



# Rochester Hills

## Minutes - Draft

### Planning Commission

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

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

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Tuesday, June 20, 2017

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting of the Rochester Hills Planning Commission to order at 7:04 p.m. in the Auditorium.

## ROLL CALL

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

Quorum present.

Others present: Sara Roediger, Director of Planning and Econ. Dev.  
Maureen Gentry, Recording Secretary

## APPROVAL OF MINUTES

[2017-0213](#) April 18, 2017 Regular Meeting

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

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

## COMMUNICATIONS

- A) *Planning & Zoning News dated March and April 2017*
- B) *Approved 2018-2023 Capital Improvement Plan*
- C) *Email, B. Wacker, dated June 20, 2017 re: 930 Mead Rd. Rezoning*
- D) *Email, L. Loebis, dated June 20, 2017 re: Innovation Hills*
- E) *Email response, K. Elwert, dated June 20, 2017 re: Innovation Hills*
- F) *Letter R. Nunez, dated June 20, 2017 re: Innovation Hills*

## NEW BUSINESS

### 2017-0246

Public Hearing and request for Rezoning Recommendation - City File No. 17-017 - An Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills to Rezone one parcel of land totaling approximately 24 acres, located south of Mead and east of Sheldon Rd., Parcel No. 15-02-200-016 from RE One Family Residential to R-1 One Family Residential, Vito Terraciano and Brian Szliter, Arteva Homes, Applicants

*(Reference: Staff Report prepared by Sara Roediger, dated June 16, 2017 and associated Rezoning application had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Vito Terraciano, Arteva Homes Paint Creek, LLC, 445 S. Livernois Rd., Suite 333, Rochester Hills, MI 48307.*

*Ms. Roediger recapped the request for a Rezoning from RE One Family Residential to R-1 One Family Residential. She explained that staff always looked at all the uses and regulations in the existing and proposed districts, and in this instance, the uses were the same in each district. The difference was the residential density. The current zoning required a one-acre minimum and 120-foot wide frontage on the road. R-1 required slightly less than half-an-acre and 100-foot wide lots. She advised that the applicant's desire was to expand the Clear Creek Subdivision, and he had submitted a proposed site plan with lots similar to those in Clear Creek. There was an existing road in Clear Creek that stubbed to the subject property - an internal connection via an existing road. She noted that the matter required a recommendation from the Planning Commission to City Council. She pointed out the zoning for the surrounding properties, and said that the Master Plan called for 2.5 units per acre for Clear Creek, but the phases were built according to R-1 requirements. She said that she would be happy to answer any questions.*

*Chairperson Brnabic explained the procedure for the Public Hearing which she then opened at 7:09 p.m.*

*Chairperson Brnabic read an email from **Ms. Barbara Wacker, 470 Mead Rd., Rochester Hills, MI 48306** into the record: "In reference to the proposed Rezoning of Parcel No. 15-02-200-016, we currently live in the general area of the parcel. When we purchased our home, we were told that the parcel on the southeast side of Mead & Sheldon was green space. We were even provided an article by the City of Rochester Hills about the green space. Since then, Arteva has clear-cut the parcel for*

*their Phase 5. Now we learn that they want to expand to a Phase 6 and that requires rezoning? There was a reason that this area was zoned the way that it is, and the current homeowners made this area their homes because of it. There is no compelling reason to rezone this parcel to allow for smaller lot sizes, other than profit. If Arteva wants to expand their presence to a Phase 6, then they should have to abide by the current zoning - period."*

**Jill Hicks, 1676 Pinnate Ct., Rochester Hills, MI 48306.** *Ms. Hicks wished to express her opposition to the Rezoning, having read that the change in zoning would be linked to a development called the Clear Creek Phase 6. She stated that Clear Creek already had 330+ homes and had been a neighborhood in growth/building mode for about 15 years, and a change could add another ten years to the time frame. She believed that there would be no clear benefit to the current residents of Clear Creek by adding the proposed property as another phase. She noted that the subject property was separated from the neighborhood by a Consumers Power gas main. Arteva would like to have a paved entrance to the new development via the existing Clear Creek neighborhood, and she maintained that if the Rezoning was approved to change the lot sizes, that Clear Creek did not need to be and should not be the access point of entry. She believed that any builder was required to have both an entrance and an exit to a neighborhood, but that it was to Arteva's advantage to not give up one of its own lots and to instead use the existing Clear Creek roads for access to the proposed development. She felt that Arteva would like to use Clear Creek for its economic benefit without a benefit to the existing homeowners/taxpayers. She observed that there were already several new subdivisions with many homes planned or in development in her vicinity (she referenced locations in the area) and in Oakland Township as well as Clear Creek Phase 5. Rochester and Rochester Hills had received many accolades as a community with a desirable combination of amenities. One of those noted amenities was the great variety of land uses allotted for parks and green space available to the community. She said that Mead Rd. offered homes with extra land and spacing and was an asset to the community as it was. The variety in zoning in the City was part of what made the area desirable, and another neighborhood development instead of an area of homes that were widely spaced would do nothing for the community as a whole. She felt that changing the zoning of the parcel would be a great loss for the community. She and her husband opted to build in Clear Creek and were the lone home presently on the court. They chose to build on a court, paid a premium for the lot and specifically chose the location, and now the court would be used as a potential access to Clear*

Creek Phase 6.

**Tim Hicks, 1676 Pinnate Ct., Rochester Hills, MI 48306.** Mr. Hicks stated that they put a down payment on a lot on Pinnate Ct. in June 2012 with the presumption that it was a court. At that time, he said that all the paperwork showed that they had 109 feet of road frontage. Somewhere in between buying the house and the present, that had shrunk to 85 feet, but they were not notified. He stated that there was no stub into the gas main. It was called Pinnate Ct. for a reason, and he emphasized that it was not there to be an extension to another future development. If they had ever considered that, they would have built elsewhere. He felt that a new development would create a huge freeway into their sub, because Mead was a dirt road, and most residents would want to avoid a dirt road. It would bring 35 more families through two entrances of an already busy subdivision with traffic back and forth through a few small channels. A lot of their neighbors had been there for a long time, and they wanted the construction to end, as did he.

Chairperson Brnabic read an email from **Mr. and Mrs. Dean and Retta Holefca, 1238 Mead Rd.** into the record: "My husband and I just received notice of the Rezoning meeting being held tonight concerning 930 Mead Rd., and unfortunately will not be able to attend. We purchased the home and acreage located at 1238 Mead Rd. on March 31, 2017 and have not yet moved in, so we are picking up notices sporadically. We wish to go on record that we are vehemently opposed to the Rezoning of the subject property to permit Arteva to erect 31 houses. Mead Rd. is the only last true area that could be classified as country close to Rochester and should remain that way. Those of us who have purchased homes and acreage or who have had the privilege of living on Mead Rd. for numerous years have done so solely because it was away from subdivisions and the downtown while still affording the property owners the luxury of living close enough for shopping, schools, doctors and hospitals. Rochester and Rochester Hills already have more affluent subdivisions under development or in the planning stages for those who wish to move to our area. Mead Rd. should definitely be left untouched for all in the area to enjoy it as is. Thank you for considering the preferences of those who call Mead Rd. their home."

