



# Rochester Hills Minutes Planning Commission

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*William Boswell, Chairperson; Deborah Brnabic, Vice Chairperson; Gerard Dettloff, Kathleen Hardenburg, Greg Hooper, Nicholas Kaltsounis  
David Reece, C. Neall Schroeder, Emmet Yukon*

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Tuesday, June 5, 2007

7:30 PM

1000 Rochester Hills Drive

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**2006-0764**

Preliminary Site Condominium Plan Recommendation - City File No. 06-012 - Lorna on the Green, a proposed 48-unit site condominium development on approximately 20 acres, located on South Boulevard between Crooks and Adams, zoned R-4, One Family Residential, Parcel Nos. 15-32-300-007, -008, -009 and -010, Mondrian Properties Lorna on the Green, LLC, applicant.

**Attachments:** Agenda Summary PSCP.pdf; Map.pdf; Site Plans.pdf; Staff Report 060507.pdf; PC Minutes and Resolution.pdf

*(Reference: Memo prepared by Derek Delacourt, dated June 5, 2007 had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Joe Maniaci, Mondrian Properties Lorna on the Green LLC, 50215 Schoenherr Rd., Shelby Township, MI 48315 and Jeff Rizzo, Fenn & Associates, 13399 West Star Drive, Shelby Township, MI 48315, Civil Engineers and Surveyors.*

*Mr. Delacourt reviewed that the applicant proposed a 48-unit development, using lot averaging, on South Boulevard in the R-4 district. He advised that no Wetland Use Permit was required, and that the Tree Conservation Ordinance did not apply, but he noted that the applicant was preserving and replacing trees. The project met all the required Ordinances, and was before the Commission for Natural Features Setback Modifications for temporary and permanent impacts, and for Recommendation of the Preliminary Site Condominium Plan.*

*Mr. Maniaci thanked the Commission for letting them present, and stated that they had met extensively with Staff and had worked the project over and over until they came up with the submitted plan. They did extensive research to get the rain gardens established and added detention basins, to make it as presentable to the neighborhood as possible. They proposed an aquatic shelf so they could eliminate fencing around the detention ponds and to make a beautiful feature of the development.*

*Chairperson Boswell commented that he had been on the Commission for 17 years, and that he had approved several sites that looked like the one proposed, but he was disappointed. He did not understand why they were allowed so many homes per acre, because sitting next to a golf course on one side and Walnut Brook on the other, it appeared to be out of place. He acknowledged that they met the letter of the*

*Ordinances, but he was not at all pleased.*

*Mr. Kaltsounis said he was also bothered by the incompatibility with the surrounding developments. He agreed with Chairperson Boswell, and said it stuck out like a sore thumb. He thought it looked like they were dropping something onto the property which did not fit. He brought up the fact that the City was dealing more and more with platted developments and the fact that if something was platted before 1988 the Tree Conservation Ordinance did not apply. He said it was a shame that so many trees would come down for the development. There were a lot of nice tree stands along South Boulevard, and they would be gone from the proposal. In the future, he would like to see if there was more of an opportunity to save stands of trees.*

*Mr. Yukon said he agreed with Chairperson Boswell and Mr. Kaltsounis. He drove by the property many times, and he thought the development would be squashed in between two developments. He was also concerned about the trees, and he did not think the area would look very good with all the trees gone.*

*Ms. Hardenburg agreed with the comments. She asked where the 3.6 acres of private open space was planned. Mr. Maniaci said it would be along the northern part of the property, and would include the wetlands and the detention basins. Ms. Hardenburg stated that it was not usable open space. Mr. Maniaci explained that it qualified as open space per the Ordinance, and he added that the area would be an attribute to the whole site, and that it would be viewable from the development. Ms. Hardenburg asked Mr. Maniaci if he would let his children, if he had any, play in the detention pond. Mr. Maniaci stressed that it would be more than a detention basin - it would be a place people could fish. The forebay would help with water purification. He said he did not want to argue, but he believed that the site was taking advantage of the golf course views. The streets would be bowed, so the homes would not be stacked in a parallel line. He indicated that the Ordinances were established by the City, and that they abided by them to an extreme extent. He would have loved to change a lot of things. Originally, they wanted to do something more clustered, to leave more open space and natural features, but the Ordinance would not allow that. They could not come up with a plan that would fit what they wanted to do within the regulations. Without getting the Commission's permission to change the regulations, they had to go by what the City established.*

