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans, and landscape bond in an amount equal to the cost estimates for each, prior to issuance of a Land Improvement Permit.
3. Payment of \$3,600 into the tree fund for street trees prior to issuance of a Land Improvement Permit.
4. Approval of all required permits and approvals from outside agencies.
5. Compliance with the Engineering Department memo dated June 17, 2014 and Building Department memo dated June 5, 2014, prior to

*Final Site Condo Plan Approval and Building Permit Approval.*

6. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
7. *The addition of a traffic calming plan/device shall be developed and approved by staff, prior to Final Approval by staff.*
8. *A plan for appropriate screening shall be installed for the Covington Place Subdivision as approved by staff, prior to Final Approval by staff.*

*Mr. Hetrick wanted to confirm his support for the traffic calming devices. He recognized that they would not be able to solve all of the safety issues, but they could at least try to slow the traffic down, because people would go into the street. There was an opportunity to at least provide some solace for the residents of Cumberland Hills.*

**A motion was made by Kaltsounis, seconded by Dettloff, that this matter be recommended for approval to City Council. The voting was as follows:**

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

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

*Mr. Windingland thanked the Planning Commission for its time, and Chairperson Boswell thanked the audience members who spoke.*

## **DISCUSSION**

- 2010-0094** Conceptual review of a development called Eddington Square on approximately 27 acres of property located on the east side of Rochester Road, between Hamlin and Avon, zoned FB-2, G&V Investments, Applicant  
*(Reference: Memo prepared by Ed Anzek, dated July 15, 2014 and conceptual plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Bill Gilbert and Cornell Vennettelli, G&V Investments, 990 South Boulevard, Suite 300, Troy, MI 48085 and Robert Gibbs, Gibbs Planning Group, 240 Martin Street, Birmingham, MI 48009.*