**Brian Musser, 1593 Traceky, Rochester Hills, MI 48306.** Mr. Musser said that he was one of the residents along the back of Traceky bordering the gas main just down from the Hicks'. He had been in his home since 2012, and it had been a constant state of construction since they moved in. He understood that there were a lot more lots in Phase 5, but with the

addition of a Phase 6, they would be looking at another five to ten years of construction. He has had numerous flat tires, and every time the wind blew, he got construction garbage in his yard and trees. There was a constant flow of semi-trucks jamming their roads, and they could barely get through in some cases. He had to have a school bus back up one time to back out of his subdivision, because he could not get through. He asked if they should look forward to that for the next ten years, because it was not what they signed up for. He was vehemently opposed to the Rezoning. In addition, he pointed out that the land behind him was much higher than his, and they would have a view of the back of someone's home and not the view of a green space for which they paid a premium. He asked the Commissioners to consider those things and their opposition.

**Nikolas Louca, 852 Mead Rd., Rochester Hills, MI 48306.** Mr. Louca said that he had been a resident on Mead Rd. since 1991. He enjoyed the beautiful land around him. The applicants were proposing to Rezone all the land around his house, and he questioned it being R-1 when his house was RE which would bring his property value down. He claimed that it would not be good for him financially, and he wondered why he was not approached to buy his home to be compensated for the Rezoning. He stated that the applicants wanted to spot zone all around him, which would cause the value of his home to go down. He asked who would make up the hundreds of thousands of dollars when he had a lot three times the size of the proposed lots, and his home would be valued as a half-an-acre property. He felt that he should be approached and bought out, because it would cost him a lot towards the value of his home.

**Mike Spinale, 714 Mead Rd., Rochester Hills, MI 48306.** Mr. Spinale said that he just bought a house on ten acres right next to the proposed site. He realized that other people might be impacted more severely, but the property came up to the Consumer's line, and he wanted to know how he would be impacted. He said that he did not want to selfishly be in his own world, but he agreed with what others had said. The proposed site plan showed a retention pond by his property, and he wanted to see how it would impact his property line with the trees and so on.

Mr. Terracciano responded that the subject property was put up for sale, and there were several people trying to purchase it. He commented that he had a lot of passion for what they did in Clear Creek. They built homes in a price range up to \$2 million, so he felt they helped increase property values. They built a \$1.8 million home on Tienken at the entrance to Clear Creek. It attracted a lot of people who wanted to build

higher-priced homes. He never tried to bring in less homes; there were homes being built for \$500-600k before they started building. If it was all about profit, they would have done the exact same homes. He said that of course, they wanted to make money, but they also wanted to build a great product. He had seen the value of the homes on Mead Rd., but he built \$2 million homes. The same homes would be on the subject property. He stated that Pinnate did have an access through to the east. It was not planned by him, but the stub street was there from day one. He stressed that Clear Creek was not platted by Arveva Homes - it was platted by Elro Corporation, and then Arveva purchased lots. He felt that if they purchased the subject property, they could be in control of what was being built. He noted that the lots would be bigger than those in Clear Creek, but the majority of the people he talked with did not want big lots. He was confident that they would do a great job for Clear Creek and for the community. He completely agreed about the construction traffic. He offered to have a construction entrance so they would avoid going into Traceky. He noted that he lived in a home with construction next door currently, so he would want to address that and make sure the residents were happy.

**Kathie Rogers, 1200 Mead Rd., Rochester Hills, MI 48306. Ms.**

Rogers stated that she owned the 1100 and 1200 Mead Rd. properties, and 1100 ran along the east line of the subject property from Mead all the way back to the corner of Quarry. She said that they picked up construction debris constantly. They have had construction vehicles take down their fence and knock down their trees. She knew and understood about progress, but she had been there for 28 years, and everybody who lived there wanted Mead Rd. to be a beautiful road, a treed road and someplace for the wildlife. When they put in a lot of homes, the wildlife would have very few places to go and they were already leaving the area around Rochester Rd. She was watching everything shrink - her trees, her wildlife - and seeing a lot of people arriving. She stated that she was opposed to the Rezoning.

Mr. Terracciano replied that anyone who had come into Clear Creek had seen what they had done, and they could do the exact same thing with the subject property. If someone else came in and purchased the property and built on one-acre lots, they did not know what would be built. He said that he was trying to protect what they had in Clear Creek.

Ms. Roediger noted that the current zoning was RE and the site was about 24 acres, so with one-acre lots, someone could build 22 or 23 homes by right today. The difference between RE and R-1 would be eight homes

*potentially. She understood the concerns about ongoing construction and preserving open space, but as currently zoned, someone could build 22 homes. It was a matter of design and the appropriate density for the area.*

*Chairperson Brnabic closed the Public Hearing at 7:27 p.m.*

*Mr. Kaltsounis asked about the applicant's letter confirming to change all references from R-2 to R-1 zoning in all the supporting documents and whether the applicants knew the request was to go from RE to R-1. Mr. Terracciano agreed, and said that there was a mistake in the original application. Mr. Kaltsounis said that when it came to a Rezoning, and he realized that there was a proposed site plan in the packet, the Commissioners had to consider anything that could go into an R-1 zoning. He also had to look at the Master Plan when considering a Rezoning. The Master Plan called for Estate Residential for the parcel. He noted that he was on the Master Plan committee when they discussed the area. There was a lot of discussions as to why it should be Estate Residential, and one reason was to keep the area consistent with what was to the north in Oakland Township and also to keep a sliver of the City in an open, much less dense type feeling. With RE, the applicants would be allowed homes on one acre, and he did not have an issue with that. He did have an issue with tightening up the density, because he was concerned about eroding the last area in the City that was special as estate. To increase the density in that area, they would be cutting the Residential Estate area in half, and he had an issue with that. He wanted to hear from others as well.*

*Mr. Reece said that he tended to agree with Mr. Kaltsounis. The Commissioners heard from a lot of residents who came before them and talked about new development. There was not a lot ways to prevent it, if a property was zoned correctly, and the developments were done in a fashion that was correct. He reminded that the City did not own the land. The Commissioners heard a lot of comments about the land residents bought for the view or for one reason or another, and in most instances, it was not a valid statement. With the proposed property, it had always been zoned Estate. He felt that the people on Mead Rd., particularly, would expect the Commissioners to preserve what they had bought into from day one. He had a difficult time accepting that they would be increasing the density significantly for the sake of adding homes. Like Mr. Kaltsounis said, if it were RE, the Commissioners would have no issues. It could very well be developed as one-acre estate homes - the property owner had the right to do that. He did not want to see the rug pulled out,*

