

were a couple of options. They could give the City money to pursue a commission piece or students' work or his wife is Chair of the Cranbrook Art Academy, and they could work with them. He indicated that whatever the community was more comfortable with he would do.

Mr. Schultz referred to the aerial of the site which showed red mulch everywhere in the right-of-way and landscape areas shown. The plans said that the disturbed sod would be replaced with mulch, and he asked if they were planning to put sod back. Mr. Biddison believed that there was still mulch on the right-of-way area, and they would have to add a sprinkler system. Mr. Shultz said that he appreciated that there was new mulch there every year, although he was not a fan of red, but he would prefer green lawn.

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

Chairperson Brnabic stated for the record that the motions had passed unanimously.

2018-0173

Request for Final Site Condominium Plan Recommendation - Cumberland Village, a proposed 57-unit site condo development on approximately 23 acres, located on the east side of Livernois, south of Hamlin, zoned R-3 One Family Residential with a MR Mixed Residential Overlay; Various Parcels, Lombardo Homes, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and Final Site Condo Plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Brandon Wagner, Lombardo Homes, 13001 23 Mile Rd., Shelby Township, MI

Mr. Kapelanski summarized the request, location and zoning. She noted that the Preliminary Site Condo Plan had been approved on June 4, 2018 by City Council after a positive recommendation by the Planning Commission. There were a number of conditions with that approval, most of which would be addressed prior to the issuance of a Land Improvement Permit. However, two did affect the site layout and Final Plan. The first was that a center left turn lane was to be added to Livernois in front of the northern access point of the development. The applicant had changed that access point to emergency only, which negated the need for the left turn lane. The second was that trees and shrubs were to be added to the eastern property line to provide screening for the residents, and that had been included on the plans. She advised that the Final Plan was in

compliance with the Preliminary Plan and ordinance requirements, and staff recommended approval.

Mr. Wagner stated that he was present seeking Final Site Condo Plan approval. They currently had permits in order. He said that he would be happy to answer any questions.

Mr. Kaltsounis recalled that some of the Commissioners had voted no for the Preliminary, because they were concerned about the density and layout. Regardless, for the Final Site Condo Plan, it was their job to review it and make sure it was the same as what had been approved for the Preliminary. He moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-019 (Cumberland Village 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 April 22, 2019, with the following four (4) findings and subject to the following five (5) 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 June 4, 2018.

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 \$74,261.00 plus inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.*
4. *Payment of \$12,355.00 into the tree fund for street trees prior to issuance of a land improvement permit.*
5. *Compliance with all outstanding staff review comments, prior to final approval by staff.*

Ms. Morita asked Mr. Wagner how they envisioned having only one operating entrance for 57 homes during rush hour. Mr. Wagner responded that they felt it would be functional. They felt that by eliminating the northern entrance, it would be better for traffic, and there would be less interference with the roundabout. Ms. Morita asked how many cars would stack in the subdivision before getting to the first street. Mr. Wagner was not sure. Ms. Morita asked if staff had looked at that. Ms. Kapelanski said that Engineering did not express any concerns about having only one entrance or changing the northern to emergency only. Ms. Morita stated that she had concerns. She lived in a similarly-sized subdivision, and they had two entrances. During rush hour trying to get out of the sub, they could easily have three or four cars stacked waiting to turn out. She did not know how it would work with only one entrance. She asked Mr. Wagner if they had thought about that at all. Mr. Wagner thought that they could fit more than three or four cars stacked. Ms. Morita asked the length of lot 27, and Ms. Kapelanski said that it was 144 feet. A parking space was about 20 feet long, so seven cars could stack before the first street.

Mr. Gaber mentioned that he lived very close to the proposed development. There was another Lombardo development to the south, Cumberland Pointe, for which he felt Lombardo had done a great job. It was a beautiful example of what could be done, and Lombardo and the City worked well to come up with the design. He indicated that Cumberland Village was a little different; it was more of a production home instead of a custom home subdivision. He felt that the layout was incredibly unimaginative and as basic as it could be. He also questioned having one drive. The City's policy over the years had tried to provide for multiple entrances and exits into subdivisions, whether on a main road or through another development. He felt that it had aided in traffic flow, especially during rush hour. It was his understanding that they were not having two entrances for the proposed development, because Lombardo

did not want to do any road improvements at the north entrance. Mr. Wagner had said that there was a potential for conflicts with the traffic circle, which Mr. Gaber felt was understandable. He stated that he was not a big fan of gates, and they did not look very inviting. He noted that the proposed gate would probably be aesthetically pleasing and match the entrance features, but he maintained that it was a big gate. He encouraged the Planning Commission in the future to go a different route. He felt that there were other mechanisms, other than gates, that could be utilized to achieve the same purpose.

Mr. Gaber brought up a problem he saw with lot averaging. The ordinance gave the ability to vary a lot size and width by 10%. He felt that the applicant had taken advantage of those options. It worked out well for the lot area. The ordinance said that the minimum lot area in R-3 had to be 12,000 s.f., so they had to have an average lot size of 12,000 s.f. The average proposed was 12,426 s.f., and some lots were larger some were smaller. That made sense. However, for the average lot width, he felt that there was disconnect. The ordinance required 90 feet in the R-3 district, and if that was varied by 10%, a lot could go down to 81 feet. However, the average width proposed was only 85 feet. He thought that it should be 90 feet, so that some should be above 90 and some should be below to average 90. There was no requirement in the ordinance that the average should be 90. That was allowing a developer to go down to 81 feet if that option was being exercised. He stated that there was no trade-off or consequence for doing that in the ordinance. He suggested that it was something that needed to be addressed in the next round of ordinance updates. He nonetheless thought that it would be a nice subdivision, and he trusted Lombardo to do a quality job for the City, and he thanked Mr. Wagner.

Mr. Kaltsounis asked if the gate was in the Preliminary approval, which it was not. He asked if the roads were that tight in the original. Ms. Kapelanski said that the roads were in compliance; it was that a left turn lane would have been required in order to have the northern access public. They could not put that left turn lane in, so the applicants needed to provide the emergency access, which would be gated.

Ms. Roediger said that since the gate was new, that was not consistent with the Preliminary approval. It sounded like the Planning Commission wanted a secondary access for peak times, and they were not fans of the gate. She asked if there had been discussion about right in right out only in lieu of the center turn lane to still provide some access. Mr. Wagner did not think that there was. Mr. Schroeder felt that a subdivision had to

have more than one access. Ms. Roediger agreed for the Fire Department, and they were o.k. with a secondary access being emergency only, but it sounded as if there were concerns about a gate. She felt that a right in right out could help satisfy the goals. It would have to be run by Engineering. Ms. Kapelanski said that right in right out would have likely been discussed directly with Engineering. It was not discussed with Planning, but she could broach that with Engineering.

Mr. Hooper stated that it was a significant change to the approval. He questioned 57 homes using one boulevard entrance. He recalled that years ago, they dealt with a sub called Hazelwood, and it had been quite a hassle with only one boulevard entrance in and out. He did not think he wanted to repeat that. He was not in favor of moving forward unless there was a secondary entrance.

Ms. Morita asked Mr. Wagner if he would be willing to look at doing right in right out and coming back. Mr. Wagner said that he would. He believed that at one time, the right in right out was discussed, but he did not recall if the City or the Road Commission had been against it. Ms. Morita said that she would like some clarification as to why the left turn lane could not go in and if it was the developer or the Road Commission who said no to that. Mr. Schroeder said that it would interfere with the roundabout. Ms. Morita said that they did not have documentation about that, and if it was the Road Commission, she would like it confirmed in writing. Ms. Kapelanski pointed out that the Engineering review memo was written up to show that it was the applicant's request to revise the northerly drive to be a gated emergency access. The way Ms. Morita read it, she agreed that it was the applicant who did not want to put in the left turn lane. Ms. Kapelanski said that she could talk further with Engineering. Ms. Morita reiterated that she had a problem with having only one entrance for 57 homes. If the applicant was willing to do a right in right out, she felt the Commissioners could consider it, but she would like clarification as to why the left turn lane could not be installed and why the northern entrance could not function as an access in some fashion other than emergency.

Mr. Wagner asked if the emergency access would not be an option if the Road Commission was against it. Ms. Morita said that if the Road Commission was against that, she would like the applicant to look at a right in right out only with them. She felt that a second access was needed. Mr. Wagner knew that there had been conversations, but he was just filling in for the applicant, and he apologized that he did not have enough background. Ms. Morita suggested that he go back to the

applicant and inform that the matter was agreeably postponed, because the Planning Commission was not in favor of closing the entrance. She asked if that was what he would like to do, and he said he would if it was his only option. Ms. Morita claimed that it was not, but she indicated that it was probably the best one.

Mr. Kaltsounis decided that after further discussion, there were some things to be considered. He stated that the Final Plan was not the same, and the Planning Commission had concerns. He withdrew his motion, concurred by Mr. Schroeder, and moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-019 (Cumberland Village Site Condominiums), the Planning Commission hereby postpones consideration of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on April 22, 2019 so the applicant can provide further information about the northern access, the left turn lane and right in and right out options.

To clarify, Ms. Morita said that if the Road Commission definitely said no to a left turn lane, they needed to know whether the developer was willing to change the plan to allow right in right out.

Mr. Hooper noted that the Preliminary Plan showed the northerly access, so he felt that it had been approved by the Road Commission. He did not believe that it was a Road Commission directed issue.

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

Chairperson Brnabic stated for the record that the motion had passed unanimously.

DISCUSSION

2019-0211 Proposed 20 unit, two-story, multi-family residential development on 2.08 acres located at 6780 Old Orion Ct., west of Rochester, north of Tienken, zoned R-1 One Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-03-476-016, Jeff Klatt, Krieger Klatt Architects, Applicant

ANY OTHER BUSINESS

NEXT MEETING DATE