*Ms. Hardenburg asked the type of clientele they were targeting. Mr. Maniaci advised that they were proposing a ranch product for the senior market, which was in demand. They felt having the golf course close by would be advantageous. He mentioned that they had presented several configurations of the Plan, but they did not meet some of the City's standards. He said he understood that the Commission might not like the Plan because it looked like most subdivisions, but it was within the*

*Ordinances, and they tried to abide by every rule and regulation put forth. Ms. Hardenburg said they also needed to look at the surrounding neighborhoods to see if the proposal would be harmonious for everyone. Mr. Maniaci noted that Walnut Brook backed up to the golf course, and he believed their lots had the same setbacks, and he pointed out that the houses were lined up along the golf course on the north side. Ms. Hardenburg asked how many units there were at Walnut Brook, but that information was not available at the meeting. Mr. Delacourt said the homes were required to have the same setbacks, but Walnut Brook had larger homes.*

*Chairperson Boswell said that the lots in Walnut Brook were about twice as big as the proposed units. Ms. Hardenburg said she spoke with a neighbor who lived in lot 5, who said he was pretty happy to hear neighbors were coming, but he was a little surprised when he found out how many homes were proposed and about the trees being removed.*

*Mr. Hooper remarked that a developer could choose to purchase a property zoned R-4 and develop it as R-1; however, he did not think it was appropriate to penalize a developer that purchased property the City zoned and Master Planned R-4 and developed it that way. If a developer purchased property zoned R-4 and developed it according to the R-4 zoning district criteria, he felt it would be difficult for the City to say they wanted an R-1 development rather than an R-4. He asked if a residential PUD could be considered, noting that the applicant would have to request it. He recalled that the applicant had mentioned flexibility, and he suggested that a PUD would allow clustering and various options.*

*Mr. Maniaci said that the site could not meet enough of the criteria to qualify. Mr. Hooper said he wanted to caution the Commissioners about requesting a development to meet a different zoning district, and he questioned whether that would be achievable.*

*Mr. Hooper asked for an explanation of the rain garden concept. Mr. Rizzo explained that a rain garden was a five-foot area designated to function with certain plantings. The plantings had to handle water, and the water would be treated by the plants. The rain garden would have infiltration trenches, or a sand layer below, to also treat the storm water. Mr. Hooper envisioned cattails around the property, and Mr. Schroeder advised that it would be natural plantings such as little flowers and grasses that would absorb chemicals in the water. If the ground was clay, it would be excavated and a porous ground would be put underneath it. Mr. Hooper asked if weed killers for the lawn would harm the plants. Mr. Schroeder said that weed killers could not be used. Mr. Hooper said he could see homeowners trying to get a green lawn and ending up with a brown spot in the back. Mr. Schroeder said that was a potential problem, but the areas could be made very nice. Mr. Delacourt said that the City had been slowly trying to incorporate best practices for*

*storm water maintenance into Site Plans, and they were starting on a small scale to see how they worked. The intent was to allow recharge of storm water back into the ground, rather than having it piped off site through retention ponds and into the storm system. Mr. Schroeder mentioned that Lathrup Village and Beverly Hills were using that system to solve their drainage problems.*

*Mr. Hooper referred to tree clearing, and said he hoped that if there was a way to save a substantial stand of trees, that they would attempt it. He realized it would be a voluntary measure.*

*Mr. Maniaci said they were more than willing to try and voluntarily save as many trees as possible. If he showed a tree to be saved and it died, he would be handcuffed to a situation he might not have control over. If he committed to it and the trees died, it could cause quite a financial burden. The Tree Ordinance was restrictive regarding the ways trees had to be maintained and saved. He pointed out that there were many pockets where homes would not be built and the trees would be left. They would not clear-cut the property, because he realized trees enhanced developments. He reminded that they were planting trees and said again that they would save any trees they could. Mr. Hooper clarified that they planned to clear the roadways and utility easements and leave the trees on the homesites. Mr. Maniaci said that some of the lots were deep, and they would leave trees to enhance the beauty of the site, especially at the perimeters. Mr. Schroeder explained that with a site such as this, the developer would put in utilities, clear the right-of-ways, land balance the site and dig the basements, and when they were through, not too many trees could be saved. For those that were, with the exception of owners of perimeter lots, the homeowners would be burdened with tree removal because when the water table dropped, trees would die. He did not think it was a practical thing to do.*

*Mr. Kaltsounis referred to usable open space, and recommended that the applicant consider it. He mentioned that the American House came for an approval, and they said that the hardest obstacle to filling homes was the fact that there were no amenities for the people who resided there. There were no gardens or parks or places to sit. He understood Mr. Hooper's thoughts about the right to develop as R-4, but he stated that the Commission had to consider whether the development was harmonious with the environment. He understood the applicant was following the Ordinances, but he questioned whether they could provide amenities. He thought it might be to the applicant's benefit, and a selling point, to add amenities.*

*Mr. Maniaci said he did not mean that he was only trying to target a senior market. He meant they would target empty nesters. Mr. Kaltsounis said that the market for people looking to downsize was not strong currently. Mr. Maniaci indicated that the golf course being so close would be a big enhancement.*

*Ms. Brnabic recalled Mr. Maniaci talking about the City's restrictions for creating a plan that offered more open space, and she was curious about what happened. Mr. Maniaci said they brought in preliminary drawings for a detached condo project with the homes closer to each other to get the same density but with more open space for parks. The site did not qualify as a PUD, and the approval process would have been extensive. They could have negotiated setbacks and other things, as they did with Lorna Stone. They bought the property when the market was doing very well, so they needed to move on it quickly. For financial reasons, they could not take on the long burden.*

*Ms. Brnabic said she would like to see more open space included regardless. She realized the City allowed a detention pond to be used as open space, but she objected to that. She did not think that area should be the only open space within a development.*

*Mr. Maniaci said he appreciated the comments and concerns, and stated that it took a long time to get to the Planning Commission. They worked with the Staff over and over again. Meeting all conditions from every department was an extensive process, and it was difficult to change something at the last minute and it was very costly. They submitted and resubmitted drawings to meet the Ordinances. He said that if the City had a different process, where there was not as much engineering or review time, it would not be as difficult to change something. He stated that they were the City's laws, and he gave Staff what they asked, and now at the Planning Commission meeting it was being changed. Everything met the Ordinances, and regarding whether it was harmonious with the neighborhood, he pointed out that the golf course was zoned R-4, and as people knew, golf courses were disappearing and becoming subdivisions. He was not sure it would not happen with the adjacent golf course. He added that they would protect the natural features of the site because it was a condo project, and that the density was lower than for a regular R-4 project.*

*Ms. Brnabic acknowledged that it went through quite a process before it came before the Commission and that the applicants met the basics. She reminded that it was the Commission's job to give comments and suggestions, and that when something was ready for Planning Commission review, it did not mean there would be a clear-cut approval because a project followed Ordinances and went through a thorough review.*

*Mr. Maniaci said they asked him to jump so high and he did. If there were something special he was asking, there could be negotiation, but the City wanted the lots to have a 72-foot minimum width and be 9,600 square feet big, and they exceeded that with averaging. He said he did not want to argue, but he reiterated that the City set the regulations and they met them. All the work they put into the project seemed to be going*

out the door. He stated that he was just trying to present a nice development.

Mr. Reece said he appreciated Mr. Maniaci's frustration, and that he understood the expense a developer went through. He would be interested in seeing some of the other proposals, but if that was not an opportunity, he realized the applicant did not have to save all the trees. He said he was a bit in line with Mr. Hooper in terms of where the development was going. Regarding trying to find a compromise, he asked Mr. Maniaci if he was set on the number of units shown on the plan (48).

Mr. Maniaci said that there were 52 units originally, so there had already been a reduction. Mr. Reece presented that it was a yes or no question, and said he posed it because he felt they could ease people's concerns about green space if they eliminated the turn around at the north end of the site. They could eliminate units 12-16 and turn the street to the west. He wanted to try and work with Mr. Maniaci to come to a compromise.

Mr. Maniaci said that put him in a difficult spot. He said they could eliminate units 15-16, curve the street and move the detention basins closer to the wetlands if he could get conditional approval to go to Council. Mr. Reece asked him what was driving the need to go to Council so quickly. Mr. Maniaci said that it was a financial decision. Mr. Reese noted that he had projects all over the area that had taken from six to 12 months to get before a Planning Commission. He indicated that the City might sometimes seem cumbersome, but the reality was that they were not much different than some of the other communities. Mr. Maniaci said he had a time factor to consider.

Mr. Delacourt reminded that it was the Preliminary stage, and the Planning Commission would see the plan again. The project still had to go through a full construction plan review and Final Plan review before it came back, so there was the possibility of negotiating the number of lots. Council would see the plan after Preliminary also, so the approval could be conditioned upon changing the lots prior to Final Approval. He cautioned that once the Preliminary was approved the applicant was more vested than they were prior to the approval. Chairperson Boswell alerted the Commission to the fact that when the project came back for Final Approval, their hands would basically be tied. Mr. Delacourt agreed.

Mr. Reece asked the anticipated price point for the units, and was told \$300-350,000.00. Mr. Reece noted the market and the projections for long-term downturn, and asked Mr. Maniaci if he felt it was a viable project. He noted that over the last four months, the Commission had seen three or four extension requests. Mr. Maniaci said they had downsized from the original houses so they could target the empty nesters.

*Mr. Dettloff said that given the fact that developers had been asking for extensions, he wondered if there was something Mr. Maniaci knew about current market conditions. He advised that one developer specifically told the commission that the problem was from too much product on the market that was not being absorbed. He asked if the project would be done in phases.*

*Mr. Maniaci said it would be a one-site development, but they would sell in small sections. It would be an internal phasing, not really a Site Plan phasing. They believed there was a trend for empty nester housing. Mr. Dettloff asked why the site did not meet the requirements to use a PUD.*

*Mr. Maniaci said they did not meet the five criteria, but he could not list them. Mr. Delacourt said that whether it met the criteria for utilization of the PUD was a Council decision. He and Mr. Maniaci reviewed the criteria and the applicant felt there was not a strong enough argument to go through the long process. The PUD Ordinances stated that a PUD could not be used to avoid the underlying regulations of a zoning district. He noted that there was no actual determination about whether it met the criteria; the applicant decided they could not pursue the process.*

*Mr. Dettloff asked how the site was different from Oakville Estates near John R and School. Mr. Delacourt said he was not sure it was greatly different. The applicant for Oakville sought a rezoning to RM-1, and also sought a Conditional Rezoning. Oakville proposed an increase in density from the underlying zoning. They did not set out to pursue a PUD, and since Conditional Rezoning was new, it was recommended to the applicant that a PUD would be an option to use. It was clear to the applicant through the long process that he should use a PUD. Mr. Dettloff considered that it was the length of time through the PUD process that potentially bogged down an applicant. He questioned whether the applicant would be receptive to a compromise if the Preliminary Plan were recommended for approval.*

*Mr. Maniaci said he would be willing to reduce a couple of units in order to go to the next stage. Ms. Brnabic asked Mr. Maniaci if he meant units 12-16, and he corrected that he meant units 15 and 16. Mr. Rizzo said he did not see the benefit in reducing two to four units because they would have the same type of development. The lots were adjacent to wetlands and the golf course anyway, so it did not make sense to him. Ms. Brnabic pointed out that more trees would be saved. Mr. Reece noted that the Commissioners had asked for more open space, and losing units would be a compromise to get it. Mr. Maniaci asked if the Commission would be happy with units 14-16 and he would turn 13 around, which would make the development 45 units.*

*Mr. Schroeder referred to the bio-swales, and asked if the units would be*

*individually maintained. Mr. Maniaci said they would be individually owned, but there would be an Association overseeing the maintenance. Mr. Schroeder clarified that the wetlands and ponds would be maintained by the Association, and he asked if the bio-swale could be part of that. Mr. Maniaci advised that the bio-swale was part of the common limited elements, and Mr. Delacourt said they would make sure the Master Deed and By-Laws reflected all restrictions.*

*Ms. Hardenburg stated that she wanted the applicant to be successful. She asked if each home would be unique or if it would be a cookie-cutter development. Mr. Maniaci said they curbed the streets on purpose so it would help distinguish the houses. There were currently three different floor plans, with each plan having three elevations to choose. Each elevation was as desirable as the first, and there would be nine different elevations. He added that they would not put identical homes next to each other.*

*Mr. Kaltsounis said that around the City, homes he referred to as "siding monsters" were not selling. He noted the development by Deerfield School, where the homes had considerably more siding than brick and said they were not selling. He could not demand it, but he recommended that the development would be more successful if they used more brick. Mr. Maniaci said that they were targeting people who had been in several homes who knew the differences in homes.*

*Mr. Kaltsounis asked if the plans would be adjusted before the applicant went to Council (showing a reduction in lots). Mr. Delacourt said that the Commission could request that, or they could request that the plans be revised prior to Final Site Condo review by the Planning Commission. Mr. Kaltsounis thought Council should see a revised plan. Mr. Delacourt reminded that the applicant would go through full construction plan review.*

*Mr. Kaltsounis brought up the Sanctuary of the Hills east on South Boulevard, and said he fell in love with the entrance and all the trees. Lorna on the Green had that opportunity if they would separate lots from the road. He recalled that the Ordinance required projects to go before a Planning Commission because there were certain intangibles the Ordinance could not address. Mr. Maniaci said he understood that. He asked if the Commission would take a look at the review process to be able to work with developers if they wanted to ask for more flexibility from an applicant. If he had not put so much time and energy into developing the submitted plan, which took very long to get to the Commission, it would not be such a big deal to move the street two feet. He offered that it would be easier to negotiate if they did not have full engineering plans, and that it would be easier to come to the Commission with a basic layout and tree plan than to give something up after the plan was completely developed. Mr. Kaltsounis agreed with the idea that applicants could come before the Commission earlier in the*



*process, especially with the land left to develop.*

*Mr. Maniaci suggested that it would be easier to remove the three units across the front of the property. Mr. Kaltsounis liked that idea, stating that he did not care as much about the units in the back. He said he would much rather drive down South Boulevard and see trees. Mr. Rizzo said that with Walnut Brook, many trees were planted by the developer without approvals from the Road Commission, and they were in the roadway setback. Mr. Maniaci said that the bike path would be going through a lot of the trees. Mr. Kaltsounis asked if they had to remove trees now if the bike path and right-of-way were not built for ten years. He suggested that the trees in the first three lots could eventually grow and shield the development.*

*Mr. Delacourt asked how many trees would be affected. Mr. Kaltsounis said that it looked as if there were a lot of trees in the right-of-way. Mr. Schroeder suggested that the front units could be narrower, noting they were almost 100 feet. Mr. Maniaci said they wanted to show the path meandering through the trees, but City and ADA standards for bike paths would not allow that.*

*Mr. Kaltsounis said that removing the units in front and having a park would be more usable to everyone. Mr. Delacourt said that with a 30-foot landscape easement, the trees would be protected and there would be supplemental trees planted. It appeared that would provide a lot of trees across the front. Chairperson Boswell noted that units 28 and 48 had a considerable amount of trees on them.*

*Mr. Kaltsounis thought that the units on South Boulevard would be the last to sell and that units in the back, by the wetland, would fetch a premium and sell first. He did not think unit 28 would be desirable because it would be next to a road. Mr. Maniaci agreed it would be a good park setting. Mr. Reece said he was not in favor of cutting down existing trees to create a park. He believed they were talking about leaving the trees in their natural condition and adding a couple of benches. They would want the mature trees along South Boulevard so some of the character there today was retained. Chairperson Boswell remarked that if unit 48 stayed, the trees would stay, and he would not be as disappointed as he had been. Mr. Maniaci agreed he could eliminate the three units on South Boulevard rather than three in the back. Mr. Reece clarified that it would be units 28, 29 and 48. Mr. Schroeder mentioned that the trees should be reviewed to make sure they were all worthwhile saving. Ms. Hardenburg said they appeared to be nice evergreens. Mr. Kaltsounis moved the motions below. Mr. Delacourt advised that the motion for the Natural Features Setback Modifications should remain as it was, and that the reference to units would be adjusted per the revised plans.*

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City

*File No. 06-012 (Lorna on the Green Site Condominiums), the Planning Commission **recommends** City Council **approves** the **Preliminary Site Condominium Plan**, based on plans dated received by the Department of Planning and Development on April 12, 2007, with the following five (5) findings and subject to the following nine (9) conditions.*

*Findings:*

*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.*

*The preliminary plan represents an acceptable comprehensive development plan that connects to South Boulevard.*

*The preliminary plan represents a reasonable street layout and lot orientation.*

*The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.*

*Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit for this project.*

*Tree Protection Fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.*

*Provide a landscape bond for replacement trees and landscaping in the amount of \$147,310.00, which includes \$6,000.00 for irrigation, prior to issuance of a Land Improvement Permit for this development.*

*Submit Master Deed and By-Laws for review prior to Final Plan Approval by City Council.*

*A soil erosion permit must be obtained by the Oakland County Drain Commissioner, prior to the applicant obtaining a Land Improvement Permit.*

*Add a note to the plans that the rain garden/infiltration trench will not drain into the adjacent property in the northeast corner of the*

*Add silt fencing along the property line within the area of Wetland B, prior to Final Approval by Staff.*

*Add silt fencing on the construction side of lots 16, 17 and 18 to protect the Natural Features Setback area from erosion and sedimentation, prior to Final Approval by Staff.*

*Remove units 28, 29 and 48 and renumber units on Preliminary Plans prior to going to City Council for review, and make all appropriate modifications (engineering, trees, etc.) related to the reduction of units on the Preliminary Plan prior to Final Site Condominium Plan review by Planning Commission.*

**A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Work Session.**

**MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 06-012 (Lorna on the Green Site Condominiums), the Planning Commission recommends City Council approves the Preliminary Site Condominium Plan, based on plans dated received by the Department of Planning and Development on April 12, 2007, with the following five (5) findings and subject to the following nine (9) 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 South Boulevard.**
- 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. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit for this project.**
- 2. Tree Protection Fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.**
- 3. Provide a landscape bond for replacement trees and landscaping in the amount of \$147,310.00, which includes \$6,000.00 for irrigation, prior to issuance of a Land Improvement Permit for this development.**
- 4. Submit Master Deed and By-Laws for review prior to Final Plan Approval by City Council.**

5. A soil erosion permit must be obtained by the Oakland County Drain Commissioner, prior to the applicant obtaining a Land Improvement Permit.
6. Add a note to the plans that the rain garden/infiltration trench will not drain into the adjacent property in the northeast corner of the site.
7. Add silt fencing along the property line within the area of Wetland B, prior to Final Approval by Staff.
8. Add silt fencing on the construction side of lots 16, 17 and 18 to protect the Natural Features Setback area from erosion and sedimentation, prior to Final Approval by Staff.
9. Remove units 28, 29 and 48 and renumber units on Preliminary Plans prior to going to City Council for review, and make all appropriate modifications (engineering, trees, etc.) related to the reduction of units on the Preliminary Plan prior to Final Site Condominium Plan review by Planning Commission.

**The motion carried by the following vote:**

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