*and he was not in support of the Rezoning.*

*Mr. Anzek recalled that in 2007 when the City did its Master Plan, he identified a couple of areas in the community where larger lots were preferred because larger lots were already there. There were also areas in town under threat of being subdivided, which the smaller zoning would have permitted. He remembered that the biggest driver for making it RE was the fact that there was no water or sewer available in the area. The pipeline that was put across the transmission line to service the small church on the site was required for that service only. He said that he personally did not see the additional homes as a significant jump in density. He felt that a development could stand alone without having any access across the trail. It appeared that the trail connection could be an emergency access only should there be a problem on Mead Rd. If the applicants built to R-1 standards, it would be the same density as Clear Creek. He did not accept the argument that a high valued home next to an existing home reduced values. If anything, history had shown that it increased existing home values. He indicated that he did not have an issue with the request. He felt that the reason for making it RE originally would go away with water and sewer provisions, which would have to be installed for that type of density.*

*Mr. Schultz said that when he evaluated the proposed zoning change, he took into context Mead Rd. and the character that had been established. He noted that he was a lifer in Rochester Hills, and he had seen things change greatly. He still believed that the applicants could have a successful product on the site, but to push the density would not fit in with the character with the adjacent properties. He stated that he could not get on board with changing the character of the community in that area to the proposed density.*

*Mr. Hooper asked if there could be septic fields instead of hooking to sanitary sewer if RE remained and the site was developed as it was. Ms. Roediger was not sure what Engineering would require. Mr. Hooper said that he did not see a reason to change to R-1, and he moved the following motion for denial, seconded by Mr. Reece:*

***MOTION*** *by Hooper, seconded by Reece, in the matter of City File No. 17-017 (930 Mead Rd. Rezoning) the Planning Commission recommends denial to City Council of the proposed rezoning of parcel no. 15-02-200-016 from RE One Family Residential to R-1 One Family Residential with following three (3) findings:*

Findings

1. *Approval of the rezoning could facilitate greater density than currently allowed in the RE district, which is contrary to the Master Land Use Plan's vision for the future development of this area of the City.*
2. *Approval of the R-1 zoning district could increase the potential for development with higher trip generation rates in the area.*
3. *The applicant has submitted only verbal evidence that a reasonable return cannot be realized under the existing RE zoning district.*

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

**Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Nay** 1 - Anzek

2017-0290

Request for Tree Removal Permit - City File No. 17-015 - For the removal and replacement of as many as 500 trees associated with development of Innovation Hills, a 112-acre City-owned park located on the north side of Hamlin, east of Adams, zoned R-2, One Family Residential, Parcel Nos. 15-29-101-020 and 15-20-300-005, Ken Elwert, Director of Parks and Forestry, City of Rochester Hills, Applicant

*(Reference: Staff Report, prepared by Sara Roediger, dated June 16, 2017 and site plan had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Ken Elwert, Director of Parks and Forestry, City of Rochester Hills, 1000 Rochester Hills Dr., Rochester Hills, MI 48309.*

*Ms. Roediger indicated that staff was very excited to bring forward a proposed Site Plan for Innovation Hills, formerly known as Riverbend Park. She noted that in February 2016, the Planning Commission approved a Parks and Recreation Master Plan which included Innovation Hills. Since that time, the City, Mr. Elwert and Mayor Barnett had been very busy taking the concept plans to the next level. They had submitted plans for the first phase of development - the main water feature near the front of the park, improvements to the parking lot, bioswales, the trail system near the front and associated amenities, including benches, waste receptacles and pet waste stations. The site was subject to the City's Tree Conservation Ordinance, so every tree six inches or greater*

*that was healthy was surveyed. There had been work done to the site already, and they thought that the most efficient way to go about it was to ask for one Tree Removal Permit for the entire property, recognizing that the City was the applicant, and it was in its best interest to preserve trees. Every tree that could be preserved would be, and any taken down would be replaced. It was somewhat like a blanket Tree Removal Permit for the all the phases of the Park. She next showed a video prepared by the Mayor's office promoting the site.*

*Mr. Elwert also showed a brief presentation. He noted that the Park was approximately 112 acres close to M-59. The tentative plan, depending on available funding, was to have six phases over five years. They were working phases one, two and three concurrently. What had been presented was primarily part of phases one and two - the parking lots (part of phase one) and the water feature (phase two). They were working on phase three, which included the play area and Sensory Garden, as well as observation areas and a possible community structure and bridge connection between Innovation Hills Park and Innovation Hills green space. He showed a walk-through of what the City was envisioning. There was a sun dial next to the pond area which would be an interactive area, and there would be benches almost all the way around it.*

*Mr. Elwert talked briefly about financials, and advised that the estimated total project cost was \$7 million. They had almost 60% of the funding secured, and City Council approved approximately 50% of the total cost. They did fund raising for the rest through \$400k in in-kind construction costs already completed, grants approved including \$220k and grants requested for 2018 of \$150k so far. They had either received or had agreements for \$155k in additional donations, and they were currently pursuing an additional \$750k. They had raised about 10% in the first eight months, due in large part to Mayor Barnett's strong support of the project. He next talked about the grant processes in place and what was planned. The first grant they received approval for from the Federal Government was for 500 feet of boardwalk. It would also provide a small, modular restroom and a completed trail connection to the City's pathway system. He added that the restroom would be very nice with solar and rain collection with a tiled inside, and it would be fully accessible.*

*Mr. Elwert showed detailed plans of the Sensory Garden, the proposed parking lot and pond area. He noted that work had already started on the Sensory Garden. The Sensory Garden was possible with a Scott's Grow grant that Mayor Barnett had secured through his work with the U.S. Council of Mayors. The City was just beginning the Garden, and there*

would be another component to it called the Learning Garden, for which the City was interacting with the schools which were including it in their development curriculum with year-round classroom participation.

Mr. Elwert advised of another grant, part of a Land and Water Conservation Fund, which had been secured for another 500 feet of boardwalk going in a slightly different direction and for an accessible kayak launch on the River. He showed some possibilities for phases four, five and six. There were several different wetlands overlooks, birdnest areas and a playground area. There might be a modular playground with different areas for different age groups. The last received was a Brooksie Way grant. It was for \$30k to sponsor a section of the Trail that would be constructed in the future. He thanked the Commissioners for their time, and said that he was open to questions.

Ms. Roediger related that there was a ground breaking for the Sensory Garden about three weeks ago, and she showed a video of that.

