



Rochester Hills

Minutes - Final

Planning Commission

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Rochester Hills, MI
48309
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Home Page:
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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Gerard Dettloff, Nicholas O. Kaltsounis, Stephanie Morita,
David A. Reece, C. Neall Schroeder, Emmet Yukon, Vacant Position

Tuesday, May 17, 2016

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 7 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Stephanie Morita, David Reece, C. Neall Schroeder and Emmet Yukon

Absent 1 - Nicholas Kaltsounis

Quorum present.

Also present: Ed Anzek, Director of Planning and Economic Dev.
Sara Roediger, Manager of Planning
Maureen Gentry, Recording Secretary

Chairperson Brnabic explained the procedure for the Public Hearings.

APPROVAL OF MINUTES

[2016-0194](#) April 19, 2016 Regular Meeting

A motion was made by Yukon, seconded by Reece, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 7 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

COMMUNICATIONS

- A) *Planning & Zoning News dated April 2016*
- B) *2017-2011 Capital Improvement Plan*
- C) *Email from M/M Whitmer, dated 5/16/16 re: Sanctuary in the Hills*

East

D) Open House Invite for 5/26/16 re: Auburn Road Corridor

NEW BUSINESS

2015-0525

Public Hearing and request for approval of a Revised Wetland Use Permit Recommendation for impacts up to an additional 509 square feet (previously approved for 14,133 square feet) associated with the construction of Woodland Park Site Condominiums, a proposed 48-unit development on 23.6 acres located south of Hamlin, west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel Nos. 15-28-226-007, -008, -021, -022, part of -001 and 15-28-204-004, Pulte Land Company, Inc., Applicant
(Reference: Staff Report prepared by Sara Roediger, dated May 13, 2016 and Final Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Joe Skore, Pulte Land Company, Inc., 100 Bloomfield Hills Parkway, Suite 150, Bloomfield Hills, MI 48304 and Carol Thurber, Fazal Khan & Associates, Inc., 43279 Shoenherr, Sterling Heights, MI 48316.

Ms. Roediger presented the project and stated that there were four actions being requested. She noted that the request for Preliminary Site Condominium Plan Recommendation was before the Planning Commission in December of 2015 and approved by City Council in January 2016. Although there were requests for modifications, she explained that the Final Plans were substantially the same as previously presented, with 48 detached site condos in the same layout near the southwest corner of Hamlin and Livernois. When the applicants worked with Engineering on the utilities, it was determined that an additional 509 square feet of wetlands would be impacted over what was approved earlier. In addition, the Natural Features Setback Modification would be impacted an additional 172 lineal feet. Regarding tree preservation, an additional 193 trees were being requested to be removed. It was a result of a miscalculation of the how trees were counted. She added that there had not been a change in the plans, in terms of the amount of trees being preserved; it was just a matter of how they were accounted. She commented that it really just equated to a larger check being written to the City's Tree Fund. The applicant was using the MR Mixed Residential Overlay standards, which required better buffers and more landscaping. Ms. Roediger concluded that staff had recommended approval, and that she would be happy to answer any questions.

Chairperson Brnabic asked the applicants if they had anything further to add, which they did not.

Chairperson Brnabic opened the Public Hearing for the Wetland Use Permit at 7:07 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Hooper stated that seeing no one come forward, hearing no comments, and seeing no substantial changes from the Preliminary Plans, he would move the motion for the Wetland Use Permit Recommendation, which was seconded by Mr. Schroeder.

MOTION by Hooper, seconded by Schroeder, in the matter of City File No. 15-014 (Woodland Park Site Condominiums), the Planning Commission **recommends** City Council **approves a Revised Wetland Use Permit** to temporarily and permanently impact approximately 509 square feet (14,133 square feet previously approved) the total amount associated with the construction of several units, a portion of the roads and associated utilities, two culverts and a portion of the storm sewer, based on plans dated received by the Planning Department on May 3, 2016, with the following four (4) findings and subject to the following four (4) conditions.

Findings

- 1. The applicant received approval of a Wetland Use Permit from City Council on January 11, 2016 for impacts up to 14,133 square feet and is now requesting approval for an additional 509 square feet identified for work during construction activities.*
- 2. The revised amount was determined during construction plan review and is a nominal amount over what was previously approved.*
- 3. Of the approximately 1.12 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately one-third in total.*
- 4. The wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City as determined by the City's Wetland Consultant, ASTI, who recommends approval of the permit.*

Conditions

1. *City Council approval of the Revised Wetland Use Permit.*
2. *If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.*
3. *That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
4. *That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible, prior to final approval by staff.*

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

Aye 7 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

2015-0527

Request for Revised Natural Features Setback Modifications - City File No. 15-014 - for impacts up to an additional 172 linear feet (previously approved for 965 linear feet) in the Natural Features Setback area for Woodland Park Site Condominiums, a proposed 48-unit residential development on 23.6 acres, located south of Hamlin, west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Pulte Land Company, LLC, Applicant

MOTION by Hooper, seconded by Schroeder, in the matter of City File No. 15-014 (Woodland Park Site Condominiums), the Planning Commission **grants a Revised Natural Features Setback Modification for the temporary and permanent impacts to as much as an additional 172 linear feet (965 linear feet previously approved) of natural features setbacks associated with the construction and grading of units the roads associated utilities and the storm sewer, based on plans dated received by the Planning Department on May 3, 2016, with the following four (4) findings.**

Findings

1. *The applicant received approval of a Natural Features Setback Modification for up to 965 linear feet from the Planning Commission on December 15, 2015 and is now requesting approval of an additional 172 lineal feet identified for work during construction*

activities.

