



Rochester Hills

Minutes - Draft

Planning Commission

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

Tuesday, September 19, 2017

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

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

Quorum present.

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

APPROVAL OF MINUTES

[2017-0420](#) August 29, 2017 Special 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 August 2017*
- B) *Email from J. Staran dated 9/19/17 Re: Cedar Valley*

NEW BUSINESS

[2016-0378](#) Public Notice and request for a Revised Tree Removal Permit - City File No. 16-018 - Cedar Valley Apartments, for the removal and replacement of as many as 223 trees for a two-story apartment complex with 99 units on 5.57 acres

located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flex Business Overlay, Parcel Nos. 15-23-152-020 and -022, Bret Russell, Michigan Income Fund 2, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated September 15, 2017 and site plan and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Francesca Aragona, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307 and Jeff Cuthbertson, Cuthbertson Law, PLC, 345 Diversion St., Suite 410, Rochester, MI 48307.

Ms. Kapelanski related that the site received approval originally on February 21, 2017 for 86 units. The applicants were now proposing 99 units in Building B, which was being expanded 40 feet to the east. She noted that Building A was currently under construction. Stormwater detention was being moved underground to accommodate more parking, and the detention would be under the parking lot. The applicants were also requesting a Revised Tree Removal Permit to remove up to 223 trees and replace them with 146 on site (balance paid into the City's Tree Fund). There would be grading and tree removal for the east parcel, which had been recently purchased by the applicant. It would remain as open space, however. She pointed out Condition #2, which said that the applicant should coordinate with DTE to obtain an easement for a future road connection to the south. The applicants noted that they had been talking with other property owners, and would like the condition to read that they would coordinate with DTE and surrounding properties. She added that a Revised Natural Features Setback Modification in the northeast corner of the site was also being requested.

Ms. Aragona stated that the only difference in the project was that the eastern building was being "stretched" 40 feet to the east, and the detention was being moved underground. She advised that they had met with the neighbors about screening in the northeast corner and headlight concerns. They met the previous Saturday and explained the plan, and they would be willing to work with them again. She noted that the materials had stayed the same on both buildings. She showed some additional elevations, and said that they had maintained a certain percentage of building materials on both buildings. She asked if there were any questions.

Chairperson Brnabic asked if the intent for the additional property was to keep it as open space, which was confirmed. She stated that she was confident in that statement, but commented that they never knew what the

future held. She asked if it would be true to say that they would keep it in a predominately natural state that would never be used for anything but open space or walking paths.

Mr. Cuthbertson agreed that was their commitment. They wanted to make sure that all uses were consistent with all plat requirements. There was a conservation easement by the original developer of Eddington Woods (adjacent to the east) that had not specified the uses. They would not undertake any uses other than to use it as park space. In conversations with the City Attorney, they agreed that the existing and future landowners of Eddington Woods would not be excluded from using the parcel. It had been explained in the submittal that the recently acquired parcel had formerly been a part of Eddington Woods but was subsequently bought by another individual through an auction. The developer of Eddington Woods had never formed a Homeowner's Association, and the parcel was never maintained. Mr. Cuthbertson said that the parcel was very densely wooded, and he could not imagine that a lot of people would trudge through it. He maintained that they had a very clear understanding of how to use the parcel.

Chairperson Brnabic had received one speaker card and at 7:11 p.m., she called him to speak.

Tom Hughes, 148 Grosvenor Dr., Rochester Hills, MI 48307 Mr. Hughes agreed that the neighbors met with the design team. He said that they mentioned increasing the landscaping at the northeast part of the parking lot. He wanted to make sure that what was discussed happened - zero visibility, wind screening and evergreen material so it blocked the parking lot lights year round. He believed that there should be no deciduous trees, and the screen should be all along the parking lot to protect the lights. He noted that with the parking lot moving to the east, there would be more of a direct shot into their windows.

Mr. Kaltsounis summarized that the matter had been in front of the Commissioners previously, and it was approved, and the applicants were now making some changes. He asked the difference in the request for a Revised Tree Removal Permit, and was advised that it was approved for 182, and the request was for 223. Mr. Kaltsounis confirmed that the open space would be maintained on the eastern lot, and that the applicants were providing more open space amenity than was required.

Ms. Roediger explained that was why they bought the property to the east. The Homeowner's Association for Eddington Woods was never formed.