Chairperson Brnabic opened the Public Comments at 7:57 p.m. She read an email from **Lynn Loeb, 2845 Portage Trail Dr., Rochester Hills, MI 48309** into the record: "I am dismayed to see that with the plans submitted for approval, there was still a berm shown. They were assured that this unnatural feature would be removed from the plans. The area proposed is currently densely wooded and would require extensive tree removal. How is that a cost savings? Another issue I have are the proposed solar brick pavers. Park use is limited to dawn to dusk, and this feature has absolutely no value if the Park hours are enforced. I recommend that the Planning Commission delay approval until these items have been addressed. Per the Tree Removal Permit on the agenda, I am frustrated that the City violated its own Ordinance. Where will these replacement trees be planted? No details are evident in the plans. I cannot attend the meeting tonight, but would appreciate a response to these concerns."

**Raleigh Wilburn, 2851 Portage Trail Dr., Rochester Hills, MI 48309.**

Mr. Wilburn said that at the last meeting with the City, they talked about the removal of the berm. He lived about 30 feet from the proposed berm. He asked everyone how they would like 100 feet of sludge stacked up 20 feet high in their backyards, which he claimed was what the City was proposing to do.

**Robert Chastain, 2821 Portage Trail Dr., Rochester Hills, MI 48309.**

Mr. Chastain stated that he also lived in a house bordering the Park. He

said that they really enjoyed the Park, and the City could do what it wanted, but what bordered his house was beautiful trees. He asked if he should want to look at that or at a dirt berm that would erode into all of their lots. He commented that Mr. Elwert's title should be Director of Parks and Deforestation, because he strip mined half of the property there, and not one tree had been replaced. He referenced the video, which showed big, mature trees, and said that only twigs would be put back. They would strip mine Rochester Hills for a Park and plant some twigs, which did not seem right to him. He asked if that was really what they wanted for the community. He believed that they were wasting taxpayer money to tear down large trees. He asked why and for an explanation for the berm that he felt was not needed. He was told that the berm would be built because the City did not want to haul away the dirt. He repeated that the City would build a berm behind all of their houses and tear down the trees because the City did not want to pay to have the "sludge" hauled away from the pond. They did not want that in Rochester Hills. He agreed that their Homeowner's Association met with Mr. Elwert, and they were promised that the berm would go away. He was shocked to see the plans showing a berm again. He stated that Mr. Elwert should not be given a permit to remove 500 trees.

**Keith Loeb, 2845 Portage Trail Dr., Rochester Hills, MI 48309.** Mr. Loeb noted that he had been a resident of Rochester Hills since 1985. He and his wife bought a house that abutted the Park in 1995. He agreed with Mayor Barnett, stating that they were relatively close friends, that the Park was a gem. The view behind his home was very nice, and they did not want that destroyed with a sludge berm right behind his house. When they first bought the property, it was stated that it would remain a green space. They were a little disillusioned that there would be ponds, and he wondered how mosquitos would be addressed. If a pond just sat, it would fill in with silt. He asked if there was a plan to dredge the ponds and how often it would be done. He asked how often mosquito control would be done for two large ponds with no incoming water. He asked if the soil they were going to excavate had been tested. It would be right behind their house, and it would run into their properties. He asked how much money would be allocated for the annual maintenance and upkeep of the Park. There were a bunch of weeds that had grown, and maintenance was a concern of his. He stated that he appreciated the tough job the Commissioners had, but he would recommend that they postponed the vote to take a look at moving the ponds to perhaps the other side away from all of the homeowners. He did not want to see large earth moving equipment. He agreed about the clear cut path 100 feet wide, and he asked if the oversight would happen again when the berm was installed.

**Terry Lannen, 2863 Portage Trail Dr., Rochester Hills, MI 48309.** Ms. Lannen stated that she was a Master Gardener, and the Park was very dear to her. She had watched it almost deforested from the ash borers when they lost so many large trees. What was left were the native trees. She understood that the gentleman who did work did not have a permit. She felt that the City was coming back to ask for forgiveness instead of original permission. She stated that she was very much against a blanket permit to remove 500 trees when they did not know where they were. They did not know what had already been taken out. The stuff that had been put in was dead. They needed to know what kind of trees were being taken out and being brought back in and how they would be maintained. She claimed that the parking lot had not been maintained. The part that did not show in the video was a big gully, mud pond that drained off of the parking lot that needed to be addressed right away, because there was no fencing around it. It was just a mucky bottomed retention pond that would be a problem. She reiterated "no blanket," and said that the City did not get forgiveness for what had already been done to the Park. If the Commissioners were not aware, the gentleman who did work went into two ponds that had turtles below. It had destroyed the lower pond, and the turtles were no longer there. There were barely any ducks left. The City kept asking to tear stuff down without getting anything fixed. The parking lot, the drainage pond and the piles of crud were not shown - they were only seeing pretty pictures. The gentleman put a path through and took out 20-30 feet on either side of the path that he was not supposed to do. It had already been deforested, and none of the trees had been replaced. She indicated that the neighbors did not trust Mr. Elwert. The City wanted to put a berm up, but the sludge coming out of the bottom of the ponds was a mess and it stank. She asked how the trees would be kept alive on the berms if there was no watering. The walnut trees were 150 years old, and she stated that the City could not take any more trees out of the Park. She understood there was a future for the Park, but the City needed to pull in the reins and relook at things. She concluded that she could not agree with the City's plans to ruin a beautiful green space.

Mr. Elwert responded to the questions, noting that the main topics of concern were the forestry issues, pond issues and the maintenance, as well as soil testing questions. Regarding the forestry concerns, he advised that their Forestry Department managed 20k trees for the City, and they were very concerned about removing large trees. They did conduct a tree survey with a professional crew primarily in the children's playground area and the Sensory Garden. They had documented all regulated trees and changed designs to avoid taking down large trees.