2. *The revised amount was determined during construction plan review and is a nominal amount over what was previously approved.*
3. *Natural Features Setback Modifications are needed to construct several units and a portion of the roads and storm sewer.*
4. *The Natural Features Setbacks are of low ecological quality as determined by the City's Wetland Consultant, ASTI, who recommends approval of the setback modification.*

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

Aye 7 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

2015-0524

Public Notice and request for a Revised Tree Removal Permit - City File No. 15-014 - for the removal of as many as 193 additional regulated trees (original approved for 142) for Woodland Park Site Condominiums, a proposed 48-unit residential development on 23.6 acres, located south of Hamlin and west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Pulte Land Company, LLC, Applicant

A member of the audience asked to speak and turned in a card.

Michael McIntosh, 2175 Willow Leaf Ct., Rochester Hills, MI 48309

Mr. McIntosh stated that he was concerned about the number of trees planned for removal. He lived in the lower left corner by the development, and he said that he would be getting a retention basin behind his house. He claimed that the applicants had dropped trees and left them, and he wondered if they would be left like that until late summer. He wondered about taking more trees than they already had. He commented that the trees had been growing for 100 years, and all of a sudden, they would be taken down, and he was concerned. He said that he understood progress, but he questioned why the City would allow all the trees to be eliminated. His backyard used to be wooded, but it was not any more. When he built his house, he only cut trees where his house would be and left everything else as much as he could so he would have a wooded area. He reiterated that he was concerned about more trees being removed.

Chairperson Brnabic noted that not only was there a concern about the number of trees, but there was also a question about clean up of the trees already cut, and she asked the applicants to address that.

Ms. Thurber explained that the tree removal was due to the Indiana Bats' nesting season and having a limited cutting season - April 1st to October 31st - so the trees had to be cut down prior to April 1st. She advised that when the construction permits were approved and they were on site, they would do the clean up. She noted that the trees were cut down with proper authorization from the State. They anticipated approval and to begin construction in July, when they would remove the trees. As Ms. Roediger had indicated, there was not a difference in the number of trees; there was a difference in the way it was calculated. They had eliminated some trees as not regulated that were regulated, but it was the same number of trees. She added that there would be a very substantial buffer along the property lines, as required by the MR standards.

Chairperson Brnabic asked the possibility of cleaning up the trees prior to July. Mr. Skore agreed that they could do that.

Mr. Hooper said that in regards to the trees, it came up every time there was development. In the subdivision where he lived, there were trees removed in order for the homes to be built. The City had an Ordinance to preserve a minimum amount of trees, and the subject development was resulting in a larger preservation rate than the minimum required. The City tried to maintain clusters of trees in natural wooded areas such as parks or detention areas. He reminded that everyone who would own one of the new home sites could take every tree down without a permit. As a starting point, the City was requiring the developers to save a minimum percentage to preserve green space and trees. Mr. Hooper found that the minimum amount of preservation was being exceeded, and that the City was affording property rights to the applicant, and he moved the motion for the Revised Tree Removal Permit, seconded by Mr. Schroeder:

MOTION *by Hooper, seconded by Schroeder, in the matter of City File No. 15-014 (Woodland Park Site Condominiums), the Planning Commission grants a Revised Tree Removal Permit for an additional 193 trees (previously approved for 142), based on plans dated received by the Planning Department on May 3, 2016, with the following four (4) findings and subject to the following two (2) condition.*

Findings

- 1. The applicant received a Tree Removal Permit on December 15, 2015 from the Planning Commission to remove and replace up to 142 trees and is requesting approval for an additional 193 trees*

identified during a further review by staff.

- 2. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
- 3. Of the 554 regulated trees onsite, 219 will be saved, resulting in a 40% preservation rate.*
- 4. The applicant is proposing to replace 335 regulated trees with 108 tree credits and pay the balance 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. Commence with clean up of the trees cut down within two weeks of May 18, 2016.*

Prior to the vote, another member of audience turned in a card.

Calum Beattie, 2135 Willow Leaf, Rochester Hills, MI 48309 Mr.

Beattie said that he was still a little unclear about the trees. He said that he also backed up to the southwest corner, and he understood that trees would be cleared. He asked if he could get a better feel for what trees exactly would be coming down. As previously mentioned, there were some 100-year old Oaks, and there was a lot of wildlife in the area. He would like to know how much of a buffer there would be between the houses and the trees to be removed.

Ms. Thurber showed a colored rendering of the development with X's for trees to be removed and trees in yellow to remain. There were green trees which indicated additional plantings.

Mr. Beattie thought that a substantial amount of trees would be taken down, and that there would be a substantial change in the landscape. He said that it would be interesting to learn more about the trees to be planted and to get some advance information about it, which Ms. Thurber agreed she could provide.