The subject parcel was now owned by the applicants, who would be in charge of the maintenance of its open space. It was dedicated open space for the plat, and the applicants purchased it to have maintenance control to remove invasive species and to create a desirable park. Mr. Kaltsounis said that the City identified that area in the Master Plan as open space which should not be developed. He clarified for everyone that it would never be built upon, because it had been dedicated open space for Eddington Woods. Ms. Roediger agreed, but she remarked that she would never say never, but it would have to go through a re-platting process.

Mr. Schroeder said that he was a little confused. The property was part of the plat but he asked if it was not owned by the person that platted the property. Ms. Kapelanski agreed that it was part of the plat for Eddington Woods. The proper acceptance by the Homeowner's Association and establishment of that Association never took place. A Homeowner's Association did not accept the property. It was on the plat to be maintained as open space. Mr. Schroeder clarified that the apartments would be responsible for any required maintenance. He asked if they were legally obligated to do that.

Mr. Cuthbertson said that he was not aware of an obligation to perform any maintenance. Mr. Schroeder asked if anything happened, and the applicants needed to do something about it, if it would be their responsibility. He gave an example of tree clearing. Mr. Cuthbertson agreed that they would assume any responsibility as landowner to remove dead trees. A portion of the parcel was in a wetland, and they would be governed by setback restrictions, and subject to that, they would assume the responsibility.

Mr. Schroeder asked if the space that had been planned for the underground detention was shown as open space. Mr. Cuthbertson advised that it would be under the parking.

Ms. Morita asked the applicants if they would or would not be opposed to applying for a lot combination for both lots. Mr. Cuthbertson said that he could not think of a reason why that would be an issue, but he would want to consider the pros and cons. It did not sound like a matter about which he would have much reservation. Ms. Morita said that she did not know why they would be opposed. If they were really not intending to develop the east parcel other than for anything what was currently permitted, combining it with the lot to the west should be a no-brainer. It would alleviate any concerns, from the City's standpoint, about the east parcel

being sold separately without first coming to the City for a lot split application. If the Planning Commission was going to consider approving the request, she would like a condition added that the two parcels be combined through Assessing into one parcel identification number.

Mr. Cuthbertson said that his only reservation might be a potential change in the taxable value treatment by combining the parcels. If the acreage was otherwise increased and it somehow triggered or otherwise created a basis for increasing the overall value of the vacant portion of the parcel, it would be an issue.

Ms. Morita commented that Mr. Cuthbertson knew her line of work, and she would find that type of scenario to be highly unlikely. The City Assessor was reasonable. If they were coming in with an acreage parcel that had been recently uncapped because there was a transfer, she did not see the value going up. It would just be added on as vacant acreage that could not be developed. Mr. Cuthbertson said that he appreciated it, but the parcel was classified as exempt. Ms. Morita said that if it was zero, then it would be zero. If it became an issue, then he should contact her.

Mr. Anzek referred to the eastern parcel, and advised that when Eddington Woods was platted, the developer was required to put in a split rail fence to indicate to the residents that it was a wetland, and they should stay out of it. They had talked about open space and use of trails, but he was not sure if that was appropriate. The whole parcel was a very integral piece to the wetland flows from areas by Leader Dogs all the way down to the Honeywell Drain through Eddington Farms, Yorktowne Commons and other developments. He would not like to see anything done to the site that would affect that flow. Mr. Cuthbertson had talked about some type of public amenity use for the parcel. He did not think it was open space as much as preservation/conservation space. He thought that it was a good idea that they absorbed the parcel with the west parcel so it was not a "free-hanging" parcel with no access. He asked if the area would be available for the residents of Eddington Woods if trails were installed.

Mr. Cuthbertson said that the way that the plat was written, it was their understanding that they might not exclude Eddington Woods' property owners and their invitees from the parcel. They would be free to use it as they currently did. The owner would not post "no trespassing" signs to the extent that it would exclude them. Mr. Anzek thought that they should post conservation signs to help people respect the land. Mr. Cuthbertson said that their intent and desire for that space was largely consistent with what Mr. Anzek was talking about. Mr. Anzek said that the person who

bought it from the County initially was all excited about building a home on the parcel. Mr. Anzek had to let him know that it was impossible. He knew the history of the residents not wanting a Homeowner's Association or the parcel. Mr. Cuthbertson agreed that it was one of the stranger set of circumstances he had encountered in his practice. Mr. Anzek said that it was difficult working with the residents of Eddington Woods. The developer dropped the ball on getting them to sign up for an HOA at the time of purchase. It was a mess, but he indicated that it was water under the bridge.

Mr. Hooper noted that Mr. Staran had recommended having a private conservation easement on the property. He asked if that was still required, and if it was something the applicants were willing to do. It should have been done when the lots were platted.

Mr. Cuthbertson said that it was odd that the separate instrument that would describe the easement in more detail was not recorded or a part of the process. He did not know what it would actually say. To the extent that there was interest in a conservation easement that did not restrict people from being to walk in the areas excluding the wetlands, he could not imagine that there would be a strong objection.

Mr. Hooper noted that the document that should have been recorded was in their packets, and he thought that the same one could be used and recorded. Mr. Cuthbertson said that he would be glad to look at it. Mr. Hooper described it as a private, conservation/preservation easement over the parcel. He clarified that there was no objection to recording that, as well as combining the lots.

Mr. Hooper mentioned the north property line buffer width. He observed that they had added arborvitaes. He noted that there was not a finding in the Site Plan motion allowing a reduced buffer width. The planning memo said that the applicant should show a buffer width of 20 feet, in addition to the required deciduous and ornamental trees, rather than an eight-foot width. He asked if 20 feet or eight feet was correct.

Ms. Kapelanski explained that the applicant currently showed a 17-foot buffer along the north property line. They could stick with the 17 feet, and they would have to provide a continuous green screen, which was what the residents were looking for. Alternately, they could try to message the design of the site and get the 20-foot width. It would actually be for the eastern portion of the north property line.

Mr. Hooper referred to the hedge shown to screen headlights. He pointed out the landscape drawing, which said that Yews were proposed as the hedge. He asked their height, and if there was a 12-15" balled burlap. Ms. Aragona responded that 12-15" was the starting height. They grew quite quickly - six inches a year. Mr. Hooper considered that it would take three to four years to get high enough to screen headlights. Ms. Aragona pointed out that they would be elevated six inches on top of the curb. She offered to provide larger plants, and said there would just be less. Mr. Hooper maintained that from day one, the headlights had to be screened. He suggested a condition that said that the size of the Yew should provide a continuous, three-foot high hedge along the eastern portion of the northern property line to screen headlights, to which Ms. Aragona agreed.

Mr. Hooper noted a condition about the appropriate percentage of façade, whether stone and/or fiber cement. The last time they looked at the plans, they required a minimum of 60%. He did not see that as a condition.

Ms. Kapelanski said that given that the existing materials and general façade of the building were being expanded, it looked like they met those conditions. A note would have to be added to the plan to confirm that, however. Mr. Hooper said that they could add a condition that a minimum of 60% of the façade content should be stone and/or cedar fiber cement for all elevations of the building.

Mr. Kaltsounis went over the proposed conditions. Regarding combining the parcels, he asked if that had to be publicly noticed if the City was asking them to do that.

Ms. Roediger advised that it was an administrative procedure that was done through the Assessing Department. It was also reviewed through the Building, Engineering and Planning departments. Ms. Morita claimed that it could take some time, depending on how fast the departments moved and whether the Assessor found an issue with combining the plat park with the adjacent lot. She felt that it might be wise to say that the property owner could not go forward with the expansion of the building until the lot combination was completed. If they waited six months to do it, and then there was a problem, and the building was already up, it would be too late to make an issue of it. She suggested that the applicants should apply for a lot combination within the next week, and that it should be approved prior to the start of construction of the easterly building. Mr. Kaltsounis asked Mr. Cuthbertson if he was o.k. with that, and he stated that it was fine.

Chairperson Brnabic asked Mr. Kaltsounis if he had taken note that the applicants had requested a change to Condition 2 that they should coordinate with DTE and the surrounding properties, not just DTE.

Ms. Roediger recalled that one of the conditions of approval back in February was that the applicant worked with DTE to create a connection to the road to the south. Since that time, staff has had multiple meetings with the applicant to talk about the long-term connection of the road to the south as well as a connection to Rochester Rd. In discussions with Engineering, they talked about a realignment of the driveway that came in off of Rochester Rd. that also served the bank to the north. At this point, it was a little premature to speculate as to how that would happen, because a lot depended on the development of the property to the south. The City would continue to work with the applicants on an ongoing basis. She suggested updating the condition to say to continue to work with staff and surrounding properties to obtain an access easement to construct a continuous north-south road and a connection to Rochester Rd. It would be amongst the private owners of the properties to determine the appropriate cost share. The Cedar Valley people were the first ones in the door, and she reiterated that it was a little premature to require something now when they did not know what would happen on the south property.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 16-018 (Cedar Valley Apartments), the Planning Commission **grants a Revised Tree Removal Permit**, based on plans dated received by the Planning Department on August 23, 2017, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace 223 regulated trees with 146 tree credits and pay 77 credits into the City's Tree Fund.