*There were some significantly large trees that the City did not want to remove if they did not have to. They would balance that with the needs for the whole Parks and Recreation Plan for the City. Someone commented about the pathway installed a couple of years ago. He agreed that significant trees were taken down. The process to be used to evaluate approximately how many trees were taken down was to evaluate the density of the trees immediately adjacent to the Trail going up and down and counting the number of regulated trees and including them in the process.*

*Regarding the soil testing, Mr. Elwert advised that there had been soil borings taken from the pond areas that did not show any contamination. There was a meeting about the berm, and in his view, the City listened but did not promise that there would not be a berm. They would look for other options to put the berm, but the berm was adjusted and moved 75-125 feet from the property lines. The slope of the berm was adjusted down to be four or five feet high. The slope on the west side was gentle. The entire berm would be landscaped with trees and other vegetation, so there should not be erosion areas. There would be wet soil for a bit. They had to find a place for the soil dug out from the ponds, and it would add a buffer between Park activities on the east side of the berm and the residential character on the west side. There would be some trees taken down, but most of the forested areas there would be avoided.*

*Mr. Elwert agreed that some erosion would occur in the pond area. They were in between phases for development of the parking lot. There had been donated work done, and they were trying to get a handle, going forward, with the plans and the Tree Permit process. There was a plan to go to bid immediately for the parking lot to be professionally constructed. There were plans to professionally dig the ponds. Regarding mosquitos, there would be several different sources of flowing water. There would be well heads, bioswales and waterfalls. There would be a high pond/low pond area, and the small pond would have the high pond flowing water through the low pond. There was potential drainage underneath the Trail on the east side. They expected the water to be moving some. If mosquitos became a problem, they had a mosquito program they also managed for the County that they would analyze for that. There were also drainage possibilities coming from areas around the parking lot and other developments. He pointed out potential water flowing from the southwest which would not be from the berm. They analyzed the natural drainage of the area with engineers, and it was south of the proposed berm. It would head into the small area south of the berm. In between those areas on the west side of the large pond was one of the natural drainage areas.*

*Ms. Lannen stated that she did not want to be the last speaker, but she had a problem if eventually there was a mosquito problem. She stated that water would draw mosquitos. She pointed out that the area would be for children and older people, and she wondered how they would be able to spray any of the area with something that would not affect them. Mr. Elwert corrected that he did not say spray; the County utilized a variety of dunks for both HOA retention ponds and roadside retention ponds that was done yearly. Ms. Lannen said that the children did not play in roadsides or retention ponds. She understood that people would be able to launch boats, so she maintained that his method would not work. Mr. Elwert said that the engineers believed that the flowing water would be satisfactory, but he assured that it was an issue the City would keep an eye on.*

*Ms. Lannen asked how they knew what trees had already been taken down so they knew what needed to be put back when they had no control over the man who took the trees down. Mr. Elwert said that admittedly, the City did not know about the pathway installation. The process was to measure the amount from the side of the pathway to the current forest and review the density of the trees immediately adjacent and identify a number of regulated trees. If it was four feet from the side of the path to the forest, and it was 100 feet long, they would identify a similar strip and count the trees and include them in the process. Ms. Lannen asked that before a blanket Tree Removal Permit was issued that Mr. Elwert had to come up with an idea to deal with the problem already there. She wanted proof that the City could handle any of the Park before more permission was given to take anything else down.*

*Mr. Elwert said that he understood the frustration. He pointed out that it all occurred prior to him coming to work for the City. Since he had been there, tree surveys had been done of every area they went into prior to working on them. He believed that he had earned trust through that process going forward.*

*Chairperson Brnabic closed the Public Comments.*

*Mr. Dettloff clarified that the Tree Removal Permit being requested was for all phases, not just for one, two or three. He added that there would be a one-for-one replacement. He asked if all phases would have to be completed before trees were replanted. Mr. Elwert said that they would not plant trees until they were sure they were done with an area. He thought that there were about 440 trees in the proposed area they would*

*plant, but they were not planning to remove 440 trees. The construction would probably occur in a couple of phases in the pond area, which might take over a year or slightly more. The intention was not to plant trees in an area until the construction of the phase was completed.*

*Mr. Dettloff mentioned that Mr. Elwert said there were options regarding the berm. He asked what options were looked at. Mr. Elwert advised that soil was being put in a couple of different areas. They moved the berm about 100 feet from the property line and substantially reduced the slope. It would not be ten feet high. He agreed that it was cost prohibitive to move the soil, and that was one of the reasons for the berm. The other reason for the berm was to block some of the activity in the pond area from the residential area. There would be trees removed, and some were scrub trees, but there were not many regulated trees in that area. It had not been surveyed yet, but it would be done next. They added some berms east of the parking lot that were currently not in the plans to help with the soil and with the aesthetics.*

*Mr. Dettloff asked, for the residents concerned about looking at a berm, if there was anything that could be done to alleviate. Mr. Elwert explained that they would plant about 100 trees there. Immediately adjacent to the small pond, there would be a lot of vegetation re-planted. Mr. Dettloff asked if they had identified the species. Mr. Elwert agreed.*

*Mr. Dettloff asked if the \$40k grant came with a one-to-one City match requirement. Mr. Elwert confirmed that normally there was, although there was not one necessarily required for that because of the project cost overall. The project cost was about \$80k. Mr. Dettloff asked if the \$750k in additional money required would be a combination of fund raising and grants or City money. Mr. Elwert said that they had discussed the processes, but he was not at liberty to talk about it at this point.*

*Mr. Schultz confirmed the location of the berm. Ms. Roediger pulled up Bing maps. Mr. Schultz asked if he was right that the berm was on the section of lawn behind the house with the pool. Mr. Elwert agreed, and added that it would be on City property. Mr. Schultz asked Ms. Roediger to show the property lines. Mr. Elwert noted that there had been disputes regarding the property line, but it was at the east edge of the pool. All encroachments had been removed by the neighbor, but the property line went to the edge of the concrete of the pool. The berm would be in the mowed area. Mr. Schultz observed that it looked like irrigated lawn or someone's yard, and he wanted to make sure it was City property. Mr. Wilburn said that he had permission for that.*

*Mr. Kaltsounis noted that he was involved in a construction project, and they were also looking for places to put soils they were digging up to save a significant amount of money. He understood that. He noticed that the City picked an area that had already been clear cut, which was understandable. He asked what kind of plan they would put in place to control erosion or water from the wet soils to be away from the residents. Mr. Elwert said that it was currently being reviewed in detail by HRC (Engineering consultants). Mr. Kaltsounis asked if a condition could be placed on the site plan motion stating that the soil erosion plan must be submitted and approved by staff. Mr. Elwert said that it absolutely could. Mr. Kaltsounis understood there was timing, and that the City wanted to get things done as soon as possible, but he wanted to also be sure about the blanket Tree Permit. As a Planning Commissioner, he was not happy not seeing a tree survey, and he asked if that could also be submitted. He said that he would like to add a condition that a survey for the trees in the area be submitted before any work was done. He mentioned the assessment plan for trees previously removed. He thought that plan also needed to be submitted as part of the Tree Removal Permit, to which Mr. Elwert agreed. Mr. Kaltsounis wanted to make sure that they had proper documentation. As for the site plan, the Commissioners had seen a lot of renderings of the Park previously, but seeing a site plan made it come to life. He was happy and excited about it, but he wanted to make sure that they were not giving the City special preference over other applicants.*