Chairperson Brnabic asked the applicants if they would be willing to meet with the neighbors in regards to the trees. Mr. Skore said they absolutely

would be. He recalled that in early December, they met with many of the neighbors and had an informational meeting. He said that he would be happy to continue to do that.

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

Aye 7 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

2015-0526

Request for Final Site Condominium Plan Recommendation - Woodland Park Site Condominiums, a proposed 48-unit residential development on 23.6 acres, located south of Hamlin and west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential Overlay; Pulte Land Company, Inc., Applicant

MOTION by Hooper, seconded by Schroeder, in the matter of City File No. 15-014 (Woodland Park Site Condominiums), the Planning Commission recommends that City Council grants Approval of the Final Site Condominium Plan, based on plans dated received by the Planning Department on May 3, 2016, with the following four (4) findings and subject to the following seven (7) conditions.

Findings

1. *Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.*
2. *Adequate utilities are available to properly serve the proposed development.*
3. *The final plan represents a reasonable and acceptable plan for developing the property.*
4. *The final plan is in conformance with the preliminary plan approved by City Council on January 11, 2016.*

Conditions

1. *Engineering approval of all permits and agreements prior to issuance of a land improvement permit.*
2. *Inspection and approval of tree protection and silt fencing by the City prior to issuance of a Land Improvement Permit.*

3. *Post a landscape and irrigation bond in the amount of \$183,015 plus inspection fees, as adjusted as necessary by the City, prior to issuance of a Land Improvement Permit.*
4. *Payment into the City's Tree Fund in the amount of \$46,648.50 for trees that cannot be replaced on site, prior to issuance of a Land Improvement Permit.*
5. *Submit an irrigation plan with a note specifying that watering will only occur between the hours of 12am and 5am prior to final approval by staff.*
6. *Payment of \$9,600 into the tree fund for street trees prior to issuance of a Land Improvement Permit.*
7. *Compliance with staff's memos with minor comments to be addressed at building permit application and prior to final approval by staff.*

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

Aye 7 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously, and she thanked the applicants. Ms. Roediger advised that the matter would be scheduled on the June 6, 2016 City Council meeting.

2015-0181

Public Hearing and request for Planned Unit Development (PUD) and Conceptual Site Plan Recommendation - City File No. 89-114.2 - Sanctuary in the Hills East Condominiums, a proposed 14-unit residential development on 4.57 acres, located east of Sanctuary Blvd., north of South Blvd., zoned R-4 One Family Residential, Parcel Nos. 15-32-476-001, -002, -005, -006, -009, 15-32-477-009, and -016, Dan MacLeish, MacLeish Building, Inc., Applicant (*Reference: Staff Report prepared by Sara Roediger, dated May 13, 2016 and Concept PUD Plans and Elevations had been placed on file and by reference became part of the record thereof.*)

Present for the applicant were Dan MacLeish and his son, Dan MacLeish, Jr., MacLeish Building, Inc., 650 E. Big Beaver, Suite F, Troy, MI 48083

and Jeff Rizzo, Fenn & Associates, 14933 Commercial Dr., Shelby Township, MI 48315.

Ms. Roediger summarized that the request was for a Conceptual PUD Recommendation. The applicants were in front of the Planning Commission for a discussion in May 2015. Since that time, staff had been working with them to be able to bring forth a plan they hoped to move forward. Ms. Roediger explained that there was a two-step process involved with a PUD. The first phase defined the plan and the second refined it. She advised that the proposal would be an extension of the existing Sanctuary in the Hills to the west, which was a very successful development that was constructed under a Consent Judgment to allow attached units. Staff and the applicant felt that the PUD route was the only way to be able to extend the same type of units. She reminded that the Planning Commission would be making a recommendation to Council and if approved, it would come back to both bodies for Final PUD review, so there would be three meetings left after this meeting.

Ms. Roediger stated that the plan was very conceptual at this stage, however, the wetland environmental consultant, ASTI, had reviewed the plans. There were about .68 acre of high quality and low quality wetlands. The high quality wetlands were along the western portion of the site and the low quality wetlands were to the east, which was proposed to be filled. The majority of the high quality wetlands were proposed to be maintained and upon the recommendation of ASTI, the applicant would install boulder retaining walls along the edges of the wetlands to minimize impacts from the residential uses. There was an access drive off of Sanctuary Blvd. proposed to the detention basin that was required by Engineering for maintenance. In meetings with some of the neighbors, they wished to see it removed. Because of the high quality nature of the wetlands, ASTI recommended removal of the drive. She had spoken with the Engineering Dept. and they had committed to finding an alternative method of getting to the basin in the future. Staff had recommended removal of the access drive and working with Engineering during the next step in the process to determine access as a condition of approval. It could be through an internal drive on the site or by accessing it via an easement and not constructing anything until maintenance was needed 20 years down the road. Engineering was confident that this issue could be worked out.

