

Mr. Reece noted that in the letter of March 31, 2006, the attorney stated that Mr. Mehrpay believed the surrounding community would be better served if his parcel and Mr. Yagiela's parcel were combined. Mr. Reece asked if he had made any attempt to purchase the property. Mr. Mehrpay said that he did. Mr. Yagiela advised that he had been there for 13 years and had not received any offers. Mr. Mehrpay clarified that he sent an agent to the house, but he had not been there personally. Mr. Reece asked Mr. Yagiela if he would be interested in selling. Mr. Yagiela said he really liked his property and the community around him, and he would rather stay there than try to find another place.

Mr. Reece asked the size of the addition. Mr. Yagiela said he was adding a bedroom and bathroom, which would add about 600 square feet.

Ms. Brnabic asked Mr. Yagiela if he would be moving or rebuilding the garage when he put on the addition. Mr. Yagiela said the garage would stay where it was, and he was just squaring the house because it was currently L-shaped. The addition would go on towards the back and side of the house, towards residential.

Mr. Hooper referred to the comments about the adjacent property, and he advised that if Mr. Mehrpay wanted to develop his property, there would be opportunities for Buffer Modifications. With the current Master Plan update and Zoning re-write process, the new zoning classifications would allow more development flexibility. It was his opinion that Mr. Mehrpay would have opportunities to develop his property as office, as he stated he intended to use it.

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

Aye: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis, Reece and Schroeder

Absent: Holder

Mr. Hooper stated for the record that the motion passed unanimously. He congratulated Mr. Yagiela and indicated that his next step would be City Council.

- 2006-0229 Preliminary Site Condominium Plan Recommendation - City File No. 05-031 - The Legacy Site Condominiums, a proposed 11-unit development on five acres, located north of Hamlin, east of Livernois, zoned R-3, One Family Residential, Parcel No. 15-22-351-004, Joseph S. Novitsky, applicant.
(Reference: Staff Report prepared by Derek Delacourt, dated April 4, 2006 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Joseph Novitsky, Architect, 30100 Telegraph, Suite 350, Bingham Farms, MI 48025; Paul Rosati, Rosati Mason Contractors, 1683 W. Hamlin, Rochester Hills, MI 48309; Ed Purcell, EJP Enterprises, 560 Sedgefield Dr., Bloomfield Hills, MI 48304; and David Richmond, Richmond Engineering, 11371 Fenton Rd., Fenton, MI 48430.

Mr. Novitsky stated that they had been working for close to a year with the consultants and Staff to present a project they believed would enhance the community and work within the Ordinance.

Mr. Delacourt advised that the project was being presented with 11 units on five acres, netting below 2.9 acres allowed by lot averaging, that it had been reviewed by all applicable Staff and had been recommended for approval. At the beginning of the project, there was discussion about whether or not to stub the street into the underdeveloped church property to the west. The applicant made an effort to do that for the first several reviews, but found that the church planned to develop the property in the near future. A letter from the church had been submitted to that effect for the file. The plan was adjusted to show a cul-de-sac.

Mr. Hooper asked the projected sale prices of the homes. Mr. Purcell related that they would be between \$600-800,000.00, and from 3,000 to 3,500 square feet. They had commitments for three homes so far. The homes would be of high quality and he did not think there was another project like it in Rochester Hills. They felt that there was a market.

Mr. Hooper indicated that there were very few homes in the area of that value. Mr. Purcell said that within a three-mile radius there were individual homes around \$700,000.00. The homes would have extra finishes and be of very high quality. He added that he and the property owner would be residents. Mr. Hooper clarified that the applicants would build the homes rather than sell the lots to builders.

Mr. Hooper referred to the first Condition in the packet, which requested a landscaping island in the cul-de-sac. Mr. Delacourt explained that it was added after being recommended by McKenna Associates. Subsequent to the report, it was determined that there was not a big enough radius to add an island, so it would not be feasible. Mr. Hooper noted that the Condition was moot and it was deleted from the motion. Mr. Schroeder said it would cause a snowplowing and maintenance problem for the City. Mr. Hooper recalled reviewing a subdivision several years ago when the Commission made sure islands were added in the cul-de-sacs.

Mr. Schroeder noted that the Traffic Engineer did not require a passing lane, but he felt it was a safety factor and that there should be one. He highly recommended it for the good of the new homeowners.

Mr. Purcell said that it was not required because the intersection of Hamlin and Livernois was proposed for widening. If they did any road work, it would be removed in a year or two.

Mr. Hooper did not think the Hamlin Road improvements would go so far to the east. Mr. Richmond said that he spoke with the Traffic Engineer who did not feel it would be necessary because of the improvements. Mr. Schroeder said the Hamlin Road project had been on the books for years and would probably not get done until 2011. It was a City road and the applicant would not have to meet County standards. They could put on an asphalt base and cap - something of a lesser quality that would last until the project was done. Mr. Novitsky said they proposed doing it, but it would be well over \$100,000.00. Mr. Schroeder disagreed, noting that he was in the business.

Mr. Delacourt said he was under the impression that a passing lane would be looked at during the construction review and a determination would be made at that time.

Mr. Kaltsounis agreed with Mr. Schroeder about the passing lane. He said it was very typical to add that, even with developments of the proposed size. He thought it would be a long time before Hamlin was expanded.

Mr. Kaltsounis referred to the trees to be transplanted, and said he did not remember seeing transplanted trees on a Site Plan. Mr. Delacourt advised that it had been done several times, including at Country Club Village and just recently with Rochester Meadows. The City's Landscape Architect allowed them to be counted, and felt it was appropriate. If the trees did not survive after two years, they would have to be replaced on an inch-for-inch basis. Mr. Kaltsounis referred to trees #127 and #156, and said the grading area of the basin for Park B seemed to be under the canopies of those trees.

Mr. Hooper pointed out Sheets L1 and CE-1 and said he did not think trees #126 and #127 were in the pond, but he noted the numbers did not correspond. Mr. Kaltsounis said that #156 was right by the drive, and #127 was in the middle. After further discussion about the placement of the trees, Mr. Delacourt suggested that they could be transplanted after the grading of the pond.

Mr. Richmond noted that the proposed contour line was the existing

contour line and that they were not proposing any grading. Mr. Kaltsounis asked about #127 and #156, and Mr. Richmond said they were to be relocated after the pond was put in. Mr. Novitsky agreed to a Condition that the trees be transplanted after the basin was put in.

Mr. Kaltsounis referred to the proposed parks, and said that a lot of subs had similar parks with nothing in them. He recommended that they add park benches so the property would be useful to the residents. Mr. Novitsky pointed out that where the mailboxes would go, they had talked about adding a gazebo and benches as a collector for the neighborhood. Mr. Purcell advised that they planned to add \$100,000.00 worth of landscaping into the project. Mr. Kaltsounis said he appreciated that, noting that many developers did not think about the intangibles, which helped the rest of the City.

Mr. Hooper stated that the most significant tree, #136, was not in the building footprint, and asked if there was any chance it could be saved. Mr. Novitsky said they would love to, and they were surprised the City's Ordinance did not allow some trees to be counted as saved. The intent was always to save what they could, and he stressed that they would not take down anything they did not need to.

Mr. Hooper asked if the access drives to the pond would have grass over the aggregate. Mr. Richmond said it was a possibility, especially with the type of amenities they wanted to add. Mr. Hooper pointed out that the plan showed they were transplanting trees into the gravel drive. He suggested adding a Condition that no trees would be planted in the access drives to the ponds, to which the applicant agreed.

Mr. Schroeder noted that the approach to the maintenance road for the pond was shown as gravel. He thought the approach should be paved, and that there should be stone, block and grass, and a Condition was added to that effect. Mr. Schroeder advised that there were several options, but that the important thing was to have a good base.

Mr. Kaltsounis moved the motion for the Tree Removal Permit. Mr. Hooper first asked if anyone in the audience wished to speak, noting he had not received any cards, but no one came forward.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 05-031 (The Legacy Site Condominiums), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning and Development Department on March 8, 2006, with the following three (3) 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 preserve 38.8 percent of regulated trees on-site.*
3. *The applicant is proposing to replace as many as 22 regulated trees with replacement tree credits on-site.*

Conditions:

1. *Install tree protective fencing, as reviewed and approved by the City's Landscape Architect, prior to issuance of the Land Improvement Permit.*
2. *Provide a performance guarantee in the amount of \$14,012.00, as adjusted if necessary by the City's Landscape Architect, to ensure the proper installation of replacement trees and other landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.*
3. *Submit a letter of Warranty to the City of Rochester Hill's Landscape Architect for the 7 regulated trees being transplanted on site. The letter must state that the transplanted trees are to be warranted for a period of 2 years, and if after that time the trees are dead or showing signs of decline, they will be replaced on an inch for inch basis. The tag numbers of the trees must be listed in the letter (#127, 153, 156, 157, 160, 161 and 164). The letter must also state that the City's Landscape Architect has the final approval for inspection, approval rights and location for the type and size of any replacement trees required.*
4. *Move transplanted trees #127 and #156 after grading of detention pond.*

Voice Vote:

Ayes: All
Nays: None
Absent: Holder **MOTION CARRIED**

Mr. Hooper stated for the record that the motion had passed unanimously. He noted the proposed entrance and complimented the applicants. He asked if the entrance would be lighted, which the

applicants confirmed.

Mr. Kaltsounis asked if there would be brick or shingle above the doors. Mr. Purcell answered that it would be shingle with copper. He showed the elevations and said the garage doors would be of mahogany and that there would be a lot of detailing to the homes. Mr. Kaltsounis commented that the Commission did not have control over the design aspects of a community - unless it was in a PUD - and that a lot of newly approved communities had looked somewhat "cheap" to him. A lot of homes were not selling too quickly, and he thought it could have something to do with how the homes looked and their lack of styling. Mr. Purcell said they would provide a lot of upgrades and stated that it would be an upscale community.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 05-031 (The Legacy Site Condominiums), the Planning Commission **recommends City Council approve** the Preliminary Site Condominium Plan, based on plans dated received by the Department of Planning and Development on March 8, 2006, with the following five (5) findings and subject to the following seven (7) conditions.

Findings:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The preliminary plan represents an acceptable comprehensive development plan that connects to Livernois Road and Hazelton Avenue.
4. The preliminary plan represents a reasonable street layout and lot orientation.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions:

1. All required easement agreements and exhibits in recordable form, including Warranty Deed for the north ½ of Hamlin Road, shall be provided by the applicant and approved by the City prior to City Council consideration of the Final Plan.
2. Submit all condominium documents prior to final approval.

3. *Provide proposed street name for the development, as approved by Staff, prior to Final Plan approval.*
4. *Change various pages of EIS to reflect eleven units rather than twelve.*
5. *The access drive to be covered by grass over aggregate, as approved by Staff.*
6. *Transplanted trees not to be located in the access drives to the detention ponds.*
7. *Prior to Final Site Condominium Plan Recommendation, Traffic Engineer must verify that no passing lane will be required for the project.*

Mr. Schroeder asked the applicants to consider "green" building and the Leed's Program and to put in an environmentally sensitive development.

Voice Vote:

Ayes: All
Nays: None
Absent: Holder

MOTION CARRIED

Mr. Hooper stated again for the record that the motion had passed unanimously, and he wished the applicants well. Mr. Schroeder advised that the sub to the east had a high groundwater table and was very wet. They had a lot of problems in that area. Mr. Novitsky said they dug many holes on the site to watch the water. Mr. Purcell added that they would use new techniques to waterproof the basements.

This matter was Recommended for Approval to the City Council Regular Meeting. The motion carried.

DISCUSSION

2006-0260 Applicant to discuss possible changes to the approved City Place PUD- City File No.02-027 - Proposed development is named The Townes of Eddington, Robertson Brothers, applicant.

Present for the applicant was James V. Clarke, Robertson Brothers, Corporate Office, 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 and Bill Gilbert, G & V Investments, L.L.C., 2565 South Rochester Road, Rochester Hills, MI 48307.

Mr. Gilbert recalled the review of the City Place PUD, and stated that it