*Ms. Morita related that the people in the audience were her neighbors, so she was rather in a no-win situation. Either the City would not be happy with her or her neighbors would be a little disgruntled, for which she apologized in advance. Through the ongoing process, she wanted everyone to understand that the property to the southwest of the Park was a contaminated site. It was a former Super Fund site, and it still had contamination. There were significant concerns within the neighborhood about water traversing from that property through the Park property. Anytime the City talked about digging up soils and putting them in someone's backyard, it was a very scary proposition, because they did not know what was in the soils. The neighbors had been told, over the last few decades, several different stories of where the contamination was and how dangerous it was. She thought that what the neighbors needed to hear, in order to feel comfortable with having a bunch of muck dug up and put anywhere near their properties, was that the soils were tested and clean with no pcb's or pcb dust in the air. She knew that the City mentioned doing soil borings, but she asked if the City had gone ten feet down to make sure there was no contamination where there would be*

*digging.*

*Mr. Elwert said that he could provide a copy of the soil boring report. Ms. Morita asked if everything was clean, and Mr. Elwert agreed that it was. Ms. Morita asked Mr. Elwert if he could send the soil testing results/report to the neighbors so they understood about what would go in their yards. Mr. Elwert said that he certainly could send to those with an email address on file.*

*Ms. Morita confirmed that there was a meeting with the neighbors who abutted the Park. It was made abundantly clear to Mr. Nunez (Landscape Architect for the project), and she thought that there was an understanding, that there was to be no berm behind the neighbors' yards, so she understood their aggravation. When the plan first came, it showed a huge berm right on the property line. The neighbors would literally be looking out their doorwalls at a mountain of soil. She stated that was bad, although the proposed berm would be much smaller in scale and much farther back from the property line. She was not saying that it was completely acceptable, but it was more acceptable. Her concern was that there was no intent by the City to go in and plant trees or vegetation until a project was complete. That meant that those neighbors could potentially be looking at a five to six-foot high mound of dirt for as long as it took to complete the process, and she emphasized that it was not acceptable. She felt that there had to be a way to plant trees sooner as opposed to later, and she noted that the City had a Tree Fund, so the neighbors would not have to look at a mound of dirt for a year. Mr. Elwert suggested that they could look at the vegetation options for that area. Ms. Morita mentioned dust control. Eventually, she knew that the soils would dry out, and dust would start blowing into the houses. She would like to add a condition that the planting of vegetation on the berm must be completed as soon as the berm was finished, not when the project was completely finished. She knew Mr. Elwert's word was good about the soil boring test.*

*Ms. Morita said that she had noticed a proposed utility easement that went along the western side of the Park behind the homes. It was 20 feet wide, and she had observed a lot of very large trees, such as Black Walnuts, where it would come south through the Park. She would like City staff to find another way to get sanitary sewer into the Park other than bringing it down behind the neighbors' homes. She would like an added condition: That staff and Mr. Nunez evaluate a different route for the sanitary sewer as opposed to the west lot line of the Park. She understood that there might not be another way to do it, but she stressed that if the trees came down, she would not be happy. She hoped that the*

*Commission understood the frustration. A guy came in with a bulldozer and did a lot of work without permission. The City expressed its frustration in numerous ways, and it was her understanding that the gentleman was not coming back. Mr. Elwert responded that he had not had any discussions with that individual in several months, so he could not answer definitely one way or the other. Current discussions were to not have him involved in any development of the pond area or the subject plans. Ms. Morita asked for another condition: The donor who did the previous work without appropriate permits was not to do any more work in the Park. Mr. Elwert pointed out that the City had a written agreement with that individual. He could not get into the details of what happened. Ms. Morita said that if her condition became an issue, the Mayor could explain to the Commission exactly how he could control that gentleman who had not previously been controlled, and they could look at reconsideration at that time. Until then, he was not to come back. The neighbors understated how bad it was. Someone from the audience said that there was a huge, 20 x 50-foot pile of lumber still there from over two years ago.*

*Ms. Morita said that in Mr. Elwert's defense, he was not at the City when it happened. Mike Hartner was the Director but had since retired, so Mr. Elwert inherited the situation. Members of the audience started commenting about the berm. Ms. Morita said that the berm would only be behind two lots. Mr. Wilburn stated that it was wrong, and that he would spend whatever it took to fight the berm. He claimed that students drew up the master plan, not an Architect, and he suggested using another University. He thought that the City should spend the money to remove the soil, and that it would not cost anything for six lots. Ms. Morita asked Mr. Elwert if he had received an estimate for the cost of hauling the soil elsewhere. Mr. Elwert said that one had not been done. Ms. Morita felt that the neighbors deserved an explanation of how much it would cost. She understood that the berm was going to be a lot smaller and lower, which meant to her that some of the soil was being hauled away. Mr. Elwert said that he would provide cost estimates.*

*Mr. Kaltsounis said that he took offense to the comment about the students. He advised that it was not just students; it was also Planning Commissioners. He had no issues with what the students planned, and he enjoyed seeing their ideas. The plan was also done by a Registered Landscape Architect. He sat in on all the meetings with the college students from a reputable college, and it was a reputable plan. Mr. Kaltsounis referred to Ms. Morita's condition about the donor who had previously done work in the Park, and said that he would make it a*

recommendation to City Council to review. Ms. Morita felt that was a very good idea. Between now and then, they would have clarification about the agreement and be able to talk to the Mayor about the situation a little more. She stated that the residents had reasonable fears about the gentleman. As much as she appreciated his good intentions, she remarked that they all knew where that road could lead. Mr. Kaltsounis appreciated her agreement, noting that the Commissioners really did not have the authority that Council had in that regard.

Ms. Roediger reminded that the site plan was not going to City Council. It ended at Planning Commission, so a recommendation to Council would be more of a policy recommendation and not be tied to a site plan or Tree Removal Permit. Mr. Kaltsounis thought it was fair to make a recommendation as a statement so that it could be taken to Council and discussed. The Planning Commission would be recognizing that things were done, and that the mess needed to be cleaned up. Ms. Morita said that as a recommendation to Council, she would ask that it be put on an agenda.

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-015 (Innovation Hills), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on May 22, 2017, with the following two (2) findings and subject to the following four (4) conditions.

#### Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace up to 500 regulated trees with 500 tree credits on site.