Ms. Roediger noted that the applicant had requested to not install sidewalks in the project. They had installed a crossing at Sanctuary Blvd. and at an entrance into the development. Staff strongly recommended

the continuation of the sidewalk along the south side of the internal road. At the end of the cul-de-sac, there would be a nice woodchip path that connected into some open space with landscaping, a fire pit and some seating areas. As part of the open space amenity for the PUD, that was being proposed, and staff always promoted walkability which included sidewalks at least on one side of the street. There were some outstanding comments from the reviewers, but she said that those could be addressed during the next phase. Staff recommended approval with conditions outlined in the staff report, and she said that she would be happy to answer any questions.

Chairperson Brnabic asked the applicants if they had anything to add, and they did not.

Chairperson Brnabic opened the Public Hearing at 7:27 p.m. She asked that all questions be directed to her and explained that they would be answered after all speakers were finished.

Rod Meyer, 2264 Creek Bend, Rochester Hills, MI 48309. *Mr. Meyer said that he was a resident in Sanctuary in the Hills and also the President of the Homeowner's Association. He noted that many of the co-owners were present, but in representing them, he stated that they would prefer not to have any of the subject area developed. They moved into the Sanctuary because they were drawn to the natural setting on both the east and west sides of Sanctuary Blvd., and they would like to maintain the natural setting. They realized that there was property zoned R-4, and they recognized that at some point in time there might be some form of development there. When they learned that MacLeish Building was considering doing a small condo community, several co-owners came together and formed a committee to understand what was planned. They met with the Planning Dept. several times to understand what was planned. He commented that their community had gone through construction traffic fatigue, because the build out of Sanctuary in the Hills had taken almost 15 years. The co-owners were faced with a bankruptcy by Newman Homes, which was finishing the community. The co-owners had to be assessed to finish the roads. They were just now getting to the end of the construction cycle and they were now faced with another construction site in the area.*

Mr. John Bailey, 3612 Winding Brook Circle, Rochester Hills, MI 48309 *Mr. Bailey stated that he also lived in Sanctuary in the Hills. He had been a part of the special committee of six homeowners to learn as much as they could. He thanked Mr. Anzek and Ms. Roediger. The*

committee wanted to communicate to the rest of the homeowners what they had learned so they could understand exactly what was happening. If they had their druthers, there would be nothing there at all, but they knew that someone owned the properties and that something was liable to happen - if not MacLeish Building's project then something else. They liked the homes Mr. MacLeish had built in their community, and they would like the proposed homes to be at least as nice. They wanted to work with the City to ensure that what they understood would happen did, in fact, happen. They did not want to get any surprises, but if there were, they needed to know why. The people he had talked to would all agree that one of the reasons they bought in the Sanctuary in the Hills was because going down Sanctuary Blvd. it was a beautiful drive, with trees on both sides. It made them feel really welcome. That was why they were opposed to the service drive as one more issue with their view. They would continue to insist upon that being removed. They realized that there had to be a road going in for the development, and they would accept that, but they wanted to ensure that when everything was done that what they had agreed to would happen. He agreed that there were still trucks in his community finishing up, and it was driving them nuts. They realized there would be construction traffic for the new development, but they would only like it on Sanctuary, not into their community.

Carl Pacacha, 3776 Winding Brook Circle, Rochester Hills, MI 48309

Mr. Pacacha asked if endangered species, such as Trillium, were taken into consideration when the environmental study was done.

Brad Baerlocher, 3744 Donley, Rochester Hills, MI 48309 Mr.

Baerlocher said that he lived east of the subject property. They had concerns about the environmental impact of the development. He agreed that he would not like to see the area developed. Ms. Roediger had mentioned low quality wetlands, but if someone looked at the area, he claimed that it was beautiful with a nice pond and wildlife. He took photographs of the ducks and birds, and he was concerned about the wildlife being jeopardized. Regarding the high quality wetlands, he also had concerns that they would be jeopardized. He questioned the impact of property values on his neighborhood. His neighborhood was older, and he did not know if it would impact the Sanctuary in the Hills, but he wondered about his neighborhood. He observed that there were no plans for traffic coming into or out of his neighborhood. He believed that there were future plans that would connect Grant or Nearing into the proposed development, and he was concerned about that.

Kevin McArthur, 3714 Donley, Rochester Hills, MI 48309 Mr.

McArthur stated that he was present on behalf of the builders (MacLeish). He said that the bottom line was that he had lived in his home since 1983, and if the Sanctuary in the Hills did not get developed, there would have been a lot more open property. He did not see why Mr. MacLeish could not develop that little bit of area with one road off of Sanctuary Blvd., which he did not think should be a problem. As long as they built quality homes, he felt that should be all there was to it. He owned a couple of the properties, but that was how he felt. He reiterated that the Sanctuary in the Hills would not have been built if the road was not approved to get to it. He asked why someone should not build off of it, and he felt that the property should be developed.