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. *Payment of \$15,823.50 for replacement tree credits that cannot be provided on site, prior to temporary grade certification issued by Engineering.*

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

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

2017-0068

Request for Revised Natural Features Setback Modifications - City File No. 16-018 - for impacts of approximately 90 linear feet associated with the construction of a portion of the parking lot for of Cedar Valley Apartments, a two-story apartment complex consisting of 99 units on 5.57 acres location east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB-2 Flexible Business Overlay, Parcel Nos. 15-23-152-020 and -022, Bret Russell, Michigan Income Fund 2, LLC, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 16-018 (Cedar Valley Apartments), the Planning Commission **grants Revised Natural Features Setback Modifications** for permanent impacts to approximately 90 linear feet associated with construction of a portion of the parking lot, based on plans dated received by the Planning Department on August 23, 2017, with the following two (2) findings and subject to the following one (1) condition.

Findings

1. *Natural Features Setback Modifications are needed to construct the parking lot.*
2. *Because the Natural Features Setbacks are of poor floristic quality, sparsely vegetated and offer minimal buffer quality to the linear wetland, the City's Wetland consultant, ASTI, recommends approval.*

Condition

1. *Any temporary impacts must be restored to original grade with original soils and seeded with a City approved seed mix, where possible, prior to final approval by staff.*

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

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

2017-0064

Request for Revised Site Plan Approval - City File No. 16-018 - Cedar Valley Apartments, a proposed two-story apartment complex totaling 99 units on 5.57

acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel Nos. 15-23-15-020 and -022, Bret Russell, Michigan Income Fund, LLC, Applicant

Mr. Schultz said that while he supported Ms. Morita's request to combine the lots, his one fear was if the Assessor found some underlying documentation or instrument that would prevent the combination from happening or burden the applicant in some fashion. He was concerned about a mandated condition and then down the road, they ran into a hurdle. If they could add some language that if the Assessor found an underlying instrument or hurdle that the condition could be wiped away, and they could continue with the development. He asked how far along the construction plan approvals were. He asked if they were ready to put a shovel into the ground, noting that the site had been cleared.

Mr. Cuthbertson believed that the construction plans, if the amended Site Plan was approved, were in fairly advanced stages and would be submitted in short order. He was advised by a member of his team that they had a foundation permit, and they were finalizing building permits for Building A.

Mr. Shultz asked if that would put the condition into jeopardy. Ms. Morita said that if the lots could not be combined, the applicant should not be using it to meet open space requirements. Based on everything she had seen from the City Attorney and Mr. Cuthbertson, the applicant owned the parcel, so there should not be an issue. She did not know what the Assessor would find, but if there was something out there they did not know about, it should come back to the Planning Commission to look at again.

Mr. Cuthbertson believed that the site, as it was, complied with open space requirements. He did not believe that the parcel to the east was required to meet those calculations. If there was an underlying plat issue that related an inability to put the parcels together, they would have an issue with that. He said that he would appreciate the ability to research the question. If they could lawfully combine the parcels, they would. If it was impossible to do so, they would ask for leave of the Planning Commission to have them under common ownership subject to the site plan and the restrictions and conditions set forth, as well as the underlying plat. They would look to the conservation easement, so he felt that they could fulfill the intent and the interest of the Planning Commission in either respect. He agreed that if the form was incapable to deliver the substance, that they be afforded the opportunity to approach it in either direction. He said that he appreciated Mr. Shultz's comments.

Ms. Aragona added that the open space numbers shown did not include the eastern parcel. They were strictly for the western parcel. They were required to have 3,000 plus square feet of open space, and they had a little over 10,000.

MOTION by Hooper, seconded by Schroeder, in the matter of City File No. 16-018 (Cedar Valley Apartments), the Planning Commission **approves the Revised Site Plan** based on plans dated received by the Planning Department on August 23, 2017, with the following six (6) findings and subject to the following eleven (11) conditions.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the zoning ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The requested front yard setback is modified based upon the Planning Commission's determination that the proposed project is set back appropriately for a unique site located behind another parcel; the building is located appropriately on the site and is set back from the property line to accommodate adequate buffering and fire access around the building; the building is sited as close as possible to the front lot line while meeting other competing ordinance requirements; and the site is designed with the buildings as close to the front of the property as feasible to minimize views to the residential neighborhoods near the western portion of the property.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
5. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
6. *The proposed development will provide an alternate housing option, as outlined in the City's Master Plan.*

Conditions

1. *Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.*
2. *Continue working with staff to coordinate with DTE Energy and surrounding property owners to obtain an access easement to construct a continuous north-south road that will connect to an intersection with a traffic signal at a realigned Eddington Boulevard and to Rochester Rd.*
3. *Provide a landscape bond for landscaping, irrigation and replacement trees in the amount of \$95,650, plus inspection fees, as adjusted by staff if necessary, prior to temporary grade certification issued by Engineering.*
4. *Payment into the City's Tree Fund of \$15,823.50 for trees that cannot be replaced on site, prior to temporary grade certification issued by Engineering.*
5. *Revise proposed Buffer C along the east portion of the northern property line to show a buffer of at least 20 ft. in width, in addition to the required deciduous and ornamental trees, prior to final approval by staff.*
6. *Compliance with applicable department memo comments, prior to final approval by staff.*
7. *Show a 60% minimum façade content of stone and/or cedar fiber cement siding, prior to final approval by staff.*
8. *The hedge at the northeast corner of the pond be a minimum three-foot high opaque evergreen screen to block headlights, prior to final approval by staff.*
9. *The applicant shall record a private conservation easement for the newly acquired eastern parcel, prior to final approval by staff.*
10. *The applicant shall apply for a lot combination for both parcels by September 26, 2017, to be finalized prior to the start of construction of the east building (Building B).*
11. *The applicant shall post conservation signs in the open space areas of the eastern parcel, prior to final approval by staff.*

A motion was made by Hooper, seconded by Schroeder, that this matter be Approved. 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 motions had passed unanimously. She congratulated the applicants and wished them good luck. Mr. Cuthbertson thanked the Commissioners for their assistance and additional time.

ANY OTHER BUSINESS

Ms. Roediger noted that a property had been brought to the Planning Department a few times over her three years with the City. They recently had another meeting, and she thought that it was timely based on the Rezoning request they had off of Mead Rd. a few months ago. The site was located directly off of Clear Creek. There was a stub road that connected to it from Clear Creek, and that was the only access to the property. The owner also owned the piece north of it which fronted on Mead, and the parcels were separated by a utility easement. Both properties were historic, and there was a hunting lodge on the north piece that was recently updated. The family was looking at selling off the south piece, and they had inquired about developing the property. She noted that the property was zoned RE Residential Estate, similar to the piece north of the utility that came in for a Rezoning. However, this piece was a little different, in that there was no access to the property except through Clear Creek. It appeared to have been a planned extension of Clear Creek because of the stub road provided. They asked about the likelihood of a Rezoning to R-1. Based on the discussion about the Mead Rd. property, she advised that it might be fairly unlikely; however, there were different circumstances because of its proximity to the utility, and because it was essentially a landlocked piece except through Clear Creek. The owners were interested in knowing whether the Commissioners had any thoughts or initial feedback on the density matching the existing Clear Creek as opposed to the current zoning of R-E, which required a minimum of one-acre lots.

Mr. Hooper asked if the access would be through Clear Creek, which Ms. Roediger confirmed. She added that to the east of the site was a creek and wetlands, so there was no way to connect from the east. A portion of the property would be natural and would buffer from the existing homes to the east.

Mr. Dettloff asked if there was an Association for Clear Creek. Ms. Roediger believed so. Mr. Dettloff asked if Clear Creek was aware of a potential development. Ms. Roediger responded that it was very preliminary. Clear Creek 6 was in the planning stages now. Mr. Dettloff wondered if, from an access standpoint, the Clear Creek people might have some issues with increased traffic. Ms. Roediger said that unlike the previous Rezoning request, where a proposed development would connect to a cul-de-sac in Clear Creek, for the subject parcel, there was a stub street with the full intention of always connecting to a development when it was designed. It seemed like a logical extension to her because of the natural barriers of the utility corridor and the creek to the east. She added that there really was not much else that could be done with the property.

Mr. Anzek did not think that the stub street was included in a planned expansion, but more as an Ordinance requirement. Every time a development happened that was next to a residentially-zoned property, an access to that property had to be provided. He stated that Clear Creek was zoned R-1, and he personally felt that density was appropriate for the subject parcel to match with Clear Creek, but he felt that it would put a huge traffic load on the stub street, because there would be no other means of access in and out. He would be curious to find out what the Fire Department had to say about it. It would be looked at as a single entrance into another sub, and for anything with more than 30 homes, they required two entrance points per the Fire Code. He agreed that the transmission ownership created a natural barrier to the north. He did not see a problem, other than the access question Mr. Hooper had raised and the amount of traffic. He thought that it would be great if they could find another way in and out of the site.

Mr. Schroeder asked if the utilities were extended through the stub street. Ms. Roediger believed so, but it was something they would have to talk through before it was brought for a formal request. The applicant did not want to waste anyone's time knowing how the other Rezoning went on Mead Rd.

Mr. Anzek considered that if the McGregor family owned it, they could run a road out to Mead. Ms. Roediger agreed that they owned the property to the north, but their intent was to potentially develop large lots on that property, consistent with R-E, in the future. South of the utility, they felt that it made more sense to have an extension of Clear Creek and keep it separate from Mead Rd. and the one acre lots to the north.

Mr. Kaltsounis said he agreed with Mr. Anzek that they would be putting a lot of traffic onto the stub street, which he felt would create an issue with staff during its evaluations. He asked how much farther to the east they would draw R-1 into R-E. That was his concern. The area was meant to be R-E, but he wondered how many times they would start piecing it to R-1. He asked when they would say that enough was enough.

Ms. Roedgier indicated that an additional layer of complexity for the site was that the property and the properties to the east were all in an historic district. The properties to the east had historic structures on them. The subject piece was historic, but it held no structures, which was another consideration. The owners were thinking about trying to remove the property from the historic district. Mr. Kaltsounis said that he was concerned technically, and he did not want to see the area eroded by going into R-1, if possible. He maintained that it should be developed as R-E or left the way it was currently.

Mr. Hooper asked if the site was subject to tree conservation, which was confirmed. He did not think they would get R-1 density. Mr. Anzek added that Clear Creek was an open space development, so 30% of the land area went into parks. There was a nine-acre park and open space by Tienken. When they did Phase 5, they just met the open space requirements. He believed that 30% of the subject parcel would have to be open space. That would lower the density, traffic and impact. Mr. Hooper felt that R-1 was appropriate, because by the time they designed everything, they would be lucky to get 15 homes.

Mr. Anzek said that there were a lot of calculations on the plat for Phase 5 that gave the open space history. They used to have open space credit, but they had used it all up. If they added another phase, he believed that they would have to add open space.

ANY FURTHER BUSINESS

Mr. Reece asked if anyone had driven by the used car operation on Auburn. He asked if the owner was in compliance with the storage requirements. Ms. Roediger said that Mr. McLocklin (Building) was out there regularly. Mr. Reece said that when he drove by, there were a lot of cars on the property. Chairperson Brnabic agreed, and noted that she had talked with Mr. McLocklin about it. She had seen 16 cars at a minimum, and some days, especially in the evening, there were 20+. Mr. Reece agreed that there were well over 20 when he passed it.

Chairperson Brnabic stated that Building should really be paying attention to it.

Mr. Anzek agreed that it should be enforced, but he did feel that the building turned out better than he had anticipated. Chairperson Brnabic said that it did turn out well, but the point was the number of cars. Mr. Anzek knew that there were conditions that had to be adhered.

Mr. Schroeder said that it was very nice to see the light and alignment at Eddington. Mr. Anzek asked if it was on schedule. Ms. Roediger confirmed that it was. Eddington would be closed in the next week, and that would last about a week. The west side was completely open, and the light should be live soon. Staff and the consultants had weekly meetings about installing the landscaping. The target was to be completed by September 29, so it was on schedule.

Mr. Schultz asked Ms. Roediger if the Silver Spoon was moving forward. He noticed that Thomas Duke had put a for sale sign in front of the property. Ms. Roediger said that it was approved by City Council at its last meeting, but the applicants did not attend. She had heard that there had been some internal indecisiveness on the owners' part. They were aware that the approval was good for a year, so she continued to encourage them to proceed.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for October 17, 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 8:02 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary