

Mr. Rosen commented that there was something a little more to the story and that there might be another reason why Meadowbrook Dodge requested a rezoning. He said he reviewed the parcel-combination drawing and it showed that the existing Meadowbrook Dodge was 4.79 acres. They were using the parcel as B-3 zoning, but were non-conforming because they did not have five acres and he felt that could be a big deal.

Ms. Millhouse said that according to the City's GIS system, the existing Meadowbrook Dodge, Parcel No. 15-34-227-037, was 4.409 acres in size, with 369 feet of frontage along Auburn and 267 feet of frontage along Rochester Road. Mr. Rosen pointed out that if the parcel were non-conforming, there could be problems with signage, expansion, or something else. He did not know how the parcel became B-3 without having five acres. Mr. Staran believed they received variances from the Zoning Board of Appeals six or eight years ago. Mr. Rosen said that was important, because if the parcel were conforming there would not be an issue. Ms. Millhouse said that even adding the .35-acre, it would not total five acres. Mr. Davis emphasized that it would not change the status. Mr. Rosen clarified that the City believed this was a conforming parcel.

Ms. Hardenburg noted that the packet listed the parcel at 4.79 acres, not 4.4. Ms. Millhouse said the difference might be from the right-of-way measurements. Mr. Kaiser indicated that the answer to Mr. Rosen's question would be changed by that difference because they could consider that the applicant would want to have over five acres. Ms. Millhouse acknowledged what was being suggested and said that the 4.79 acres was a total of the subject portion and the applicant's parcel.

Roll call vote:

Ayes: Ruggiero, Brnabic, Hill, Kaltsounis, Rosen, Boswell, Hardenburg, Hooper, Kaiser
Nays: None
Absent: None

MOTION CARRIED

Mr. Kaiser advised that this matter would be sent to City Council. Mr. Davis said he did not consider the five-acre issue, but he did not want them to speculate about why he did not disclose anything about it. He indicated that it was a little offensive and stated that this was a straight rezoning request. He did not want the Commissioners to have an impression that he was trying to "sneak one in," because that was not correct. He said he wished he were smart enough to think of bringing the non-conformity up. Mr. Kaiser said Mr. Davis was being overly sensitive, and if he were intimating something about Mr. Davis, he would have done it directly. He stated that he specifically made reference to Meadowbrook Dodge. He suggested that when this request was presented to City Council, and so no one was offended, Mr. Davis should present his drawing in a more accurate fashion, more consistent with Ms. Millhouse's information.

3. Final Site Condominium Plan Recommendation – City File No. 97-004.2

Project: Country Club Village Phase II, 199 lots in last phase of 256-lot development on approximately 118 acres total
Request: Final Site Condominium Plan Recommendation
Location: South of Auburn, East of Rochester Road
Parcels: 15-35-202-0050, 15-35-203-001, 15-35-476-002 zoned R-3, One Family Residential
Applicant: East Course Limited Partnership
40900 Woodward Ave., Suite 130
Bloomfield Hills, MI 48304

(Reference: Staff Report prepared by Derek Delacourt, dated June 29, 2004 had been placed on file and by reference became part of the record thereof.)

Mr. Hooper advised that his employer had a contract with a sister company of the applicant. That contract was finished, but he felt that to maintain continuity and integrity, he was obligated to recuse himself from this matter.

Present for the applicant were Richard Zanotti, Land Development Director for East Course Limited Partnership, applicant; Robert Leighton, Robert Leighton & Associates, Landscape Architect; and Dale Inman, Vice President of Development for Centex Homes, builders for the Country Club Village development.

Mr. Zanotti stated that they were here to request recommendation of the final phase of Country Club Village. He had received the Staff Report and said they would be happy to answer any questions.

Mr. Delacourt recalled that the applicants had appeared before the Commission many times and had also been before City Council. They previously received approval for the entire development under the Preliminary Site Condominium Plan process; they also received a Wetland use Permit, a Block Length Waiver, and a Natural Features Setback Modification. He advised that in September 2003, the applicant received approval for Phase I of the development for the first 57 lots, which was currently underway. In addition, Phase II had been approved for construction approval and the applicant had received all applicable permits, including water, sewer, DEQ, and Oakland County Drain Commission permits. He noted that the Final Plans for Phase II remained consistent with the Preliminary Approval, and that there had been some slight modifications, resulting in stream and wetland improvements. Those changes were reviewed by the City's Wetland Consultant and Staff, who agreed they were consistent with the original Permits and Natural Features Setback Modifications and would actually increase the natural features mitigation and improve water quality on the site. The only issue remaining for Staff was that during the Preliminary approval, the applicant indicated they would dedicate a portion of the site along Auburn Road as a pocket park. He referred to Sheet L-8, which showed the proposal for the park, and advised that there had been discussion about whether the park should stay under control of the applicant and be maintained by the condo association, or whether it should be dedicated to the City. Staff was of the opinion that the Park should be dedicated to the City for control and maintenance to make sure it remains a public park.

Mr. Zanotti pointed out that there was a drainage study done for Bendelow Road, which was included in the plans. The plan incorporated extensions of the storm sewer out to the western edge of Bendelow Road, to alleviate flooding and drainage, which would eliminate the need for a Chapter 20 drain along Bendelow.

Mr. Delecourt confirmed that at the time of Preliminary, Staff requested that if the applicant could provide improved drainage along Bendelow there would be the potential to delay or prevent the City from having to construct a Chapter 20 drain there.

Mr. Zanotti advised that the first phase was almost complete and with almost ten inches of rain in May, the effects of expanding the flood plain and improving the secondary treatments from the detention basins showed that the flooding on the former golf course was much less than it would have been without the improvements. He advised that the second part of the development would enhance the upper portion of the drainage basin. The project received Oakland County Drain Commission approval for connection of both the McIntyre and Ferry Drains. The applicant received approval from MDOT for connections for Nawakwa and off Auburn Road. They have permits for the whole development and are anxious to get started to complete the connections up to Auburn for the utilities. Mr. Kaiser asked Mr. Zanotti to discuss the park.

Mr. Zanotti responded that an improvement to the park was shown, and he said they left the decision of control up to the City. Mr. Kaiser clarified that it was not a problem for the applicant to dedicate the park to the City and Mr. Zanotti agreed it would not be a problem. Mr. Kaiser asked Mr. Delacourt about it, and Mr. Delacourt replied that City Council would make the decision, but Staff wanted some input from the Planning Commission as to whether or not they felt the City should absorb the maintenance issues. He spoke with the Parks Department, and they felt it would be relatively low maintenance so Staff felt it was appropriate to dedicate the park to the City. Mr. Kaiser asked Mr. Staran the instrument he would recommend Council adopt.

Mr. Staran indicated that he had not really thought about this issue yet. Mr. Kaiser asked if they could put a condition in regarding the property becoming the City's, either by easement, deed or through an instrument otherwise approved by Staff. Mr. Staran agreed they could add that there would be a form of conveyance acceptable to City Staff, and said he wished to think about it further.

Mr. Kaiser asked if there was anyone in the audience that wished to comment on the request.

Julia Coltsen, 3291 Bendelow, Rochester Hills, MI Mrs. Coltsen had a question concerning drainage and wondered why the west side of Bendelow would have improvements when the east side was constantly flooded. She asked how much of a green barrier there would be on the east side of the sidewalk when it was installed. She commented that she really did not want to look at the backs of tall houses, which would tower way above the homes on her side of the street.

Mr. Delacourt confirmed that the drainage would be improved for the whole area, but whether it would fix every problem along Bendelow, he was not certain. He advised that the landscaping and buffer widths had remained consistent since the Preliminary approval – 25 feet from the rear of the property lines to the right-of-way of Bendelow. They would be adding an additional ten feet to the west side of Bendelow to bring it to a 60-foot right-of-way. The walking path would intertwine with the landscaping proposed along the western edge of Bendelow. The City recently removed the sidewalk on the eastern side of Bendelow because of disrepair. The path would replace that and allow access for Bendelow residents into the central part of Country Club Village. When Bendelow was eventually capped, drainage would be moved to the western side and a substantial amount of drainage would be picked up on that side. There might be occasional drainage on the east, but because there was no outlet for water now and would be when they completed the storm drainage, a lot of the flooding would be relieved.

Mr. Kaiser asked about the landscaping. Mr. Zanaotti pointed out the proposed open space and advised that there would be a number of additional, as well as existing, trees along the fence line.

Ms. Coltsen asked who would maintain the sidewalk on the west side. Mr. Leighton replied it would be the Homeowner's Association, because it would be part of the Open Space Agreement. Mr. Delacourt confirmed that he agreed with that.

Ms. Coltsen asked about the trees, noting there were none in front of her house at all. Mr. Anzek said that the orange fencing was around trees that were to be saved. Mr. Delacourt noted that there were none existing, but that there was landscaping proposed in that area. Mr. Zanotti advised that they would add evergreens.

MOTION by Ruggiero, seconded by Brnabic, in the matter of City File No. 97-004.2 (Country Club Village Phase II), the Planning Commission recommends City Council **Grant Approval** of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on June 10, 2004 with the following two (2) findings and subject to the following six (6) conditions:

FINDINGS:

1. The Phase II Final Plan is in compliance with the previously approved Preliminary Plan.
2. After conformance with the following conditions, the Final Plan will conform to all applicable City ordinances, standards, regulations, and requirements.

CONDITIONS:

1. That City Council Approve the Final Site Condominium Plan.

2. That the applicant receives a Land Improvement Permit form the City's Engineering Services Division prior to commencing any work.
3. Provision of a performance and maintenance guarantee in the amount of \$133,324.00 as adjusted if necessary by the City, to ensure the proper installation of replacement trees. Upon approval of the installation by the City's Landscape Architect, a maintenance guarantee equal to 25% shall be retained for a minimum of two years. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
4. That tree protection fencing is inspected and approved prior to issuance of a Land Improvement Permit.
5. That the applicant provide, prior to obtaining a Land Improvement Permit, a form of conveyance to the City of Rochester Hills for taking over the responsibility of duties regarding the pocket park on Auburn Road, as approved by the City Attorney. The transfer itself shall not take place until all improvements are completed.
6. Construction access shall be via the realigned Bendelow and Graham Roads when available, and shall not be maintained through Nawakwa.

Mr. Kaltsounis mentioned Mr. Davis who lived at 826 Michaelson at the south end of the development. At the meeting for Preliminary approval, Mr. Davis said there would be 500 cars driving by his house each day with glaring headlights at night. At the time, Mr. Weaver of East Course mentioned there would be a way to help with that by shifting lots, and Mr. Kaltsounis wondered what had actually been done to help Mr. Davis.

Mr. Delacourt said that a considerable amount of landscaping had been installed on the front of Mr. Davis's property to screen from the road in front of his house. They had talked with Mr. Davis since then and he had shown no concerns with the landscaping. Mr. Kaltsounis said he did not notice the landscaping when he drove by and did not see it on the plan. Mr. Zanotti noted that they put landscaping in front of Mr. Davis' and Mr. White's houses and also put money in an escrow for people along Vardon.

Mr. Kaiser reminded that if the applicant had complied with Preliminary approval, the Commission was mandated to recommend that City Council approve the Final Plan.

Voice Vote:

Ayes: Boswell, Brnabic, Hardenburg, Hill, Kaiser, Kaltsounis, Rosen, Ruggiero
Nays: None
Recused: Hooper
Absent: None

MOTION CARRIED

Recess 9:26 p.m. to 9:36 p.m.

4. Site Plan Approval – City File No. 85-528.5

Project: TCF Bank, a proposed 6,000 square-foot building proposed to be located on the east side of the Meier's parcel
Request: Site Plan Approval
Location: West of Rochester Road, South of Auburn
Parcel: 15-35-100-041, zoned B-3, Shopping Center Business
Applicant: TCF National Bank
401 E. Liberty
Ann Arbor, MI 48104

(Reference: Staff Report prepared by Deborah Millhouse, dated June 25, 2004 had been placed on file and by reference became part of the record thereof.)