#### Conditions

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

3. *An assessment plan for trees previously removed on trails be approved by staff.*
4. *That a tree survey be submitted for each phase before removal of trees.*

*Mr. Reece said that he also resented the comment about the students designing the Park. He noted that he was a graduate of that University (LTU), a Licensed Architect and a VP for one of the largest contractors in the State of Michigan. The implication that those people did not know what they were doing was a false accusation. Mr. Nunez was a highly respected, Licensed Landscape Architect in the State of Michigan, and Mr. Reece strongly suggested that he was owed an apology.*

*Mr. Reece questioned how the Park property came to be a large, mowed green space behind the neighbors' homes as shown in the aerial photograph. Ms. Roediger said that she did not have the history about that. Mr. Elwert agreed that there was an agreement with the City at some time in the past that allowed the neighbors to use Park property up until the time the Park was developed. He added that there was paperwork associated with that. Mr. Reece commented that he was shocked to see that, in light of all the discussion about tree removal elsewhere. He asked Mr. Elwert the current construction timeline by phase. Mr. Elwert said that they were 99% there in preparing documents. Assuming the proposed request was approved for the parking lot that would be the first phase done. They hoped it would go out for bid in the next couple of weeks. The numbers might come in too high for this season, so they would have to wait until January to bid. However, the engineers felt that because the parking lot was such a small project that they might get a variety of vendors. After that, the pond areas would be prepared. It was expected that the bid process would start in the beginning of January, possibly earlier, for that. There was a chance that there would be some work done in the ponds with another company prior to bidding, so that could start in the fall.*

*Mr. Reece noted that the berm, if it was installed, would not go in until the pond work was done. He suggested that they postponed the site plan until some of the questions were answered and approve the Tree Removal Permit, the landscaping and development plans for the base bid. They could get the tree survey for the entire property, as they normally expected from a developer, and have that information for the remaining phases. They might be six months to a year down the road. The way construction was going in the State, he could guarantee the*

*project would be over budget, unless there was a reputable contractor who would donate time and money. Mr. Elwert thought that might be a possibility that could happen soon. Mr. Reece said that personally, he would rather get the questions answered and approve the base bid for the parking lot development in the interim. They could come back and reassess the plan after the issues were hammered out.*

*Mr. Kaltsounis explained that the reason he asked for a tree survey for each phase before removal of trees was so that if the project took six years, they would have a clean assessment. He had an issue with phased properties without that information. Mr. Reece noted that they would not have one for base bid, but Mr. Kaltsounis was requesting that one had to be approved. Mr. Reece said that normally, that came before them already completed. Mr. Kaltsounis acknowledged that he was not happy not seeing it at the meeting.*

*Mr. Hooper said that following up on Mr. Reece's comments, he saw the base bid on the phasing plan and phases b and c, pond grading development and future parking lot, and he asked if the only thing under consideration in the immediate six months was the parking lot. Mr. Elwert said that was correct for the base bid, and they had the specs 99% done pending some review for the tree surveys by staff already completed. On the pond areas, they were starting to prepare specs, but there was an opportunity being worked on through the Mayor's office for another professional contractor to work in some of those areas pro bono as their downtime permitted in between projects. Mr. Hooper asked if the pond areas would include the pond grading and development phase, which Mr. Elwert confirmed. Mr. Hooper asked if the berm along the west property line was not in the contract area or not under any potential contracting in the near future. Mr. Elwert agreed for bid contracting. There was the potential for a possible significant pro bono donation, and the area would be utilized subject to the conditions of the Planning Commission.*

*Mr. Hooper mentioned the sanitary sewer along the existing subdivision and he asked if it was an existing easement in the rear property lines or new. Mr. Elwert said that he understood it would be new, and the primary purpose was long term with the potential of adding a community structure down the road. Mr. Hooper clarified that it would terminate at the potential location of the structure.*

*Mr. Hooper said that regarding approving a Tree Removal Permit without a tree survey, he would take Mr. Elwert's word the Commissioners would get a survey and an estimate of what was removed by the donor. He felt*

*that they could certainly enhance the landscape plan, such as adding more trees. He noted that it showed a mixture of Spruce, Firs and London Pine trees along the western property line. The site plan approval based on the submitted drawings were so that if the potential additional donor came forward there was no delay. Mr. Elwert said that was correct. He said that it would be done much differently than in the past. They had discussed professionally staking specific areas with HRC, and the area would be surveyed prior to that work being done. Mr. Hooper recalled that when the City purchased the property, they had a Phase I environmental study done. The City knew, even before it bought the property, whether there was contamination.*

*Mr. Schroeder noted the drainage along the parking lot and saw that it was a straight drain with velocity breakers. He thought that it would look nicer and more natural if they put a few curves in it. He asked if they were putting in lunkers under the bank for fish. Mr. Elwert thought that there might be some areas for that, but they had not discussed it. Mr. Schroeder indicated that it saved fish from birds. He also brought up that with construction, it took about three years for natural growth. They could not plant and see natural growth right away.*

*Chairperson Brnabic asked if or when exterior lighting would be proposed. Mr. Elwert stated that none was planned currently. If they added a community structure, it might make sense to have it. That would be phase five. Chairperson Brnabic echoed the comments in regard to the tree survey and the estimates, and that the City should not have any special privilege over any other applicant or person in the community. She explained that it seemed to be insinuating that privilege, and that was why the Commissioners expressed concern.*

**Voice Vote:**

*Ayes: Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Schroeder, Schultz*

*Nays: Reece*

*Absent: None*

**MOTION CARRIED**

*Chairperson Brnabic stated for the record that the motion had passed eight to one.*

**2015-0308**

Request for Site Plan Approval - Innovation Hills - City File No. 17-015 - City-owned park totaling 112 acres, located on the north side of Hamlin, east of Adams, zoned R-2, One Family Residential, Parcel Nos. 15-20-300-005 and 15-29-101-020, Ken Elwert, Director, Parks and Forestry Department, City of Rochester Hills, Applicant.

*Mr. Kaltsounis moved to approve the site plan motion, and there was further discussion. Mr. Schroeder did not want a condition that mandated moving the sanitary sewer, stating that it would be a big project. Ms. Morita said that she respectfully disagreed, as it would be 20 feet from the neighbors' properties where there were very large trees, and it was very wooded. She suggested that there might be alternatives such as going down the pathway which had already been clear cut, so the neighbors' yards would not have to be dug up. Mr. Schroeder said that he agreed, but he did not want to be stuck with something that was not practical. He suggested evaluating. The condition was read as "evaluate other options."*

*Mr. Hooper recommended putting specific time requirements for planting the vegetation on the berm. He suggested that vegetation must be completed within 30 days of final grading of the berm and that trees adjacent to and atop of the berm be planted within 60 days of final grading of the berm. He wanted a timeframe so vegetation and screening were established. He realized that it depended on the time of the year and when the contract was let. There was a planting season when trees could be extracted and planted, but it would put some specifics behind the condition.*

*Mr. Reece was concerned that if the berm was as wet as it supposedly could be, it might be a while before it could dry enough for planting on it. Anything planted might die from over saturation. He stated that he really supported the Park and the plan, but to him, there were too many unanswered questions. He thought that they could postpone the site plan a month to get questions answered and come up with a better design. He would like to know where the sanitary sewer routing would go. As a Planning Commission, they had the right to know that, and then they could make an informed decision. They would understand why it had to stay where it was proposed or if it could be relocated. There might be significant elevation issues that would make the proposed location the best place from an engineering perspective. The cost premiums to move it might be significant. He felt that there were too many things that the Commission were owed to affirmatively or negatively vote.*

