

possible Ordinance change. Mr. Anzek said that it just concerned him, and he would not like to see it backfire with unintended consequences.

Chairperson Brnabic reminded that no one could build a structure that was bigger than the house on the property. Someone might do one large structure, but she felt that it would lend itself more to homeowners having a garage and the ability to also have an extra accessory structure like a shed.

Mr. Anzek said that for publicly owned buildings and utility buildings, there was a statement about having duplication with utilities and municipal buildings and uses. He remembered when it was added for County and State-owned school buildings and so on. He did not think those were included in utilities and municipal buildings and uses. It surfaced because years ago, the School Board was looking into allowing cell towers on some of their sites, and at that time, the cell tower section of the Ordinance only dealt with municipal properties. In working with Mr. Staran, they decided to make it all public. That was why it was in there, but the amendment would take it out and state municipal and utilities. He suggested consolidating state utilities and public buildings and uses in the Table of Permitted Uses.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

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

NEW BUSINESS

2007-0190 Request for Approval of the Final Site Condominium Plan - The Commons South, a twelve-unit, single-family site condominium development on 3.98 acres, located on the north side of Shortridge, east of Livernois, Zoned R-4, One Family Residential, Vaqar Siddiqui, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated December 15, 2017 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Vaqar Siddiqui, 3530 Forest Hill, Bloomfield Hills, MI 48302 and Bob Lindh, Urban Land Consultants, 8800 23 Mile Rd., Shelby Township, MI 48316.

Ms. Kapelanski advised that the development was for 12 single-family homes, and the request was for Final Site Condominium Recommendation to City Council. The plan received Preliminary Site Condominium Approval from Council on December 14, 2015. Staff recommended approval of the Final Plan. There were a couple of conditions attached to the Planning Commission Preliminary Recommendation that were addressed prior to Council approval. There was a stand of trees along the entire eastern property line that would be preserved. The storm water easement had been shifted to the west, because there had been a concern about trees near the detention basin, one in particular, and that was being preserved. The units had also been shifted slightly to the south along the west side of Donaldson Rd. That had allowed for additional tree and open space preservation for which the applicant worked with the property owners to the north.

Mr. Lindh related that they had addressed all the concerns about the trees and had worked with the neighbors.

MOTION by Hooper, seconded by Dettloff, in the matter of City File No. 15-011.2 (Common South Site Condominiums), the Planning Commission **recommends that City Council approves the Final One-Family Residential Detached Condominium plan** based on plans dated received by the Planning Department on October 13, 2017, with the following five (5) findings and subject to the following seven (7) conditions.

Findings

1. *Upon compliance with the following conditions, the proposed Final 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 applicants have worked diligently with the neighbors to provide acceptable screening from the development.*
5. *The final plan is in conformance with the preliminary plan approved by City Council on December 14, 2015.*

Conditions

1. *Provide all off-site easements, on-site conservation easement and agreements for approval by the City prior to construction plan approval.*
2. *Provide landscape bond in the amount of \$12,500, plus inspection fees, prior to issuance of a Land Improvement Permit by Engineering. The maintenance bond will be held for 4 years instead of 2 because irrigation is not proposed, and a note must be added to the homeowner's association language that explicitly states the association is responsible for maintaining all landscape common areas. Those two items must be noted on the plan as well, prior to issuance of a Land Improvement Permit by Engineering.*
3. *Payment of \$2,400 into the tree fund for street trees prior to issuance of a Land Improvement Permit by Engineering.*
4. *Approval of all required permits and approvals from outside agencies, prior to Engineering Department issuing Preliminary Acceptance of any site improvements.*
5. *Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.*
6. *Compliance with applicable staff memos, prior to final approval by staff.*
7. *Add a tree preservation easement along the entire eastern property line and for the west tree preservation, to be added to the condo documents, prior to final approval by staff.*

Chairperson Brnabic had received one speaker card, and she called Mr. Ryan to the podium.

Christopher Ryan, 775 Monterey Lane, Rochester Hills, MI 48307

Mr. Ryan asked if, for the trees being preserved, there would be language in the Master Deed or By-Laws for the Association assuring they would be preserved.

Mr. Lindh believed that the condo documents would address that. He said that the trees could not be taken down. The Master Deed had been drafted and the language had been approved by the City Attorney, but they still had to get approval of the Exhibit Bs.

Mr. Hooper asked if there was a need for a conservation easement to protect the trees or if the open space plan as presented would suffice.

Ms. Kapelanski said that it was her understanding that the trees would be preserved and fencing would be installed. There were some areas shown as conservation easements to the north as well, so they would be put in a conservation easement. Mr. Hooper asked if the trees on the west side could be added to the condo docs.. Ms. Kapelanski said that would be up to the applicant to offer.

Mr. Lindh was not sure how many trees were on the west side. Ms. Kapelanski pointed out sheet three and the area to be preserved. Mr. Lindh said that there was a storm line between two lots, but it was not their intent to cut down the trees. Mr. Hooper asked if there was no objection to adding a conservation easement, and Mr. Lindh agreed that they could add language to the condo documents. Ms. Kapelanski asked Mr. Siddiqui if he was amenable to extending the easement along the entire eastern property line, and he was agreeable (condition seven added above).

Mr. Anzek recalled a previous development where they used the term tree preservation easement rather than conservation easement. A conservation easement was intended to be an area where no one could enter or do anything to it, as he learned from Mr. Staran. He noted that a gazebo was proposed in the northeastern open area, so he thought a tree preservation easement would be more appropriate.

Mr. Lindh agreed with that, because the trees might have to be sprayed for bugs or be trimmed. Mr. Anzek added that in a conservation area, if a tree fell, it would have to just lie.

*Chairperson Brnabic said that the Commissioners had also received a letter from **Michael Mazowita, 750 Shortridge Ave., Rochester Hills, MI 48307** about tree #1386 near the detention pond. He stated that it was not listed in the tree survey, and he had asked the Planning Commission to make sure that the tree was not trimmed or cut down for any reason. Chairperson Brnabic believed that question had come up a couple of*

years ago.

Ms. Kapelanski pointed out that it was on sheet three of ten. The old tree #1386 was called out, and it was shown as preserved.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicants.

2017-0577 Public Hearing and request for Conditional Use Recommendation - City file No. 17-036 - to construct a drive-through at a relocated Burger King restaurant at The Winchester District, an outlot on the property at the southwest corner of Rochester and Avon Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners, LLC, Applicant

2017-0578 Request for Tree Removal Permit - City File No. 17-036 - for the removal and replacement of as many as seven trees for The Winchester District, a proposed shopping center redevelopment with the addition of a relocated Burger King restaurant and two new outbuildings, located at the southwest corner of Avon and Rochester Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners, LLC, Applicant

2017-0576 Request for Site Plan Approval - City File No. 17-036 - The Winchester District, a proposed shopping center redevelopment with the addition of a relocated Burger King restaurant and two new outbuildings, located at the southwest corner of Avon and Rochester Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners. LLC, Applicant

ANY OTHER BUSINESS

2017-0523 Request for Approval of the 2018 Planning Commission Meeting Schedule

NEXT MEETING DATE