



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Gerard Dettloff, John Gaber, Nicholas O. Kaltsounis, Stephanie Morita,
David A. Reece, C. Neall Schroeder, Ryan Schultz

Wednesday, July 31, 2019

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Special Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 9 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder, Ryan Schultz and John Gaber

Quorum present.

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

COMMUNICATIONS

There were no Communications presented.

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:01 p.m. Seeing no one come forward, she closed Public Comment.

NEW BUSINESS

[2019-0331](#)

Request for a Tree Removal Permit - City File No. 19-014 - Christenbury Site Condos, a proposed two-unit site condo development on 2.4 acres located south of Washington, west of Dequindre, zoned RE Residential Estate, Parcel Nos. 15-01-278-005 and -007, Vito Terracciano, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 26, 2019 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Vito Terracciano, 19910 Westchester Dr., Clinton Township, MI and Jeff Rizzo, Fenn & Associates, 14933 Commercial Dr., Shelby Township, MI 48315.

Ms. Kapelanski indicated that it was a slightly unusual request for a proposed two-unit site condo on Christenbury. One unit would be an existing residence, and unit two would be a proposed new residence. The applicant was taking a portion of land from the existing residents to the west and east to form unit two. She noted that the property was zoned RE Residential Estate, the proposed site condos met with Zoning Ordinance standards, and that staff reviews all recommended approval. A Tree Removal Permit was also being requested for the removal of 22 trees, all of which would be replaced on site. The applicant was seeking a recommendation to City Council for the Preliminary Site Condo Plan.

Mr. Terracciano thanked everyone for coming for a Special Meeting. He advised that it would be his personal residence, noting that he had developed the subdivision. The house to the east was his, and he sold it hoping that he would be able to do the split. He had a lot of history behind the sub, and he just wanted to have one lot for his family. He also noted that he had done a lot of work as a developer with Clear Creek and the Vistas in the City.

Chairperson Brnabic opened the Public Hearing at 7:05 p.m.

Evan Stashefsky, 1865 Christenbury Ct., Rochester Hills, MI 48306

Mr. Stashefsky noted that he lived across the driveway where the proposed house would be built. He stated that it was an uncomfortable situation for him, because he did not want to prevent anyone from building a house. When he moved to his house, he bought a beautiful property for country living in Rochester Hills. He said that Mr. Terracciano's house would look directly at his, and it would totally ruin his view of the trees and the pond. He claimed that it would be directly on top of his property. He did not know where a driveway could be put. When he first bought his house, there was supposed to be four houses on the street. To go and slap another house in between two houses would destroy everything he wanted to move out there for, and he stated that more development would cause more noise pollution. There would be trucks driving all over his driveway, which had already been destroyed from the previous houses being built, and there was one being built currently. The way the grading was, Mr. Terracciano would have to build up the grading and change the whole landscape. Mr. Terracciano had said that he would surround his house with trees, but the plans did not show that. Mr. Stashefsky said that he sat on his driveway all the time, and he would lose all his privacy. He looked at the original documents for the development, and it was supposed to be a site for four houses. He

had expected there to be four houses, not a fifth house right on top of his house. He reiterated that it would totally destroy the way his house looked and destroy what he came out there for. He came for rolling hills and trees and not to have a cookie cutter sub where all the trees were knocked down. He said that when the meeting started, it was stated that it was an unusual request to take neighbors' property and build a house in between (not quite stated that way). He passed out some pictures he had taken.

Mr. Terracciano responded that there was a row of trees that were all dead. He did not show the actual landscape plan, but he assured that he would plant trees. He stated that his house would not be in front of Mr. Stashefsky's at all. He maintained that there was always a plan to build something on the property. He believed that the reason Mr. Stashefsky bought in that sub was because of the other homes Mr. Terracciano had developed, which created value. He clarified on the overhead map where his house would be and where the driveway would be.

Terry Willingham, 1171 Miners Run, Rochester, MI 48306. *Mr. Willingham asked which trees would be coming down, which Mr. Terracciano pointed them out. Mr. Willingham said that he lived across the pond. He recalled that the sub was originally set up for four houses. Prior to that, it was going to be an apartment complex, to which he was really opposed. He was okay with four houses of high quality going in, and the tree line was important to him. He was more interested in the tree line that went along the back of the houses. He had the same issue as Mr. Stashefsky in that the view would get changed, and the trees would come down.*

Mr. Terracciano said that the neighbor he bought the property from was already cutting down all the trees, because they were diseased. If he had not purchased the property, his neighbor would still cut down all the trees, but he told his neighbor that he did not have to if the condo got approved, because he would pay for that cost. He had set up the pond and spent a lot of money. The houses sold for a couple of million. His home would fit in, and it would have a lot of landscaping. He planned to have a pool, and his neighbor planned to add more trees. He believed they would be able to create a nice privacy for everyone and add brand new, healthy trees. Mr. Willingham said that he understood, it was just his understanding that originally, the site was approved for four homes, and it had been emphasized at the time that the trees were important to people, and that they needed to stay. He agreed that it would block Mr. Stashefsky's view of the pond.

Mr. Terracciano said that he did not have a view of the pond now. He added that the other four neighbors in the sub had all agreed with what was proposed before he even started, and they were friends. He said that if it was impacting anyone, it was the guy across the street from him who had spent the most money who would not have a view of the pond.

Chairperson Brnabic closed the Public Hearing at 7:17 p.m.

Mr. Kaltsounis said that as a casual remark, he really did not like seeing neighbors come together with so much tension. The Planning Commission always told developers to talk to their neighbors and get them on the same page to work out things. He suggested that a tree or something could go a long way. It bothered him when neighbors had so much conflict.

Mr. Kaltsounis asked if the pond was used for detention, or if it was a wetland feature. Mr. Terracciano said that it was an unregulated wetland. The only reason it was filled was because he got a well to feed it. When he first bought the property, there was no pond there; it was completely dry. He had heard that it could completely dry out, so in order to fix the problem he would have had to get rid of the pond or kept it filled at a certain height. Mr. Kaltsounis thought that the pool Mr. Terracciano wanted to have would be pretty close to the pond, but he considered that it was unregulated.

Mr. Gaber asked Mr. Terracciano why he was not doing a land division and instead going through the condo process. Mr. Terracciano said that originally, they did a four-lot land split, so they were out of divisions, and the only method he could use was the site condo process.

Ms. Morita asked if legal had looked at the private road agreement. She confirmed it was a private road, and said that she did not know what the agreement said, and if it had been put through Assessing to see if an additional unit could be created. The Planning Commission had not been provided that information as to whether or not the additional lot would legally have access to the road and whether or not another unit could be created under the LDA.

Ms. Roediger said that staff had many meetings with Assessing and Engineering about whether the proposal could even happen, so there was review. Ms. Morita asked if legal had looked at the private road agreement, and Ms. Roediger said that Mr. Staran had been involved in the discussions, but she was not sure whether he had looked at the

agreement. She offered that it could be confirmed before the matter moved forward to Council. Ms. Morita concluded that it would be a condition of approval. Another speaker had come in late:

Deborah Prachaseri, 1860 Carter Rd., Rochester Hills, MI 48306 Ms. Prachaseri had heard someone mention the pond. She said that she had lived in her house for over 30 years, and she knew the pond had been there all along, because her children had skated on it long ago. She asked if there would be a precedent regarding condominiums in the middle of houses. She knew that it was a four-lot approval originally, and that it was zoned RE Residential Estate, and she wondered if the zoning would still be the same.

Chairperson Brnabic said that it would be. She explained that site condos were comparable to houses; it was just a different form of ownership. Ms. Prachaseri said that originally, there would have been four families in four homes, but she asked if there would now be six.

Ms. Roediger said that the request was to add one more lot. There would be five homes instead of four and the addition of only one family. She agreed that a condominium was a different type of ownership. From a planning standpoint, the zoning was looked at, which was not changing. It would still be RE and still require a one-acre minimum lot. The proposed units met all the requirements for size and density for the district. Ms. Prachaseri asked if there would be a two-condo association, which Ms. Roediger confirmed.

Mr. Kaltsounis stated that by the book, the developer had met the requirements for the condo split. People thought of site condos as attached units, but he explained that they were separate homes. He lived in a site condo, and no one noticed the difference - it was a house. There would be a Master Deed and By-laws over the two homes. Hearing no further discussion, he moved the following, adding a condition so that no trees would be removed prior to approval of the site condo plan:

MOTION by Kaltsounis, seconded by Schultz, in the matter of City File No. 19-014 Christenbury Site Condos, the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on June 20, 2019, with the following two findings and subject to the following three conditions.

Findings

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to remove 22 regulated trees and replace on site.*

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. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$216.75 per tree.*
3. *The Tree Removal Permit is contingent upon approval by City Council of the Final Site Condominium Plan..*

A motion was made by Kaltsounis, seconded by Schultz, that this matter be Granted . The motion PASSED by an unanimous vote.

2019-0324

Public Hearing and request for Preliminary Site Condominium Plan Recommendation - City File No. 19-014 - Christenbury Site Condos, a proposed two-unit site condo development on 2.4 acres, located south of Washington, west of Dequindre, zoned RE Residential Estate, Parcel Nos. 15-01-278-005 and -007, Vito Terracciano, Applicant

Mr. Kaltsounis clarified that the applicant was in agreement with adding a condition about having legal review the private road agreement.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 19-014 Christenbury Site Condos, the Planning Commission **recommends approval of the Preliminary Site Condominium Plan**, based on plans dated received by the Planning Department on June 20, 2019, with the following six findings and subject to the following four conditions.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The proposed project will be accessed from Christenbury Ct., thereby promoting safety and convenience of vehicular traffic both within the*

- site and on the adjoining street.*
3. *Adequate utilities are available to the site.*
 4. *The preliminary plan represents a reasonable street and lot layout and orientation.*
 5. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
 6. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Conditions

1. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
2. *Provide a landscape performance bond for replacement trees in an amount to be determined, plus inspection fees, as adjusted as necessary by staff, prior to issuance of a Land Improvement Permit by Engineering.*
3. *Payment of \$216.75 into the City's Tree Fund for one street tree, prior to the issuance of a Land Improvement Permit by Engineering.*
4. *Prior to the City Council meeting, the City Attorney shall review the private agreement to see if the home is allowed on the road.*

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. She congratulated the applicants.

UNFINISHED BUSINESS

2019-0246 Zoning Ordinance Amendments:

R-5 Zoning District
Auburn Road Corridor Zoning Amendments

(Reference: Memos prepared by Giffel Webster, dated July 25, 2019 and proposed Ordinance amendments had been placed on file and by reference became part of the record thereof.)