*Ms. Morita said that she supported delaying the project a month to get more answers. She appreciated that the City wanted to get moving. She supported the phases, at least doing the parking lot, and having the answers on the other matters for the next time they met.*

*Mr. Anzek asked Mr. Elwert if a delay would affect the grants. Mr. Elwert*

*did not think so. The only potential was that a delay might affect their ability to engage a significant pro bono donation for construction work.*

*Mr. Dettloff asked if 30 days was sufficient to get the answers he needed. Mr. Reece asked who was doing the engineering on the main and who was doing the tree survey. Mr. Elwert said that HRC and the City's DPS department were doing the engineering and the tree surveys were being done internally. The City had two professional foresters on staff. Mr. Reece asked if staff could at least do the tree survey for the base bid work, and Mr. Elwert believed that they could within the next two weeks. Mr. Reece asked if HRC could provide an analysis on the sewer so the Commissioners had some options to review. He indicated that everyone was slammed right now, and he was not sure how busy HRC was. He realized that there was a contractor willing to donate time, but he said that he could guarantee that site contractors were "making hay while the sun shined." If they did not, he remarked that M-59 would not get done in time and everyone would be angry. They would be busy through the fall. So the Commissioners were not castigated by everyone for pushing the project, he wanted to take the time and do it right. He commented that it was a great plan, and it would represent everything they felt was great about the City for the benefit of the entire City, not one or two peoples' concerns. They could address those concerns and move forward with a realistic plan.*

*Mr. Hooper agreed with Mr. Reece. If there was a pro bono contractor, he would not be able to do something now. They would do that during the winter, because they were making too much money in the summer. He felt that 30 days was reasonable to get the answers. HRC probably already had done an analysis of the sanitary. He supported delaying the request a month.*

*Mr. Kaltsounis said that he tried to put enough caveats into the motion. He noted that the Commissioners saw applicants for a gas station redo recently, and they were asked to revise and come back, and they were asking the same of the City. He recommended a motion to postpone.*

*Mr. Schroeder recommended that the City should get a contractor to pave the parking lot, grade the area and seed it no matter what was done at the meeting. Mr. Reece said that they had until about November 15 to get the parking lot paved. Asphalt plants closed down in the middle of November. Mr. Schroeder asked if they could get the parking lot grading done this year if nothing else. Mr. Elwert said that they were planning to go out for bid; the specs were 99% completed. That area had a survey*

done by staff. Assuming the prices came in reasonably, they were planning on getting that area done at a base level. Mr. Reece said that realistically, at the end of June, bids would take a couple of weeks, and awarding a contract would take three to four weeks. All the school work had to be done by the third week of August, so they would not likely see work until after September. If there was a dry fall, they might have a fighting chance to get it in.

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-015 (Innovation Hills) and based on plans dated received by the Planning Department on May 22, 2017, the Planning Commission hereby **postpones the Site Plan until the requested information is available and the applicant is ready to present to the Planning Commission for further review with the following six conditions.**

**Conditions**

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. An erosion control plan for the berm shall be created to control wet soils that could be created by the building of the berm.
3. The planting of vegetation in the berm be done within 60 days of final grading of the berm.
4. Staff shall evaluate a different route for the sanitary sewer away from the west side of the property.
5. The velocity drain next to the parking lot shall be reconfigured with curves to give a more natural look, as approved by staff.
6. Due to past performance, the Planning Commission recommends to City Council that the donor that had previously done the work on the property shall not be permitted to do any further work on the property.

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

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

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

## ANY OTHER BUSINESS

### 2017-0245

Present reviews of Shelby Township, Oakland Township and Auburn Hills Master Plan Updates

*(Reference: Memo, prepared by Sara Roediger, dated June 15, 2017 and Master Plan review letters had been placed on file and by reference became part of the record thereof).*

*Ms. Roediger advised that she had prepared a letter on behalf of the City for Auburn Hills, Shelby Township and Oakland Township, all of which had gone through a Master Plan (MLUP) update or amendment process in the last 90 days. The letter also included links to their draft plans. Auburn Hills was fairly simple; they were just doing a Rezoning on Brown Rd. for its city facilities and animal shelter owned by the County. Their MLUP called for Public, and it was being changed back to non-residential to be consistent with the surrounding area. Shelby Township and Oakland Township did thorough, complete Master Plan updates, both fairly consistent with the development trends they had historically been known for. Oakland Township would still preserve residential as the main use, happily sending employment and retail business to Rochester Hills. Shelby Township had a special focus area for Dequindre and Auburn Rds. That was interesting as the City recently did its Auburn Rd. Corridor Study. Shelby Township was trying to incentivize and encourage redevelopment along that corridor as well. She had prepared letters supporting their plans.*

*Mr. Dettloff asked if the City had gone out for engineering bids for Auburn Rd. Ms. Roediger advised that back in April, City Council approved early preliminary engineering work. The City was working with OHM and Steve Dearing to do a deeper dive into the construction costs to do a conversion of Auburn as proposed in the plan, with on street parking, medians, and stormwater and utilities. They expected to have an update from OHM in the next month or two, and the findings would be presented to City Council to determine recommendations for moving forward.*

*Mr. Schroeder asked if parking would be taken off Auburn Rd. Ms. Roediger advised that there would be on-street parking. Mr. Schroeder claimed that they would be creating a traffic problem. Ms. Roediger said that the idea was to slow traffic down in that area. Mr. Schroeder laughed about slowing the traffic down.*

*Mr. Kaltsounis asked if Oakland Township was notified about the*

*Rezoning (first item on the agenda). Ms. Gentry said that people within 300 feet (including those in Oakland Township) were notified. Mr. Kaltsounis had noticed that the City's Master Plan was last updated in 2012. He knew there were updates done every five years and it was 2017. Ms. Roediger said that it was in the budget to start the process in 2017. She reported that a new Manager of Planning, Kristen Kapelanski, started with the City the week before. Ms. Kapelanski was with Oakland County for a couple of years to replace Charlotte Burkhardt and prior to that, she was with Novi for ten years and with Wade Trim for a couple of years. She had been around site plan review for quite a while, and Ms. Roediger felt that she would be a great asset to the team. She expected her to be at the next Planning Commission meeting. The department had been understaffed, and now that Ms. Kapelanski was on board, they would be moving forward with Zoning Ordinance amendments in the pipeline as well as the Master Plan update.*

## **NEXT MEETING DATE**

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for July 25, 2017.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Brnabic adjourned the Regular Meeting at 9:25 p.m.

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Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary