

Mr. Terbrueggen stated that he was present for the purpose of extending the Final Preliminary Plat for Clear Creek Subdivision No. 4. He advised that the site was fully engineered and permitted, and if they received an approval from City Council for the extension, that they would file for Final Plat right away.

Ms. Millhouse added that the developer received an extension two years ago and was again before the Commission for a two-year extension, to which Staff had no objections.

MOTION by Hooper, seconded by Ruggiero, in the matter of City File No. 89-156.4, the Planning Commission **recommends approval** of an **Extension of Final Approval** of Preliminary Plat until September 23, 2006 for Clear Creek Subdivision No. 4.

Voice Vote:

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

MOTION CARRIED

Ms. Millhouse advised Mr. Terbrueggen that he would be scheduled on the next available City Council Agenda.

3. Preliminary Site Condominium Plan – City File No. 04-007

Project: Bloomer Park Estates Site Condominiums, a proposed four-unit development on approximately 1.82 acres
Requests: Preliminary Site Condominium Plan Recommendation
Tree Removal Permit
Location: On the north side of Bloomer Road, east of John R
Parcel: 15-13-151-019, zoned R-4, One Family Residential
Applicant: P. E. G. Construction
2437 Munster Road
Rochester Hills, MI 48309

draft

(Reference: Staff Report prepared by Deborah Millhouse dated August 11, 2004 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Anna Grassi, daughter of Guido Grassi of P.E.G. Construction, and George Ostrowski and Al Bayer, Nowak and Fraus, 1310 N. Stephenson Highway, Royal Oak, MI 48067-1508, Engineers and Land Planners.

Mr. Ostrowski stated that they were present to seek Preliminary Approval for a four-unit site condominium project and a Tree Removal Permit. He noted that the site was approximately 1.8 acres and as part of the development, they would preserve an area to the north abutting Bloomer Park. That area would be about three-quarters of an acre. He advised that they proposed a detention basin along the east property line and that the homes would range from 2,000 to 2,500 square feet.

Ms. Millhouse stated that the development would include four units and that it was not a platted area. The Tree Conservation Ordinance would apply to this project and she advised that the applicant had provided at least 37.7% of the regulated trees to be preserved and replaced on site.

Mr. Rosen opened the discussion to the public at 7:59 p.m.

Peggy Vander Vlucht, 1200 Bloomer, Rochester Hills, MI Mrs. Vander Vlucht stated that she lived across the street from proposed units three and four. She asked what prompted the applicant to develop condos as opposed to regular family homes. She was fearful it would open the possibility for more condos to be built in the future. She noted two different zonings – R-3 and R-4 on opposite sides of the road and she was curious as to the difference. She was concerned about drainage and asked the applicant to explain what they proposed to take care of it.

Daniel Aepelbacher, 1240 Bloomer, Rochester Hills, MI Mr. Aepelbacher said his home would be across from the development's proposed catch basin. He was concerned because the entire road had between one and four-acre sites and this development would put four units on a little over an acre. The homes would be smaller than the rest on the road, and he was concerned property values would denigrate because of that. He referred to the trees and said that all the trees at the road would be moved to the back of the property. He wondered what would happen to his property value if there were a catch basin put in across the street.

Mr. Rosen addressed the question of property values and advised that after the Commission discussed a development at length it was very hard to make a determination that, if it fit in an area, it would have much of a negative impact. He indicated that property values in Rochester Hills had been going up for decades. Regarding developing condos, he advised that it was a little easier than going through a plat process, but that the City treated both with the same reviews and applied all regulations to both.

Ms. Millhouse explained that many people assumed condos were attached units. The proposal was for a single-family, detached condominium development, and what was presented would not be any different from homes in a subdivision. The difference in a condominium, in a legal sense, was how the property was divided. In a subdivision there were lots, and with site condominiums, which looked the same, there would be units under a Master Deed. She stressed that there was no difference between site condos and subdivision homes other than how a person's ownership was legally established.

Ms. Millhouse explained the differences between R-3 and R-4 zoning, noting that the minimum lot size in R-4 was 9,600 square feet and that the applicant had proposed 10,400 square feet for each unit. Mr. Aepelbacher stated that the Agenda showed the parcel as R-3, and he was advised it was a typo.

Mr. Rosen asked Mr. Bayer about the drainage. Mr. Bayer noted that he had designed the storm sewer and drainage and he had met several times with the City's engineers to try to find the best possible solution for the drainage. He indicated that the detention pond would look like a swale with one-on-six side slopes, and that there would be landscaping and established turf. He did not feel it would be an objectionable facility, and it would be dry most of the time. It would get water if there were a heavy rain, but that would subside and drain out over a 24-hour period. He referred to the drainage course between two lots to the south and said it would be enclosed. He noted that the detention pond would restrict the drainage to an agricultural runoff and that the existing open drain would carry the drainage to the back of the property.

Ms. Millhouse pointed out that the City required developers to retain water onsite so that when it was released it would be no greater than at an agricultural rate. Mr. Ostrowski added that the detention basin would not be just a shallow hole in the ground and would be seeded with a wildflower and native grass seed mix.

Mr. Rosen noted that the number of trees to be saved was just barely above the minimum requirement. He felt that if they moved the homes to the back of the lots that they could save a lot more trees. Mr. Ostrowski said that the City did not recognize trees within the building envelopes so there was no discernable advantage to putting the houses to the front or the back. Mr. Rosen said he understood that, but in reality, he felt they could save more trees. Mr. Ostrowski said there were a number of ash trees on site, and a low spot in the middle of the site, and their thought was to provide a preservation area adjacent to the park and to save the higher-quality trees.

Ms. Millhouse stated that the Ordinance precluded counting any trees located within the building envelope or grading under a regulated tree. Mr. Ostrowski pointed out that if they were to keep a stand of trees with some stragglers around it, down the road someone that bought the home might not want those trees and could cut them down. While the tree count would meet the Ordinance, if they were cut down, the site would be in violation and the intent would be to avoid that up front.

Ms. Millhouse advised that Staff always worked with developers to try to provide a preservation area, which this developer had done. The replacement trees would be planted into this area and the applicant would not have to pay into the tree fund.

Mr. Kaltsounis referred to grading and the trees closest to units one and two. He indicated that there would be a slope coming toward the proposed homes, which would require a swale and grading under the driplines of the trees to be saved. He did not think there could be a swale and trees as they had shown on Sheet 2, because of the grading.

Ms. Millhouse explained that it was not a swale but rather, it showed the direction of drainage flow, providing for grading between the lots and a positive flow between the units to the south. Mr. Kaltsounis reiterated that it would require grading under the driplines.

Mr. Bayer advised that because of the natural fall from north to south the swale would not start until the area between the homes. He stressed that they would not grade around the trees or jeopardize their health.

Mr. Kaltsounis said he was concerned, and compared it to the situation at his house, but noted that the trees were about 20 feet away. For the proposal, there would be a tree fairly close to the corner of unit one's building area, so there would have to be some type of grading to achieve the positive slope.

Ms. Millhouse noted that the City's Landscape Architect had reviewed Sheet L-2 relative to the establishment of tree protective fencing, and that no activity could occur within that area. Mr. Kaltsounis said he understood that, but he believed that when it was engineered, there would be a swale with a positive slope, and that was a concern. Mr. Bayer assured that they would grade according to the Plan, and stay out of the protected tree areas.

Mr. Ostrowski pointed out a 776-contour and said the finished grade around the trees in question would be 775, or six-inches lower. The building pad elevation would be six inches above that and they intended to shell it out to allow water to flow around the building. They were not planning to do major earth movement in that area based on the existing grades.

Ms. Hill confirmed that there was a gravel road in front of the proposal. She noted that they had also proposed sidewalks, as the City usually required, but that the City had eliminated them in the past in developments of very few homes. Since there were other large lots in the area and only four units, she did not feel sidewalks would fit. Mr. Rosen advised that it was City Council that could waive a sidewalk requirement. Ms. Millhouse clarified that the applicant had not requested a waiver. Ms. Hill characterized the lots and homes in the area and said it did not mean that in the future something could not happen similar to the proposal; however, she questioned whether sidewalks would be in character with the neighborhood. She noted there was no sidewalk along John R or the rest of the area. She was not sure how the residents felt about it, but she would not like to see "sidewalks to nowhere" for just four houses, and advised that the City would not require sidewalks in established areas.

Ms. Millhouse asked the applicants if they would be opposed to requesting a waiver from City Council if the majority of the Commissioners agreed sidewalks were not necessary.

Ms. Grassi agreed with Ms. Hill and said there were old farmhouses in the area and she did not think most of the other lots were big enough for a four-unit development.

Mr. Kaltsounis said the trend was toward more and more new families moving into subs and he believed that children should play on sidewalks rather than in the street. He acknowledged that this road did not have a lot of traffic.

Mr. Rosen asked if the Planning Commission was required to make a recommendation about sidewalks. Ms. Millhouse replied that they were not, but that it did not mean the Planning Commission could not provide direction, which she felt would be considered by City Council.

Ms. Hill said she questioned how the Commissioners felt about this issue because Council had waived sidewalks in certain areas before where there were no other sidewalks or the possibility of seeing them was low. She did not want to require that the applicant request a waiver if the other Commissioners did not agree with it, but when she looked at the area and reviewed Council's past track record for similar areas, it appeared the sidewalk requirements should be waived.

Ms. Ruggiero agreed it would be appropriate to ask City Council to waive the sidewalk. She felt the four proposed homes would change the character of the neighborhood and that adding a sidewalk would change it significantly and make it look more urban.

Ms. Grassi said they would not make the homes look very contemporary, noting there were varied homes on the street, from farmhouses and tri-levels to ranches. Ms. Ruggiero asked if they brought architectural drawings. Ms. Grassi said she could provide a concept for a spec home and a drawing of the homes on both sides of the proposed site. Ms. Ruggiero asked if Mr. Grassi would build all the units, which Ms. Grassi confirmed. Ms. Ruggiero said she realized the difficulty in placing trees in front of dwellings because there were normally different builders who purchased the lots. Since Mr. Grassi would be the sole developer and builder, she wondered if replacing some trees in the front yards, versus the back, could be explored further.

Ms. Millhouse replied that they could explore that, and given the scenario, she believed additional trees would be saved. Ms. Ruggiero said she hoped for that. Ms. Millhouse said it could not be guaranteed, even though Mr. Grassi would be the builder now, that when the project came to fruition, he still would be. She felt it would be appropriate for the Commissioners to put on record their desire that as many trees as possible be saved and that replacement trees should be indicated on the lots. If someone bought a lot but did not like raking leaves, they could cut down the trees. That was why Staff encouraged replacement trees to be planted in an area that would not be owned by an individual.

Ms. Grassi stated that she knew how her father worked, and that he was an avid tree lover, having put thousands of dollars into boulder walls to maintain trees and always trying to preserve them on the lots. Sometimes they lose one, but he was a builder that preferred to see as many trees on a lot as possible.

Ms. Ruggiero asked if he built in Clarkston, which was confirmed. Ms. Ruggiero remarked that he saved a lot of trees there and that they should "call and ask him to save a lot for this development." Ms. Grassi said he would, and had done so for developments in Rochester also, which had made a big difference in how the lots looked. Ms. Ruggiero suggested that there was far more value in building that way, noting that for her new house, the builder had to carefully pick trees out that were to be removed – he could not just clear cut the lot – so she knew it could be done.

Ms. Millhouse said that Staff and the Planning Commission had to deal with the Ordinance as written, and she felt it was admirable that every so often there was an applicant and builder such as Mr. Grassi, who wanted to save trees. The applicant had to meet the minimum standards of the Ordinance, but she felt there was a good chance they would save more trees than that.

Ms. Grassi advised that the homes on the other side of the street did not have many trees in front of them, and that they would try to save as many as possible on the north side. Mr. Rosen restated that the Commissioners would like them to work with Staff to save as many trees in the front of the lots as possible.

MOTION by Hooper, seconded by Hill, in the matter of City File No. 04-007 (Bloomer Park Estates Site Condominiums), the Planning Commission **grants a Tree Removal**

Permit, based on plans dated received by the Planning Department on June 4, 2004, with the following three (3) findings and subject to the following three (3) conditions.

FINDINGS:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 37.7 percent of regulated trees on-site.
3. The applicant is proposing to replace as many as 94 regulated trees and 22 right-of-way trees with 58 replacement trees (i.e., 116 replacement tree credits) on-site.

CONDITIONS:

1. Provision of a performance guarantee in the amount of \$23,450, as adjusted if necessary by the City, to ensure the proper installation of replacement trees. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
2. Inspection and approval of the tree protective fencing prior to issuance of a Land Improvement Permit.
3. The developer work closely with City Staff to save as many trees in the yards as possible and to adjust tree replacements to move some to the front.

Roll call vote:

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

MOTION CARRIED

Ms. Ruggiero brought up extending the proposed storm sewer on the south side of Bloomer and asked what work would be done there.

Ms. Grassi replied that there was an easement running along the property across the street. The water did not drain properly under the road now, so they would run the drain down the easement and pipe the water out and away from the City road. She advised that her father owned the property across the street and they would direct the water to the open drain behind it. Mr. Ostrowski added that they would enclose the existing ditch and pipe the water to the south and outlet it to this ditch. Ms. Ruggiero clarified that there would be no ditch or swales in front of the proposed properties and that there would be an enclosed storm sewer under Bloomer Road. Mr. Ostrowski said that a pipe currently existed under the road, which connected to a ditch on the north side of the road. Ms. Ruggiero clarified that there would be detention and a ditch, and drainage under Bloomer to an enclosed drain. Ms. Grassi agreed and said they would try to solve the problem of the water that ran over the road. Ms. Ruggiero asked if there would be an enclosed culvert or pipe and if they would go on the property to enclose the ditch, which was confirmed. Ms. Ruggiero asked what physical changes would occur, such as impact to tree vegetation, other than that mentioned. She wanted to make sure that the property owners knew what would happen. Ms. Grassi said there was a swale now between the two homes on the south side of Bloomer. She clarified that her father owned the property with the easement and that they would replace the lawn. Ms. Ruggiero asked if it would be seeded or sodded. Ms. Grassi said she thought the lawn there now was seeded. Ms. Ruggiero reiterated that they should articulate to the owners of 1150 and 1200 Bloomer exactly what would happen.

Mr. Rosen asked if they had any discussions with the neighbors to the south. Ms. Grassi reiterated that her father owned the home at 1150 Bloomer, where the easement was. She said she did not want to mention anything to the neighbors until the development progressed.

MOTION by Hooper, seconded by Boswell, in the matter of City File No. 04-007 (Bloomer Park Estates Site Condominiums), the Planning Commission **recommends** City Council **approve** the **Preliminary Plan**, based on plans dated received by the Planning Department on June 4, 2004, with the following five (5) findings and subject to the following two (2) conditions.

FINDINGS:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and the One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are currently available to properly service the proposed development.
3. The preliminary plan represents a reasonable and acceptable plan for developing the property.
4. The preliminary plan represents a reasonable lot layout and orientation. In addition, all units have access to an existing roadway.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

CONDITIONS:

1. The Master Deed/Bylaws indicate that the natural preservation area is limited in its use to passive recreation activities and that signs denoting it as a natural preservation area are to be placed selectively around the edge of the area.
2. The applicant considers applying for a sidewalk waiver from City Council.

Ms. Millhouse said that if Condition 2 were a condition of approval, if City Council chose not to provide the waiver, the recommendation would go away. She wondered if it would be better to have it as a separate recommendation. Mr. Rosen felt that given the amount of discussion on the record and the fact that the Planning Commission asked the applicant to consider the request, that it would be clear enough. Overall, the Planning Commission recommended the applicant apply for it, but he clarified that it was not a showstopper.

Mr. Kaltsounis indicated that he would like Staff to really look at the issue of the swale around the trees, noting that sometimes when plans came back for final approval, they looked a little different than what was preliminarily approved. Ms. Millhouse agreed, and said Staff tried to be very conscientious to bring back the same plan that was approved.

Roll call vote:

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

MOTION CARRIED

Ms. Millhouse advised that this item would be scheduled on a City Council agenda and that the applicants and speakers would be notified.

4. **Revised Site Plan Approval – City File No. 85-619.4**
Project: Pat Moran Hyundai New Car Dealership
Request: Revised Site Plan approval
Location: East side of Rochester Road, north of Nawakwa
Parcels: 15-35-100-042 & -038 zoned B-3, Shopping Center
Business District