In response to the comments, Mr. MacLeish said that in 2000, he was approached by the landowner of the Sanctuary in the Hills and by the City and asked to see if they could come to a meeting of the minds in order to develop the property. The City and the landowner were at odds for ten years, but they came to an agreement that satisfied everyone. The subdivision west of that was Walnut Brook Estates. The residents came to a City Council meeting and had put signs up all along the entrance of City Hall and up and down South Boulevard that said "Save the Sanctuary." The owner had promised that it would always be open space. The developer had the opportunity to buy it for Walnut Brook Estates and preserve it, but he did not approach them. Mr. MacLeish offered it, but he did not want it. They went ahead, with the blessing of the City and developed it and sold it to Tadian Homes, who then sold what was left to Newman Homes. About eight years ago, he received the property back, because Newman had not paid everything and they went into foreclosure. They waited for almost four years for the market to improve to build the rest of the homes. They had tried to be good neighbors. They loved green, and they started a landscape company. He commented that they were hunters and conservationists, too. They tried to produce the best possible environment for people to live. They surveyed all the trees, and some were diseased and needed to be taken down. They would be saving a number of them, but they had to take some down for the houses. They would also put in a tremendous amount of trees. They wanted to keep and improve the neighborhood to the extent that it would benefit the neighbors in the Sanctuary in the Hills to the west. If he built single-family homes under R-4, there would be six driveways and crossings of the wetlands in order to access the homes. He would be putting in one driveway, so they would impact the wetlands less than ¼ of what an R-4 development would. He claimed that some of the people in the Sanctuary had told him about the subject site, and that was why they

investigated it in 2015. Prior to that, he did not even know it was there.

Chairperson Brnabic said that there was also a concern expressed about Mr. MacLeish's willingness to continue communicating with the neighbors. She asked if he would be willing to do that.

Mr. MacLeish said that he was in Sanctuary in the Hills every day. If people had an issue they could always come to him. His workers were not the only people in there. There were people replacing cement sidewalks for the older units and a number of craftsmen working on repairs such as siding and windows. They tried to keep all of their trucks and men where their new construction was. They knew what it was like to have construction going on, and they tried to minimize it as much as they could.

Chairperson Brnabic asked the projected timeframe for the proposal. Mr. MacLeish said that they could start tomorrow if they had the approvals. Dan MacLeish, Jr. said that it would be about two years.

Chairperson Brnabic closed the Public Hearing at 7:45 p.m.

Mr. MacLeish, Jr. put up a picture for the overhead camera which showed a rear portion of two units they finished last fall. They replanted Native Birch, Norway Spruce and White Pine around the perimeter, even though there was already about 150-foot natural buffer between the units behind. He stated that they put in a lot of landscaping for the units compared with other condo projects in other cities, and he listed some of the other plantings they used.

Mr. Schroeder asked if one of the photos showed trees proposed to be planted on Sanctuary Blvd. north and south of the entrance road. Mr. MacLeish, Jr. agreed, and said that they originally landscaped Sanctuary Blvd., and he believed the landscape plan showed 25-30% more trees than what was required. They liked to have privacy for the new residents and the existing people in Sanctuary, so they would maintain the streetscape or plant even more along the east side of the boulevard. It was their intent to landscape it heavily similar to how they did the rest of the boulevard. Mr. Schroeder felt that was very good.

Mr. Anzek said that regarding construction traffic, he felt that adding a simple condition restricting it to South Blvd. and Sanctuary Blvd. would be appropriate. He thought that Mr. MacLeish would prefer that his construction teams stayed on those roads. Mr. MacLeish agreed.

Mr. Anzek summarized that the access road to the detention basin would be eliminated and an alternative access would be determined between now and the final. Ms. Roediger had pointed out that it might come in from the internal road of the development or there might be an easement. Mr. Anzek stated that the access was only required if needed and was only used every 20-25 years. There was no reason to go in now, but the City could ask for an easement if they had to enter it at some future point.

Mr. Anzek offered that one benefit of doing a PUD was that it was a contract with the City. Mr. Bailey had raised the point that they wanted to make sure that what was approved was built. Mr. Anzek stressed that as a PUD, what was approved would exactly be what was built. If there was a variation, the applicant would have to go through the process again, and people would be notified.

Mr. Anzek mentioned that another question was raised about endangered plant material, specifically Trillium. He advised that Trillium was not endangered, it was protected, and as such, no one could go on another person's property and damage that flower. It bloomed in May for about two weeks, and it was protected in Michigan, but he advised that it was not endangered. He assured that the City would work with the owner to try and preserve any found.

Regarding Mr. Baerlocher's question, Mr. Anzek said that there were no plans to connect the proposed road to any roads in the area (other than Sanctuary Blvd.). Mr. Baerlocher had asked about environmental impacts. Mr. Anzek agreed that the development would impact some deer and other critters, but he felt that there were plenty of woods to the south for them to survive. Regarding property values, Mr. Anzek said that historically, anytime something was built that sold higher than adjacent homes, it would raise those homes' property values. He felt that there would be a positive impact for the Donley residents.

Ms. Morita thanked the applicants for bringing the project before the Planning Commission. She had a few questions regarding the plan. It was her understanding that Mr. MacLeish did not own the entire property, and she asked if he would be willing to agree to a condition that he had to purchase the remaining property before doing any work on the portion he did own.

Mr. MacLeish said that when they developed any property, they gave the owner a down payment and had a contract. When the project was

approved by the City, they completed the sale. Ms. Morita asked Mr. MacLeish if he would agree that he would own the entire property before he did any work on it. Mr. MacLeish maintained that they would not go in and do anything until the approval was given by City Council.

Ms. Morita mentioned the paper roads that ran through the property, and said it was her understanding that they were platted subdivision streets. She understood that the City could vacate its interest in the platted rights, but it did not give Mr. MacLeish title when the other lot holders in the plat still had an interest in the paper streets. She suggested that there were a couple of ways to handle it. Mr. MacLeish could either go to circuit court and get an order vacating the roadways or, at the very least, enter into an agreement with the City which would hold the City harmless and file an irrevocable bank letter of credit with the City to cover any litigation costs that might occur because of the roadway. She asked Mr. MacLeish if he had a preference in how he would like to see that handled, or if he could state how he planned to handle it.

Mr. MacLeish said that his understanding that the City had a right to vacate the road. He also thought, after talking with one of the neighbors, that when they originally tried to pave Grant Rd. that it disappeared. That was when either the County or whoever was developing the property decided to give up on it. Apparently, no borings were done. He added that Grant Rd. could never be continued to the north.

Ms. Morita asked what he meant by "disappeared." Mr. MacLeish said that it sunk out of sight. The ground would not support the additional weight of the pavement. Ms. Morita thought that they had a difference in understanding about what the City could do in relation to the roadway. She believed that the City could only vacate its interest in the roadway. Mr. MacLeish said that was correct for the portion along City property. Ms. Morita explained that the City could not vacate the public's interest in the roadway, and she asked how Mr. MacLeish wanted to handle the remaining public's interest in the roadway. Mr. MacLeish said it was the first time he had heard that. Ms. Morita said that she apologized for the surprise, and she had asked someone to address it with Mr. MacLeish before the meeting (not staff). It was a technical issue that still needed to be addressed. She said that she was supportive of the plan, and she would love to see it built, but there were a couple of technical issues with the platted rights-of way that needed to be addressed before the project went forward. They should at least reach an agreement that was approved by the City Attorney that held the City harmless from any claims. She recognized that the probability of a claim might be small, but in terms of

looking out for the City's interest, she would not want the City to get into a situation where there was a potential problem because they did not have an agreement.

Mr. MacLeish said that a year-and-a-half ago, he asked about the vacation, and he was under the impression that the City was handling it. He had talked with the City Attorney, but he would have to talk with him again. Ms. Morita suggested that when he did talk with Mr. Staran, he should tell him that Councilwoman Morita brought the issue up, and he would know what she was talking about. If there was a question, Mr. MacLeish could feel free to bring her into the conversation. She wanted to see the project go forward, but she wanted that issue to be fixed. Mr. MacLeish agreed.

Ms. Morita added language for conditions 10 and 11 prior to moving the motion, seconded by Mr. Schroeder (condition 12 added after discussion on the motion):

MOTION by Morita, seconded by Schroeder, in the matter of 89-114.2 (Sanctuary in the Hills East Condominiums PUD), the Planning Commission recommends that City Council approve the PUD Concept plans dated received April 13, 2016, with the following five (5) findings and subject to the following twelve (12) conditions.

Findings

- 1. The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development option.*
- 2. The proposed PUD Concept plan meets the submittal requirements for a PUD concept plan.*
- 3. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
- 4. The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
- 5. The proposed development provides adequate benefit that would not otherwise be realized including the development of a desired land use to provide diversity in housing options in the City.*

Conditions

1. *Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.*
2. *The site plans, including but not limited to landscaping, engineering, tree removal and wetland use/buffer modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.*
3. *The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.*
4. *Recommendation by the Planning Commission and approval by City Council of a Wetland Use Permit and submittal of an MDEQ Wetland Permit at Final PUD review, with the plans to address comments from ASTI's letter dated April 27, 2016.*
5. *Approval of a Tree Removal Permit by Planning Commission at Final PUD review.*
6. *Recommendation by the Planning Commission and approval by City Council of a PUD Agreement, as approved by the City Attorney, at Final PUD review.*
7. *Address comments from the Engineering memo dated April 28, 2016 applicable to Final PUD submittal and any minor outstanding staff comments prior to Final Site Condo Plan submittal.*
8. *The addition of a sidewalk along the south side of the proposed road to connect to the wood chip path.*
9. *Work with the Engineering Department to find an alternative access to the
detention pond that removes the access drive off of Sanctuary Blvd.*
10. *Approval of the vacation of Grant Rd. by a circuit court order or an agreement to hold the City harmless against any claims which include, but are not limited to an irrevocable letter of credit or bond as determined appropriate by the City, prior to issuance of a Land*

Improvement Permit.

11. *That the purchase of the property shall be consummated prior to commencing any development, including the clearing of trees.*

12. *Construction traffic shall be restricted to Sanctuary Blvd. and South Boulevard.*

Mr. Hooper agreed that Mr. Staran should weigh in on the matter of the roadway. He also agreed that there should be a sidewalk on the south side of the internal road, and he hoped that the applicant would agree, because he felt that it would be an excellent addition to the development.

In response, Mr. MacLeish noted that there were no sidewalks in the Sanctuary to the west, and they were just keeping it the same, and that was their reasoning. He indicated that they would have to widen the impact on the wetlands. Mr. Hooper asked how, noting that there was a retaining wall.

Mr. Rizzo said that if the developer agreed, they might be able to run it right along the retaining wall. Mr. MacLeish agreed that there might be enough room. Mr. MacLeish said that he would have to talk with Engineering.

Mr. Hooper said that a question was raised about the Homeowner's Association. He asked if the proposed development would be a part of the Sanctuary in the Hills' Association. He believed that it would take a vote, but he wondered if it had even been decided or even discussed. Mr. MacLeish said that they had not really gotten into that in depth. He agreed that the first Sanctuary Association would have to vote. Mr. Hooper asked if the proposed development would have its own Association if the original Sanctuary decided against them joining. Mr. MacLeish said that would not be a problem.

Mr. Hooper brought up guest parking, and said that other developments the Commissioners had seen had provisions for it. He did not see any in the proposed development. Mr. MacLeish said that as with the Sanctuary in the Hills, there would be two spaces in the driveway and two in the garages. If there were guests, they could park on one side of the street. Mr. MacLeish, Jr. noted that the end of the road had been changed to a cul-de-sac, and they lost two units to have that, and he thought that it could handle some overflow parking. Mr. Hooper noted that other PUDs they had seen had striped or angled parking dedicated on the plan, but

there was nothing specifically set aside for the proposed plan. Mr. MacLeish indicated that there was not very much room to do that. He suggested that there might be some room at the end. Mr. Hooper said that might be the only solution. Mr. MacLeish asked Mr. Hooper where he would like to see it. Mr. Hooper said that he was just trying to gather what the thought process was. Mr. MacLeish said that if they took the cul-de-sac out, which they would be allowed, they could put in a T and add extra parking. He believed that everyone seemed to like the cul-de-sac better. It was much more convenient for the Fire Department, although they suggested the T. Mr. MacLeish thought that they would add an island in the cul-de-sac, but if they took it out, there would be some extra room. They were going to landscape the island, because it would look much nicer. They were just trying to provide a quality project, which was what they had tried to do for 50 years. They built places they would like to live in themselves.

Mr. Rizzo added that between driveways, there was quite a bit of room. He pointed out where a couple of cars could fit, and said that cars could fit along the curbing. He felt that there would be sufficient parking for visitors. They had to be careful because if they started striping things, people would not have the flexibility to choose different locations. Mr. Schroeder reminded that they would not want to park on the fire hydrant side.

Mr. Hooper said that there seemed to be a universal axiom from neighbors about new development. People said things like, "I moved there because of the woods, and no one told me it would ever be developed." The Commissioners heard it all the time, and he understood it. He suggested that the best way to avoid development of a property would be to buy it. That could ensure that no one would ever develop it. When someone else owned property, there was the right to develop it according to the rules and regulations of the City. He was sure there were comments when his subdivision was built.

Mr. Schroeder recalled that about 30-40 years ago, the City put the water main down Grant. When they got to the end of the street, there were complaints from the property owners. It turned out that the City had put the water main on private property at the end. The former City Attorney got the details worked out, but Mr. Schroeder related that Grant ended where it was shown. He believed the City got an easement, and he could not remember all the details, but he knew it had been addressed.

Ms. Morita asked Mr. Schroeder in what terms he was referring. Mr.

Schroeder said it was in terms of who owned the property and what the City could do. He recalled that it was fairly extensive at the time. Ms. Morita wanted to make sure that there was not a problem with the paper road in the project. She reiterated that the City did not have the right to vacate the rights of the other lot holders in the plat. She felt that it was workable; it just needed to be tied up before anything was done, and Mr. Staran could advise.

Mr. Schroeder observed that the plans were not sealed. He asked if Preliminary plans were required to be sealed. Ms. Roediger said that they were not at the conceptual level. Mr. Schroeder commented that he was glad the applicant was adding trees.

Chairperson Brnabic asked if the motion makers would agree to a 12th condition to restrict construction traffic to Sanctuary Blvd. and South Blvd., which they did.

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

Aye 7 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

Chairperson Brnabic stated for the record that the motion had passed unanimously. Ms. Roediger added that the matter would be sent for the June 6 Council meeting.

ANY OTHER BUSINESS

Ms. Morita remarked that City Council took a bit of heat at the previous night's meeting. There were at least 20 people there to discuss Goddard School. What Council heard was that the neighbors were frustrated by the traffic on Auburn and the cut-through traffic in their subdivision (Country Club Village). The Mayor encouraged them to work with staff on solutions for traffic calming within the subdivision and to attend the Auburn Road Corridor Study meeting. She wanted to give the Commissioners a heads up that if someone contacted them about it to feel free to refer them to the Mayor's office for help. She suggested that they also promoted the Auburn Road planning meetings, which she hoped would end up addressing some of the traffic issues and backups in that location.

Chairperson Brnabic asked Ms. Morita if she knew why there were no Council meetings after February in the video library. Ms. Morita asked

Ms. Gentry to follow up with the Clerk's office.

Ms. Roediger mentioned the invite the Commissioners had received for the Auburn Road open house. The City had sent out postcards to every address in the Brooklands Park subdivision, and it was being promoted on the City's web site and facebook page. They anticipated a good crowd, and she encouraged the Commissioners to stop by anytime as there was no formal presentation.

Ms. Roediger related that staff would be scheduling Public Hearings for Zoning Ordinance amendments for the next Planning Commission meeting. The first amendment regarding commercial and recreational vehicle regulations was being driven by Code Enforcement. They were currently part of the Code of Ordinances. Per the City Attorney's recommendation, they should be moved into the Zoning Ordinance, because they were regulations for use. Along with that, staff had been discussing the Regional Employment Center (REC) districts. The M-59 Corridor Study was done in 2012, and since then, the REC Workplace had been implemented, primarily between Auburn and Hamlin west of Livernois. In the M-59 Study, there was a proposed REC Interchange concept, which somewhat paralleled the Freeway Business district, which allowed for a mixture of retail, office and light industrial uses. Through the City-initiated Rezoning, they were hoping to clean up the properties and implement some recommendations the City had made four years ago to facilitate new investment in the area. What prompted the change to REC-I was that Griffin Claw Brewery was looking to move into the existing BFD/Eastside Mario's. The current zoning would not allow that use at that location, but staff felt it was a very good location for such a use. Griffin Claw had submitted plans to the City recently, and it would have a distillery and brewery added to the back of the existing BFD. Ms. Roediger added that the Griffin Claw in Birmingham was very successful, and they were growing very quickly.

Mr. Hooper asked why the current zoning would not allow Griffin Claw's operation. Ms. Roediger advised that it would be retail and processing. Mr. Hooper asked if it would be a restaurant and a retail business. Ms. Roediger said that it was proposed to be a brewery and distillery in addition to that. A processing facility was a light industrial use, and that was not allowed in B-4. Mr. Anzek added that 80% of the building would be warehousing for the cans and bottles and barrels. The tanks that would ferment the beer would not take up much space. He believed that the facility would be available for tours, so it would have an entertainment component. There would be two silos, which had to be kept separate from

the distilling, because it would be very dusty when they ground the grains. Mr. Hooper said that he did not realize that breweries would be light industrial uses. Mr. Anzek explained that it would be the processing of materials. They felt that Griffin Claw would be good for the community at that location. He reminded that the M-59 Corridor Study was to introduce flexibility in uses based on quality of design and future undetermined needs.

Mr. Schroeder asked how many employees there would be. Mr. Anzek advised that for the distilling/warehousing building, there would be perhaps four. He added that the restaurant would have 60-70 employees. He stated that staff hoped REC-I would help to stimulate other development around the intersection.

Mr. Dettloff had noticed a sign on Rochester that indicated development opportunities, and he asked if it was for the K-Mart site. Ms. Roediger had seen the sign. She said that the International Council of Shopping Centers' big conference in Las Vegas was next week, and she knew the property owners were attending.

Ms. Dettloff asked if the Auburn Road meeting would incorporate some of the things discussed at the original steering committee meeting and seek to gather more input, which Ms. Roediger confirmed.

Mr. Anzek brought up a discussion the Commissioners had a couple of months ago with Mr. Kenny Koza who wanted to build a hotel at Rochester and M-59. He also wanted to redo the gas station and add a drive-through. Mr. Koza called Mr. Anzek last week and asked about just doing the hotel and abandoning the gas station and drive-through. Mr. Anzek told him that one of the big concerns had been traffic generation, and if Mr. Koza dropped those, it would eliminate 80% of the traffic. Mr. Anzek told him he would bounce the question off the Planning Commission. He felt that it would be a cleaner site with only the hotel, which would be brought closer to the road and be further from the residential, although it would still be four stories.

Ms. Morita asked if Mr. Koza would demo the residences and try to incorporate that area into the plan. Mr. Anzek had suggested that Mr. Koza look at duplexes or single-family if he was not going to use those parcels in the plan.

Mr. Dettloff asked if there was a demand for a hotel in the City. Mr. Anzek said that staff got about four inquiries a week. Ms. Roediger mentioned

that there was only the Royal Park (in Rochester), Red Roof Inn and the Holiday Inn Express.

Mr. Anzek asked if anyone had any non-binding thoughts. He wondered if it was something worth Mr. Koza considering. Ms Morita said that she would love to see a Marriott in the City, but she did not know if that was the right location. She stated that getting in and out of there would be awful. They would be targeting people who did not live in Rochester Hills and did not know the traffic concerns traveling to that location. Mr. Reece said that he was not wild about it. Mr. Hooper said making a left out would be the huge problem. Mr. Anzek agreed with Ms. Morita that people who did not live here did not know the roads. Mr. Anzek said that he would convey back that it was not met with even lukewarm regards.

Chairperson Brnabic asked if staff had had time to move forward with reviewing the entire Zoning Ordinance. It had been talked about six months ago or so. Ms. Roediger said that she had a big list. The Commercial and Recreational Vehicle Ordinance was one of the first, and staff decided to do a comprehensive update. However, plans kept coming in, and they did not have the winter lull that most communities experienced. Everything required research and a time commitment that she had not been able to find yet, but she promised to make some progress.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for June 21, 2016.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Reece, Chairperson Brnabic adjourned the Regular Meeting at 8:29 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary