



# Rochester Hills

## Minutes

### Planning Commission

1000 Rochester Hills Dr  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Chairperson William Boswell, Vice Chairperson Deborah Brnabic*  
*Members: Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis,*  
*David A. Reece, C. Neall Schroeder, Emmet Yukon*

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Tuesday, July 22, 2014

7:00 PM

1000 Rochester Hills Drive

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#### CALL TO ORDER

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

#### ROLL CALL

**Present** 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum present.

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

#### APPROVAL OF MINUTES

2014-0266 June 17, 2014 Regular Meeting

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

#### COMMUNICATIONS

- A) Letter from Cumberland Woods HOA dated July 14, 2014 re: Cumberland Pointe
- B) Memo from Bill Cooke of the Fire Dept. dated Feb. 2, 2014 re: Cumberland Pointe
- C) Email from Karen Cleary dated July 21, 2014 re: Eddington Square
- D) Notice from Charter Township of Orion dated July 15, 2014 re: Master Plan Update
- E) Page 25 of PC Minutes dated June 17, 2014 with correction from Ms. To Mr. Yukon

- F) Ordinance No. 169
- G) Ordinance No. 170
- H) Planning & Zoning News dated May 2014

## NEW BUSINESS

**2014-0268** Request for Tree Removal Permit - City File No. 14-001 - for the removal and replacement of as many as 389 regulated trees for Cumberland Pointe, a proposed 18-unit site condo development on 9.25 acres, located on the east side of Livernois, north of M-59, zoned R-3, One Family Residential, Parcel No. 15-27-151-003, Lombardo Homes, Applicant

*Chairperson Boswell announced that there were two items on the agenda that required a Public Hearing, and if anyone wished to speak, that a card should be turned in to the Recording Secretary. He would allow three minutes for each speaker.*

*(Reference: Staff Report prepared by Ed Anzek, dated July 18, 2014 and Preliminary Site Condo Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Greg Windingland, Lombardo Homes, 51237 Danview Technology Ct., Shelby Twp., MI 48315 and Don Westphal, Donald C. Westphal Associates, LLC, 71 N. Livernois, Suite A., Rochester Hills, MI 48307.*

*Mr. Anzek noted that the project had been through several reviews. He advised that the development met all the City's requirements, and a few of the comments would be taken care of during Construction Plan review by Engineering. He observed that the controversy with the development concerned the extension of Corbin Rd. to Livernois, and he believed that was what most of the residents were present to discuss. He stated that the connection was established in the Subdivisions Ordinance, as was the stub street in the development going toward the south. The properties to the south had about 400 feet of width along Livernois which, if combined in the future, could sustain another road going out to Livernois. He asked Mr. Windingland to walk them through the proposed plans.*

*Mr. Windingland stated that as Mr. Anzek mentioned, they had been working with the City for some months, trying to come up with a plan that they felt not only complied with the Ordinances, but was also very harmonious for the area. They were very pleased and proud of it. It proposed 18 home sites on a little less than 10 acres. The existing zoning called for 12,000 square-foot minimum lots, and they were using*

lot averaging. The smallest lot would be about 11,375 square feet. There were several lots in excess of 16,000 square feet, and one was 21,000. There would be extensive tree preservation, and they complied with the Tree Conservation Ordinance. They had tried to use the existing trees as best as they could. They got creative with the storm water detention basin access to allow a meandering access. They would be increasing the cross section of the pathway from Corbin Rd. north, so that the maintenance vehicles would be able to use that rather than having another connection out to Livernois. There would be extensive tree preservation around the entire perimeter of the property to provide buffering to adjacent residents in all directions. He acknowledged that there was concern about the connection of Corbin Rd. He advised that last November, they (the applicants) invited all the abutting neighbors, including residents across Livernois, to the Rochester Hills Public Library for an informational meeting. They shared the plan with them, and about eight people showed. The Plan showed the connection of Corbin and also the stub street to the south. They discussed the pros and cons of the connection. Since then, they have had quite a bit of communication, as had the Mayor and Council members, about this issue. He reiterated that the road connection was required by Ordinance. It showed up in the Oakland County 1980 GIS aerials before any of the homes in the area were built. He understood that there was a process whereby they could apply for a Variance and show a hardship to not have the connection, but he did not feel that they could show a hardship, nor were they interested in pursuing that avenue. Mr. Windingland pointed out a paved area off of the stub street to the south, which was a Fire Department turnaround. They worked with the Fire Department to ensure that the stub street would have an adequate turnaround. They had been working with Engineering to make sure that the basic routing of the sanitary sewer, water main, storm system and the storm water management could be achieved according to the City's standards. He advised that the homes would be from their custom Cranbrook Home Division. He suggested going to the website, which gave a great illustration of all their custom homes. For the proposal, they expected that the homes would start in the \$450k range and go up. They did not anticipate selling the lots to other builders. Cranbrook Custom Homes, which was a division of Lombardo Homes, anticipated building all 18 homes. He asked if there were any questions.

Mr. Yukon asked what the buffering would be for lots 9, 10 and 11, and if there would be additional buffering other than what was shown. Mr. Westphal said that the trees shown on the plan were existing. Mr. Yukon asked if storm water would run to the detention basin at the northwest corner. Mr. Windingland advised that storm water for all 18 sites would be

collected and ultimately conveyed to the storm water basin. There would be a forebay for pretreatment, and then the water would go into the basin. The outlet would be to the Livernois roadside ditch. There were some areas in the tree preservation area where they were working with Engineering to try to minimize any impact, and they were still resolving that. They had conceptually agreed as to how it would be resolved; it was just a matter of working out the details. Mr. Yukon asked if the stub street Carlisle Dr. would just be for emergency vehicles, or if it would, at some point, be for cut-through traffic.

Mr. Windingland explained that Carlisle Dr. would stay as a stub street until such time as the land to the south developed. The roads in Cumberland Pointe would be dedicated to the City as public, so there would be public right-of-way and public street frontage stubbing to the adjacent property to the south. There were flair turnarounds for school vehicles, and it would stay in that configuration until such time as the property to the south developed and a road connection was extended, similar to what they were proposing for Corbin Rd. Mr. Yukon asked if the stub would be extended to Livernois adjacent to lots 12-18. Mr. Windingland advised that they did not own that property or any control or interest in it. He could not tell them whether it would ultimately be just a small cul-de-sac and terminate or whether it would go out to Livernois. He was not sure if there was enough frontage for that.

Mr. Anzek reiterated that the property was 400 feet wide for the three parcels to the south. If someone assembled those, there would be adequate width for another road to Livernois, and it could potentially line up with Rochelle Park directly across Livernois.

Mr. Kaltsounis asked if it would be proper to add a condition to the Tree Removal Permit that the numbers shown could change after Final Approval, although they would assume that what was shown was correct for the motion. Mr. Anzek said that no tree could be removed until the applicants got a Land Improvement Permit. That would not be issued until after Final Approval by Council and all Engineering plans were approved. They could not just go in and start clearing.

Mr. Hetrick asked what issues were discussed with regard to the stub road Corbin Rd. Mr. Windingland said that the concerns raised by the residents regarded cut-through traffic, pedestrian and vehicle safety and those types of issues. They met with the residents last November, and they showed the connection to Corbin. Mr. Hetrick asked if speeding was brought up. Mr. Windingland agreed that potential speeding was a

concern.

Chairperson Boswell stated that there were two Public Hearings; one for the Tree Removal Permit and one for the Preliminary Site Condominium Plan, and he combined both of them and gave everyone three minutes to speak. He had 11 cards, and he asked that if someone wanted to say exactly what another person said, it would be appreciated if there was just agreement rather than repetition. He opened the Public Hearing at 7:20 p.m.

**Susan Bowyer, 2145 Cumberland, Rochester Hills, MI 48307.** Ms. Bowyer thanked the Commission for allowing her to speak. She noted that she was currently the President of the Cumberland Hills Homeowner's Association. She said that she also appreciated the support of City Council members Stephanie Morita and Mark Tisdell over the distress they felt about the possibility of opening the stub Corbin Rd. She indicated that Corbin Rd. had been a stub for over 25 years, and they had major concerns about excessive traffic coming in and out of the new entrance. There would also be safety issues for pedestrians. There were no sidewalks in Cumberland Hills, and lots of children played in the road. The children were used to being able to play, but now there would be excessive traffic speeding through. There was also the possibility of exposing the properties to potential robberies. They had a couple of break-ins at the entrance to Cumberland Hills and on Elkhorn in the recent year. The neighbors understood that Lombardo could ask for a Variance to not open the road, but they did not wish to do that. The applicants did meet with them in November and discussed the plans. They discussed the possibility of Lombardo asking to have a cul-de-sac and not connecting to Corbin. The neighbors thought that they were open to that idea and they (the neighbors) moved forward and asked City Council how they could make that happen. They thought everyone was on the same page. Mr. Mike Webber sent an email, explaining how a Variance could be requested by Lombardo, and Ms. Bowyer went to Mr. Windingland and told him how to apply for the Variance. At that point, he said that they had settled on the plan and did not want to move forward with a Variance. She questioned why Cumberland Hills would not be allowed to also request a Variance to not have Corbin Rd. connected. If a builder could ask for it, she wondered why a subdivision could not ask to have a subdivision plat change. She said that she knew there was an Ordinance requiring connecting streets, but she indicated that it should not mean that the plans from 1980 could not be changed. They would like the Commission to look at the excessive traffic that would come through Cumberland Pointe. She claimed that it was very hard to take a

left out of Lake Ridge onto Livernois, and she expected that Corbin would see a lot of her subdivision traffic coming through it. They had to put in speed humps on Cumberland Rd. to slow people down. She maintained that people would be speeding through Cumberland Hills to get out to Livernois.

**Hal Commerson, 783 Kentucky Dr., Rochester Hills, MI 48307** Mr. Commerson asked if sidewalks were planned for Corbin Rd., and Mr. Windingland advised that sidewalks would be on both sides of the street within the Cumberland Pointe community. Mr. Commerson said that they did not have sidewalks in Cumberland Hills, and years ago, that created a hardship, and it still did. There were hundreds of school age kids that had to walk the street at 7:00 a.m., and it was pretty dark. There were parents lined up in their cars to keep kids safe. He thought that the situation should be rectified, in terms of putting in a new road.

**Tom Swaffield, 723 Kentucky Dr., Rochester Hills, MI 48307** Mr. Swaffield said that Ms. Bowyer hit on pretty much all his points. He was also interested to know why they would not be allowed to ask for a Variance. He wanted to stress that he had little children who rode bikes in that area daily, and he realized they lived in a sub with no sidewalks, but he moved there 15 years ago, and it was the quieter end of the neighborhood. They had grown reliant on the area to have a little space. He said that he would appreciate any consideration, and he thanked them for listening.

**Adolph Kipper, 25255 Livernois, Rochester Hills, MI 48307** Mr. Kipper said that he had lived on Livernois for 64 years. He would like to know, since he had enjoyed the privacy and beauty of the trees, what the developers planned to do for the property line. He owned property to the south of the subject property.

**Jason Carlock, 321 Union Dr., Rochester Hills, MI 48307** Mr. Carlock thanked everyone, and said that he was a new member of the Board for Cumberland Hills. He lived on one of the current access roads into the subdivision. From what he saw on a daily basis, the children in his end of the sub, on the far east side, could not ride bikes on their street. There was way too much cut-through traffic from Cumberland to Prospect to Elkhorn to Union because of the condition of the lights and Hamlin. He said that he traveled Hamlin from Cumberland Hills all the way to Squirrel for work each day, and with the roundabout and the timing of the light at Rochester, it usually took five minutes for him to get from Livernois to the entrance to Cumberland Hills. With an access point on Livernois, it would

be far easier for him to make a right on Livernois, a left into the new Corbin Rd. and go straight through the sub to his home. It would be easier for everyone else who wanted to get to Rochester Rd. He hoped the Commission would allow them to apply for a Variance. He said that the Ordinance in 1980 required the stub, but he did not know how that was possible since his house was approved in 1979, and their sub was started at that point. Yesterday, he said that he watched the Council meeting, and cut-through traffic was a problem everywhere in the City. Mayor Barnett spoke about the intersection of Livernois and Tienken being under construction and homes in that area experiencing high, cut-through traffic. He claimed that the plan for the Hamlin and Livernois improvements over the next few years would significantly increase traffic if Corbin was put through.

**Susan Fuller, 693 Kentucky Dr., Rochester Hills, MI 48307** Ms. Fuller concurred with what everyone else had said about the heavy traffic, cut-through traffic and having small children. It was important for them, so she hoped there was something that could be done about it.

**John Gaber, 1024 Adele Ct., Rochester Hills, MI 48307** Mr. Gaber was present to speak as the President of the Covington Place Subdivision No. 3 Homeowner's Association. Covington Place was directly across Livernois from the proposed development. He said that he had spoken with many of his neighbors and shared the plans. They did not have many objections. They liked the tree stands that were currently there, but he recognized that it was not their property, and that it would be developed sooner or later. He spoke with Mr. Windingland about their major issue, which they believed could be dealt with rather easily. That was the light pollution that would shine from cars exiting the proposed development into the windows and yards of their homes. Mr. Windingland assured Mr. Gaber that the developer would work with them to make sure there were some supplemental plantings to mitigate light pollution. They were happy to move forward and take him at his word. It seemed to Mr. Gaber that there would be no improvements made to Livernois on the west side of the street, but he wanted to confirm that.

**Willie Mocabee, 759 Kentucky, Rochester Hills, MI 48307** Mr. Mocabee stated that he lived on the corner of Corbin and Kentucky. In his opinion, the concerns had been voiced, but he added that he did not think he could be at a worst possible situation as far as their home and family. They had three kids four and under. Not only did they use that area, but it had become a section that their whole sub came through, and it was a calm part of the sub. People came there for quiet in the

neighborhood. If Corbin Rd. was opened, it would not have speed humps, although the other entrances that went through the sub did. He believed that everyone would go away from the other roads that had access to Livernois to come down Corbin.

**Melissa Mocabee, 759 Kentucky Dr., Rochester Hills, MI 48307** Ms. Mocabee wanted to reiterate what everyone else had said. She lived at the corner of Kentucky and Corbin. They had five children, ranging from 15 to twin three-year old boys. They specifically bought the house because it was a dead end and allowed the kids to play without having to be concerned about traffic. She brought up the safety aspect, and said that she really liked what Mr. Yukon alluded to regarding the dead end for Carlisle. Eventually, perhaps the Ordinance would allow Corbin to remain closed and Carlisle to eventually go through to Livernois so there would still be two access points. It would be heartbreaking for her, because it would not only be a safety issue, but it would change the whole dynamic of their property and the reason why they purchased it. She was disheartened, and she really hoped the Commission would take the safety of the children into account when reviewing the plans.

**Caryn Beeson, 2346 Highsplint Dr., Rochester Hills, MI 48307** Ms. Beeson thanked the Commission for letting them speak. She also lived in Cumberland Hills. As someone came down Corbin, they would run into her backyard. Someone would have to take a left or a right. If someone went left, there would be a dead-end street, and going right, the very first house was hers, and someone would have to turn left or go straight. If someone turned left, they would be on Highsplint. It was not a road developed for heavy traffic like Cumberland, which was extra wide and had speed bumps. Highsplint did not have those, and she was really concerned about the high traffic volume, the stops and turns within a one-house distance, and she claimed that the straight line of the road that they were putting through would cause a lot of traffic for them. When Cumberland was developed, it dead-ended before Lake Ridge, so they added Lake Ridge so that people could get out onto Livernois. Lake Ridge was about 3/10ths of a mile from where they wanted to put Corbin through. There would be a lot of roads coming onto Livernois now. She said that she would also like to ask for a Variance. They had a very tight-knit community. When Lombardo said that they gave the surrounding residents a chance to talk, it was only sent to six or seven homes in her subdivision, so most of them did not know anything about the meeting in November. They found out through word of mouth, but most did not hear about it. She asked the Commissioners for their help and thanked them.



**Dan Casasanta, 696 Brookwood Lane, Rochester Hills, MI 48307.**

*Mr. Casasanta stated that he was a property owner on Taj Drive, which was adjacent to the north of the proposed development. He thanked the Commission for the opportunity to see the extensive tree preservation proposed. He felt that it was very good, and he would take the developer's word that it would be administered. Regarding water runoff, he said that some time ago, they received a letter that discussed different alternatives for the runoff plan. He would like more information about that plan. He would also like to understand more broadly about the landscape plan for the detention pond area.*

*Seeing no one further come before the Planning Commission, Chairperson Boswell closed the Public Hearing at 7:39 p.m. He asked Mr. Westphal to talk about buffer zones and tree plantings.*

*Mr. Westphal stated that there was an extensive Ordinance in the City that required replacement trees. They were complying with that. They had met the tree preservation guidelines in terms of the trees onsite, which he commented was extremely difficult. The preservation zone would be documented and made a part of the Condominium documents. Regarding the detention pond, the Ordinance required screening, and they would be screening that according to the Ordinance, and also for the residents occupying the homes adjacent to the detention pond. There would be an extensive amount of landscaping along Livernois, in addition to the trees being preserved there. He said that he had driven by it for many years, and he realized that the trees were nice, and they wanted to preserve them.*

*Chairperson Boswell mentioned Mr. Kipper's comments, and he noted that Mr. Kipper lived to the south of the project. Mr. Westphal said that they did a complete tree survey, and the trees shown on the plan were existing and were being preserved. They had not shown any proposed trees for that area, but he was certain that there would be trees in the rear yards of the homes there. Chairperson Boswell clarified that there were no plans to plant anything additional at this point, which Mr. Westphal confirmed.*

*Chairperson Boswell noted that Mr. Casasanta was worried about water runoff. Mr. Windingland said that he could run through the questions as he heard. He said that several residents had a concern about safety and cut-through traffic, and he understood their concern. Corbin had been a public stub street for many years, and the Ordinance required a*

connection. They were providing a stub to the south, which duplicated what had been done with Corbin Rd. Beyond that, if there was something reasonable they could do, they would be glad to do so. They did not think that not making the Corbin connection was a solution, however. Regarding the volume of cut-through traffic, they could probably debate it for quite a while. The feelings were pretty strong about it. One gentleman asked about sidewalks, and Mr. Windingland stated that there would be sidewalks within Cumberland Pointe on both sides of the street. He pointed out the tree plan, and the lighter area where there were no trees shown currently. They would be preserving a fairly extensive swath that would abut the property to the south and provide screening. He also mentioned a gentleman's question about understanding the Ordinance. Mr. Windingland made a reference to the stub street showing up on the 1980 aerials of the County's GIS website, and that was how he got the date. He did not actually know how long prior that it was there. The gentleman mentioned that his house was built in 1979, which Mr. Windingland was not disputing. Regarding light pollution that Mr. Gaber brought up, Mr. Windingland showed the connection to Livernois, and said that there was significant screening currently. He had told Mr. Gaber that he would work with their Association and the residents to make sure they were comfortable. He had worked with Mr. Gaber in the past, and he had assured him that they would resolve any issues. Mr. Gaber had also asked about improvements that might be proposed for the west side (southbound) side of Livernois. Per the Road Commission, they would have to put in some lane improvements. There would be minor pavement improvements on the west. A lady mentioned the meeting notice, and he reiterated that any property that abutted the subject site was sent a meeting notice, as were the residents directly across Livernois. There were about 18 properties noticed, but they did not go internally within Cumberland Hills. A gentleman asked about Taj Drive, and at one point, when they talked with Engineering at the City about how to manage the storm water and preserve trees, there was the possibility of doing a joint easement along the south side of Taj. Engineering suggested that they might be able to route the storm through an easement with the owners on Taj. When they looked at it further, the grades were not favorable from an engineering standpoint, and there was a water main in the easement, which shot that down. They sent a letter to the four property owners on Taj, asking if they would like to explore that, and they heard from one person. That idea proved to not be a viable solution. They tried to put more curvature to the road to try to naturally slow traffic down. They talked with the City's Traffic Engineer, and he felt that it would help alleviate or somewhat try to address the problem. At the beginning of the meeting, there was mention that the Cumberland Woods Homeowner's

*Association had provided a letter, which supported opening Corbin Rd. Their concern was that if it was not opened, it would penalize Cumberland Woods because all those years, they had assumed that at some point, the stub street would be connected.*

*Chairperson Boswell asked if speed bumps came up when they talked with the City's Traffic Engineer. Mr. Windingland agreed that they did talk about different types of traffic calming, such as speed bumps or a land separation. There were some concerns about the geometrics of having those located close to curvatures in the road.*

*Mr. Kaltsounis asked if stop signs were discussed for Corbin and Carlisle. Mr. Windingland did not recall that they were. If it was a recommendation, they would certainly be glad to pay for those. Mr. Kaltsounis asked if they would accept it as a condition of approval, to which Mr. Windingland agreed.*

*Ms. Brnabic indicated that the Ordinance did require the connection, and for years, it had been a requirement to adjoin subdivisions. She heard in the discussion that the developer could request a Variance, but that homeowners could not. She asked if Staff could expand on that.*

*Mr. Anzek pointed out that not being the City Attorney, he could not interpret the law. He read the section for Variances, and he did not see where it specifically referred to the developer being entitled to a Variance. If so, the Variance would go before City Council, not the Zoning Board of Appeals, because it was a matter under the Subdivisions Ordinance. He could not really answer the questions about whether the residents could request a Variance, but he said that he would take it up with Mr. Staran and contact the people who asked if it was viable.*

*Mr. Schroeder stated that the stop signs would not meet any warrants. He maintained that stop signs would be more dangerous than if they were not there, because when warrants were not met and there was not excess traffic, accidents happened because people ignored them. He would not encourage stop signs. Someone had mentioned sidewalks, and he recalled that when the City was being developed, people were adamantly opposed to sidewalks. They were moving out of Detroit and other cities, and they did not want sidewalks. It was not that the City did not want them; it was the residents who did not. Mr. Schroeder cautioned that streets were for cars, not for children to play. It was a very dangerous situation when they were allowed to play in the streets. He stressed that every development should have at least two accesses for fire trucks. There*

*could be a snow storm and Livernois could be blocked, and there would be no other way to get in if Corbin was not open. He gave the example of Great Oaks West. It had an access from Livernois and one from another subdivision. The residents objected to the second access, and it was not opened. The first winter, there was a snow storm, and people tried to get out before the streets were plowed and got stuck. The subdivision had no access for a good part of the day.*

*Mr. Hooper referred to sheet 6 of 9 of the plans about right-of-way improvements, and he said that it was not fully developed yet because the Road Commission had to weigh in on the right-of-way improvements. However, he wanted to make sure that if the project moved forward, that the right-of-way improvements included continuation of the deceleration lane to Covington Place and provided a passing lane for left hand turns into Cumberland Pointe. He asked if that would be accurate. He could not tell from the plan, and it looked as if they would be making improvements, but not moving the curb or anything like that.*

*Mr. Windingland said that there would be a continuation to the south. Mr. Hooper clarified that a passing lane would be included. Mr. Hooper wanted to echo the comments that traffic calming should be provided on Corbin Rd. He agreed that a stop sign would not meet warrants, but he thought that speed humps to keep traffic to 25 mph or less would be something he would support, and he felt that it should be a condition of approval, if it moved forward.*

*Ms. Brnabic brought up speed humps, noting that Mr. Windingland had mentioned that the configuration of the road would prevent the effectiveness of speed humps. She asked if that was researched or if he just assumed that was the case. Mr. Windingland stated that they had specific discussions about several types of traffic calming devices. He thought that there might be an opportunity to put in some speed humps. He was not sure what the recommended spacing would be, but he recalled that there was a concern with speed humps relative to the curvature in the road. They would be open to adding speed humps if the Engineering Department thought it would make sense. Ms. Brnabic said that she agreed with Mr. Hooper that some type of speed calming method should be installed.*

*Ms. Brnabic said that Mr. Windingland talked about putting in additional screening to the south. She asked if that was definitely planned. Mr. Windingland said that from the aspect of the developer, they were showing what would be provided on the tree preservation plan. From the*

*customer's standpoint, Cranbrook Homes would add extensive landscaping on each lot. He was certain that along the rear property lines, especially for the home sites on the south, that there would be extensive landscaping as part of each home construction. Mr. Windingland claimed that the new residents would want screening as much as the existing, so it would be a mutual interest.*

*Mr. Hetrick said that he supported the concept for some sort of traffic calming device so the speed of vehicles entering Cumberland Pointe was kept in check. He believed that whatever those devices were, they could be engineering appropriate. He suggested that it be a condition of approval. Another item he felt should be a condition concerned the screening for the Covington Place subdivision.*

*Hearing no further discussion, Mr. Kaltsounis moved the following motion, seconded by Mr. Hetrick:*

***MOTION*** by Kaltsounis, seconded by Hetrick, in the matter of City File No. 14-001 (Cumberland Pointe Site Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on July 9, 2014, with the following three (3) findings and subject to the following two (2) conditions.

**Findings:**

- 1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
- 2. Of the 621 regulated trees onsite, 272 will be saved, resulting in a 37% preservation rate.*
- 3. The applicant is proposing to replace 389 regulated trees with 184 tree replacement credits, as required by the Tree Conservation Ordinance.*

**Conditions:**

- 1. Tree protective and silt fencing, as reviewed and approved by the City's Landscape Architect, 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 tree*

*Fund.*

*Chairperson Boswell asked if there was any further discussion regarding the Tree Removal Permit. Hearing none, he called for a voice vote.*

**Granted**

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Mr. Yukon stated that it was all well and good that they were looking at traffic calming devices for Corbin Rd., but the concern from the residents of Cumberland Hills was pedestrian safety in their subdivision. He asked for clarification that how, after speaking with the City Attorney, the opportunity for a Variance request by the residents of Cumberland Hills would affect the development going forward.*

*Mr. Anzek indicated that it was a very good question. Everyone had rights in the matter; there were rights to develop and laws that set the standards for that development. If there was a possibility that the Cumberland Hills residents could seek and/or receive a Variance, Mr. Anzek felt that Lombardo Homes would have to redesign. There might be the opportunity for a long cul-de-sac coming in from Livernois and a stub street to the south. It was an area Staff had never encountered. As Ms. Brnabic mentioned earlier, the City had connected streets continuously. He could not recall not having those types of connections.*

*Mr. Yukon realized that they were discussing the Preliminary Site Condo Plan, but he wondered if there was time between Preliminary and Final recommendation for the residents to have an opportunity to apply for a Variance. Mr. Anzek believed that if possible, the opportunity would be done during the Preliminary stage. Final approval would happen after all Engineering construction documents were approved and all outside agency permits were obtained. There was time after the Preliminary but before the Final. Mr. Yukon said that if the matter moved forward and was recommended for approval to City Council, he wanted to make sure there was an opportunity for the residents of Cumberland Hills to put forth a Variance application, if available. Mr. Anzek stated that the first order of business would be to find out whether or not they had standing to do so. If that were the case, he was sure they would request it. He was also certain that Lombardo Homes would like to know that before they did the construction plans, because that was a costly venture. Mr. Yukon asked if the Planning Commission and the residents would be notified about the options prior to Final Site Condo Plan recommendation. Mr. Anzek*

*clarified that Mr. Yukon meant during the time between this meeting and when it went to City Council for Preliminary. Mr. Anzek said that he would work with the residents. He would find out from the City Attorney as soon as possible, and if the residents could apply, he would encourage them to file right away. Mr. Yukon asked if it would be Cumberland Hills' responsibility to contact Staff after Mr. Anzek talked with the City Attorney, or if Staff would reach out to the Association. Mr. Anzek said that the Board members for Cumberland Hills supported the connection. Mr. Yukon corrected that it was Cumberland Woods that supported the connection; Cumberland Hills did not. Mr. Anzek suggested that if someone wanted to leave an email address, he would contact each person.*

*Chairperson Boswell stated for the record that the motion was passed.*

**2014-0267**

*Request for Preliminary Site Condominium Plan Recommendation - City File No. 14-001 - Cumberland Pointe, Lombardo Homes, Applicant*

*Chairperson Boswell said that if the people in Cumberland Hills were allowed to ask for a Variance, and if City Council granted that, he wondered if the Fire Department would allow a gate for their access only. Mr. Anzek said that in his opinion, that would be preferred over a cul-de-sac. He referenced the memo from Bill Cooke of the Fire Department, which stated that there was nothing in the Fire Code that required the street to be connected, but the Fire Department preferred it, as it would shorten the time for emergency response. The Fire Department always looked for as many opportunities as they could to access a neighborhood. If it were a workable solution and something Council would grant, he said that it would need to be taken up for consideration.*

*Mr. Kaltsounis said that he respected his colleague's opinions about stop signs and meeting warrants, etc., but unfortunately, he had to agree that warrants would not be met. He commented that it was a little upsetting that there could be a stop sign at the end of a Taco Bell parking lot, but there could not be one at an intersection of a subdivision. He understood there were standards that had to be met, but he also felt that a traffic calming device on a curve would really not do anything, because someone would get right back up to speed by the time they hit the existing Corbin. He observed that there were a lot of examples in the City, including on Springwood, where there were several stop signs. It would give residents some teeth to fight back if people ignored the stop signs. He suggested that Staff send the Minutes of the meeting to the City's Traffic Department, so they could get a better feel about the discussion. He then moved the following motion:*

***MOTION*** by Kaltsounis, seconded by Dettloff, in the matter of City File No. 14-001 (Cumberland Pointe Site Condominiums), the Planning Commission recommends that City Council approves the Preliminary One-Family Residential Detached Condominium plan based on plans dated received by the Planning Department on July 9, 2014, with the following five (5) findings and subject to the following eight (8) 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 preliminary plan represents a reasonable street layout.*
- 4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.*
- 5. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.*

*Conditions:*

- 1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.*
- 2. Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans, and landscape bond in an amount equal to the cost estimates for each, prior to issuance of a Land Improvement Permit.*
- 3. Payment of \$3,600 into the tree fund for street trees prior to issuance of a Land Improvement Permit.*
- 4. Approval of all required permits and approvals from outside agencies.*
- 5. Compliance with the Engineering Department memo dated June 17,*



*2014 and Building Department memo dated June 5, 2014, prior to Final Site Condo Plan Approval and Building Permit Approval.*

6. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
7. *The addition of a traffic calming plan/device shall be developed and approved by staff, prior to Final Approval by staff.*
8. *A plan for appropriate screening shall be installed for the Covington Place Subdivision as approved by staff, prior to Final Approval by staff.*

*Mr. Hetrick wanted to confirm his support for the traffic calming devices. He recognized that they would not be able to solve all of the safety issues, but they could at least try to slow the traffic down, because people would go into the street. There was an opportunity to at least provide some solace for the residents of Cumberland Hills.*

**A motion was made by Kaltsounis, seconded by Dettloff, that this matter be recommended for approval to City Council. The voting was as follows:**

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously.*

*Mr. Windingland thanked the Planning Commission for its time, and Chairperson Boswell thanked the audience members who spoke.*

## **DISCUSSION**

- 2010-0094** Conceptual review of a development called Eddington Square on approximately 27 acres of property located on the east side of Rochester Road, between Hamlin and Avon, zoned FB-2, G&V Investments, Applicant  
*(Reference: Memo prepared by Ed Anzek, dated July 15, 2014 and conceptual plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Bill Gilbert and Cornell Vennettelli, G&V Investments, 990 South Boulevard, Suite 300, Troy, MI 48085 and Robert Gibbs, Gibbs Planning Group, 240 Martin Street, Birmingham, MI 48009.*

*Mr. Anzek summarized that the conceptual plan was brought about from action that happened last fall. Mr. Gilbert, through his attorney, requested that the City Council vacate the Planned Unit Development (PUD) Agreement that was put in place in 2010. One of the items that the City Council and residents were concerned about was what could happen on the site, given any changes to the street or any type of development. They did not want to take up the single issue of realigning Eddington Blvd. to line up with Drexelgate without some type of development plan. At the urging of Council and Staff, Mr. Gilbert secured the services of Robert Gibbs Planning Group to come up with a plan that utilized the Flexible Business 2 provisions of the Zoning Ordinance. FB-2 was a hybrid, form-based code approach to development. Mr. Gibbs met with Mr. Anzek and Mr. Breuckman (former Manager of Planning) on several occasions, working through various alternatives. Mr. Gilbert had expressed the issue of the alignment of the road, and Council wanted to know how it could be aligned and still work within the context of connecting the parcels to the north, east and south, including the Fifth Third Bank and Bordine's. Mr. Anzek recommended that the applicants first went before the Planning Commission and presented their concept to get the Planning Commission's input. He was fairly certain that if the applicants had gone straight to Council, that they would be advised to go back to the Planning Commission for input. He asked the applicants to present the concept plan to get the Commission's thoughts and insights as to the plan's potential for validity. He wanted the Commissioners to understand that the buildings were not cut in stone; the key issue was the road system and how the buildings could work off of it. He turned the discussion over to the applicants to provide further details.*

*Mr. Gibbs advised that they were asked to design a new street that provided a connection from Eddington Farms to where MDOT was requiring a street to align with Drexelgate to allow a signal. It was his understanding that there were warrants for a signal there, and that there was a very serious health, safety and welfare issue that required a signal so the cars turning southbound onto Rochester Rd. would have a four-way signal. It was also his understanding that there were approximately 60,000 cars per day on Rochester Rd., and that it was very difficult and risky for traffic to turn southbound. He knew that the property was zoned for a form-based type development, which they were very appreciative of. That gave them a lot of flexibility in laying out the street and for future development to occur on the property. As the Commissioners were aware, form-based zoning allowed for a variety of uses within the envelopes of the buildings, whether it was residential, office or retail. He*

had prepared several alternatives, and the one he presented for the layout of the street appeared to be the best and safest. He also showed a plan of how the site could be developed under FB-2 zoning. It was not intended to be a site plan that would be developed. It was only intended to show that the site could be developed following the FB-2 zoning with the street alignment. He was very concerned about the residents having to make two or three turns to get into their subdivision, so he designed a very large, sweeping radius coming off of Rochester Rd., so that going into the subdivision, people would only have to stop and make one right-hand turn. There were alternative designs, which called for a straight street to come in and T into a left and right, and a left and right, but that would require the residents to make two turns, a left-hand and a right-hand turn to get into the subdivision. There were also discussions about having two roundabouts, which he felt would be a burden for the residents. It was his intent to design a simple curve, and the radius was about the minimum allowed under street design standards, and it had been reviewed and approved by the City's Engineer. They would maintain the existing setback and berm, which was currently a 30-foot berm behind the homes. They were showing another street west of the berm that would have a 60-foot right-of-way, which would require the buildings to be set back another 60-70 feet. With the streets shown, it would provide an additional 60-80 foot setback between the existing homes and the building, plus a 30-foot setback.

Mr. Gibbs stated that the plan represented the engineering plan prepared by MCS Engineering, and it showed Rochester Rd. going north and south, and the proposed curved street which went to the bank and the turn the residents would make going into the subdivision. The other parts of the plan showed how it could be developed under FB-2 zoning. They were not proposing a site plan except for the street alignment and a park. They were proposing a park and a square - two open space areas which totaled more than an acre. He thought that it would be nice for the residents to drive through a park rather than through commercial property. Mr. Gibbs showed a preliminary sketch of the proposed entryway monument with landscaping. They were proposing to have street trees and a fieldstone and limestone monument sign along Rochester Rd. He stated that there was not a lot of flexibility in the site, because it was only 400 feet deep. He showed the beginning and ending points, and he said that the geometry required radiuses of 180 feet to the center, so there was not a lot of flexibility for the street design. He concluded that their choice was to make it a radius rather than a T with two stops, they decided not to do two roundabouts, and they added an acre of parkland for the residents to drive through.

*Chairperson Boswell asked the Commissioners if they had any thoughts or comments.*

*Mr. Kaltsounis said that he was intrigued by the proposal, and he appreciated that they showed what it would take to move the road and what the balance might be. He thought that it was the first time they had actually seen the road relocated. He advised that the applicants were not presenting a site plan for discussion, and Mr. Kaltsounis said that he really did not want to discuss it either and would like to just stick to the subject of the road. He liked the way the road was laid out, and he liked the plan for a park and square. If things moved forward, he felt that they should be aware of whether or not the roads between the two developments were considered loop roads. The site abutted a separate property, and he would be concerned about the extension to the bank and the one across the back. He thought Staff should consider that, but he said that the road layout was somewhat intriguing, and he appreciated it that it was brought to the Commission.*

*Mr. Anzek asked Mr. Kaltsounis to expand a little on the loop road concern. Mr. Kaltsounis said that typically, there was a requirement in the Ordinance about loop roads and the chance for headlamp sweeping. Someone would have a road by their home, and he understood for the Eddington Farms people there would be one bend, but if it was extended to the south, it might have to be run through the different buildings instead. Mr. Anzek said that they did have a brief discussion with Mr. Gibbs about the sweeping road entry, and Mr. Anzek felt that leaving the berm intact would resolve any headlight issues, but he agreed that there could be some to the south.*

*Mr. Gibbs stated that he did not point to the south, but they were showing that a street could go along the south and connect to a stub street to Eddington Farms. That was a site plan issue, and they were not intending to get into site plan design at the meeting.*

*Mr. Reece felt that in general, he liked the concept and the approach as far as the entrance and the parklands. He asked if they considered a boulevard entrance into the development, similar to what was there currently. The plans did not appear to indicate one.*

*Mr. Anzek said that Mr. Gibbs went to MDOT and worked with the City's Traffic Engineers, and it was determined that a boulevard entrance and a left turn signalization would not work with the activity across the street at*

*Drexelgate. In fact, the boulevard at Drexelgate would have to be removed to make things work.*

*Mr. Reece commented that the residents of Eddington Farms had been there forever, and they had a nice entry boulevard with a stone sign now, and with the revised entry, he would like to see something replicating that at Rochester Rd. He felt that there should be something to recognize that Eddington Farms was still there in a principal portion of the development, so that people who might be visiting people in Eddington Farms would know that it was there. Mr. Gibbs agreed that they could expand on that. Mr. Reece said that he liked the park, the green space and the separation, and he had the same concern about the road going to the south. He asked if it would eventually connect with Farnborough. He realized that would be further down the road. Mr. Gilbert responded that it would depend on what the City required. It would not be something they would want or need, but the stub street was there. Mr. Gibb stated that as a professional planner, he did think it was better to connect streets and have a network of streets rather than stub streets.*

*Mr. Reece stated that just so everyone understood, if the matter went forward, MDOT would not allow a boulevard entrance at Drexelgate or Eddington Blvd.*

*Mr. Dettloff said that given the area they had to work with, he thought that Mr. Gibbs had created the best win-win scenario. He supported the concept, and he also supported Mr. Reece's comment to appease the residents of Eddington Farms regarding the entry sign. He asked how big the park area was. Mr. Gibbs pointed out a square that was 100 feet wide and 220 feet long. He said that there would be sidewalks on all sides and trees and a lawn area for activities. He showed the area that would be heavily landscaped to buffer the headlights. There would be sidewalks on all three sides of the triangle park, as well. Mr. Dettloff said that he also supported the idea of connecting the streets, and Mr. Gibbs agreed that was important.*

*Mr. Schroeder thought that Mr. Gibbs had done a very good job, and had handled the situation very well. He agreed with connections, and he mentioned that Mr. Bordine requested the connection. Mr. Schroeder noticed that there was no through traffic shown on the drawing. There was a left and a right turn at the entrance, but if it were shifted, there would not be a conflict for left turns at the intersection with Rochester Rd.*

*Mr. Gilbert said that it was a requirement by MDOT. He noted the*

situation at Barclay Circle, where people making a left turn, or going south, would get an arrow. It might not be shown exactly properly, but that was the concept. Mr. Schroeder said that he wondered about crossing Rochester Rd. Mr. Gibb said that the north lane could go straight across Rochester Rd. to Drexelgate. Mr. Schroeder said that the drawing only showed a left or right turn. Mr. Gilbert indicated that it was just an error on the drawing.

Mr. Gibb thanked the Commissioners. He commented that the site had so many constraints that it sort of designed itself.

Mr. Hetrick referred to the area to the south, and he asked if the road was part of the concept connecting to the Bordine's property. Mr. Gibbs confirmed that, and showed the stub that ended currently, which would be extended to the Bordine's property. He reiterated that it was simply to show how it could be developed under the existing zoning; they were not intending it to be a site plan design. Mr. Hetrick said that he understood that. He asked if the north side would connect to the bank's entrance, to which Mr. Gibbs agreed. They wanted to show that it could accommodate all the stubs and entries and meet the FB-2 zoning.

Chairperson Boswell noted that he had received several cards from people wishing to speak. He opened the Public Comments at 8:35 p.m.

**Louis Sardelli, 1650 Farnborough Dr., Rochester Hills, MI 48307** Mr. Sardelli stated that he lived in Eddington Farms. He said that they valued their entrance as it was. He did not know if the City agreed with the proposal, but he wondered if it would set a precedent in the City, where a developer could come in and move streets for his benefit. Mr. Sardelli indicated that it would not benefit the residents.

Chairperson Boswell said that somewhere along that stretch of Rochester Road, there needed to be another light, and the proposed location was the logical place for one. It was where the State wanted the City to put it. He was not sure if Mr. Gilbert wanted to move the street or not; the City was asking him to do it for the safety of the residents of the City, primarily.

Mr. Sardelli said that there was another instance where there was an offset light on Adams Rd., which had been mentioned before. He remarked that they loved their entrance, and it was beautiful. Fire engines and police cars could come in off of Rochester Rd. in one straight shot and be in the subdivision. Now, they would end up being a hidden sub behind "who knows what," and he claimed that if there were million dollar homes in the

*sub, it would never be approved to change the street.*

**Glen Sorensen, 1604 Colony Dr., Rochester Hills, MI 48307 Mr.**

*Sorensen said that his concern, having lived across the street on Drexelgate and Colony for the last 20 years, was about the type of traffic the development would generate. He asked if they were sure there would be a light if it was approved, or if having a light would be a condition of approval. He stated that he was definitely concerned about the traffic and the fact that they had no sidewalks or speed bumps. There were quite a few people who walked their dogs and children. He would like that concern addressed and to see what was planned for his side.*

**Sheila Sorensen, 1604 Colony Dr., Rochester Hills, MI 48307 Ms.**

*Sorensen said that she also lived on the west side off of Drexelgate. They were concerned about the cut-through traffic coming from the west (Livernois) - people who wanted to avoid Rochester Rd. altogether. It was a safety issue for them. They hoped there could be some bike paths, because Drexelgate was a race track. She liked the fact that there could be a light because of the safety issue. She thought that the park area was a good idea, and she would like to see it even bigger. She felt that the more green, the better. She knew that the west side of Rochester had not been talked about much, but she wanted them to know that they did care.*

**Lorraine McGoldrick, 709 Essex Dr., Rochester Hills, MI 48307 Ms.**

*McGoldrick stated that once again, they were fighting misinformation. She maintained that there were no warrants for a light. The conditional approval that was granted was based on a Planned Unit Agreement, and now that had been removed. According to Kim Avery, Regional Director of MDOT, there were no approvals, and all conditions were off the page. They were starting back at the first steps, unless Kim Avery was telling her something that was not true. They had been meeting and discussed changing two of the right angles to more of an S curve. It would be a traffic calming device and a great improvement from what they had seen previously. However, Eddington Farms had a platted right-of-way agreement recorded with the Oakland County Register of Deeds. City Council could not just close Eddington Blvd. and design a new road system without going to the circuit court or gaining the residents' approval and sign-off giving up their right to use Eddington. If they were to go ahead with the plan, she questioned whether Eddington Farms would have dual exits on main arteries as was discussed with the previous applicant in line with the standards and policies of Rochester Hills for every sub. She thought that the concept plan was an improvement and a step in the right direction, but as one of the Commissioners had stated,*

she would also like to see a plan where Eddington Blvd. remained. If the properties were flipped, it would move them 250 feet one way. They would be building over wetlands. There were a lot of conditions they needed to consider to maintain Eddington. She did not tell people that she lived on Essex Dr. She said that she lived in Eddington Farms. If their sign was put behind a building, someone could not find the sub. She tried to get directions to Concordia, which was behind Speedway, but no one knew it was there, and it was hard to describe where it was. Their identity would be impacted. She stated that the homeowners were beginning to lose faith with the Planning Commission. She knew that City Council had to deal directly with the politics, but she stated that the Planning Commission should be free of politics and should not have a mindset that a light would be best at the proposed intersection. A light had been planned for 20 years at Meadowfield and Yorktowne, and that intersection was aligned at the property owners' cost, because that was the best place for one. She noted that there was an injury accident the previous evening that would have been mitigated by a light placement at Meadowfield and Yorktowne. There were no accidents that would be mitigated with a light at Drexelgate. She claimed that the best light placement from her research was a staggered light, such as the one on Adams. There was only one hour of high volume time where making left turns out of Eddington Blvd. was difficult. She said that they did not need to stop the traffic on Rochester Rd. all day long with a light; they just needed to do it for one hour in the morning and one hour in the evening, and, in her opinion, the problems would be solved. She asked the Planning Commission to represent the neighbors. She said that she was tired of being told by Mr. Hooper and the Mayor and other elected officials that it was a done deal, because there was no statement about their rights.

**Donna Drogosh, 448 Farmridge Ct., Rochester Hills, MI 48307** Ms. Drogosh advised that she was the President of Winchester Village, which was the property directly to the west across Rochester Rd. She agreed that the speed on Drexelgate was definitely a concern. She was not sure if she had missed a meeting, but at the last Planning Commission meeting she attended, Mr. Gilbert was going to get with Calvin Bordine and look at other options for accessing Mr. Gilbert's development. She was a little surprised to see the proposed concept, although she acknowledged that it was better than what she had seen in the past. She was not totally opposed to a light at Drexelgate; she was more opposed to the development. If it were going to happen and the light was installed at Drexelgate, she reiterated that there had been no discussion about how it would impact Winchester Village or what would happen to Drexelgate. She stated that she would greatly appreciate it if Council would take that



into consideration. She commented that she was getting a little tired of attending meetings, and she asked them to please make a decision and think about the homeowners.

**Jeff Kragt, 200 E. Long Lake Rd., #110, Bloomfield Hills, MI 48304**

Mr. Kragt stated that he was the legal counsel for Eddington Farms. His initial question was about what it was that they were doing. He said that he had been doing municipal law for a number of years, and he had never seen a conceptual plan that was focused on something that was not even a proposed or suggested site plan. The Commission was being asked to say what they thought about a realigned Eddington. Mr. Kragt said that in order to make a decision about whether or not they liked the realignment, they should probably find out what it was that would be feeding into the roadway. He indicated that Mr. Gibbs had done a nice job. Some of the neighbors said that they liked it, and it was an improvement over the Ts. The problem was that Mr. Gibbs was asked to do something prematurely. Mr. Kragt stated that there was no reason for the Commissioners to get a conceptual plan before the developer could show what they wanted to do. There was no cover letter in the packet from the developer, and it was obvious to Mr. Kragt that the developer had been meeting with the City. Mr. Kragt said that he was a bit shocked to hear for the first time that the City wanted the realignment. He had been working with the Association for a long time, and City Staff had always said that it was not City-driven; it was developer-driven. For the first time, he had heard it was City-driven, and that the City had been working with the architect on the plan. Mr. Kragt said that he did not know where it was coming from. Ms. McGoldrick had mentioned that the current location of Eddington was part of the recorded plat, and he claimed that they could not just move things. There was a re-plat process that would have to happen, and that was never mentioned. In Mr. Anzek's report, City Council gave direction to G&V that before they came before Council, they needed to have a conceptual drawing that covered the entire 23-28 acres. The plans did not include any of the area to the south of the subdivision or anything behind the bank. He was not sure, with those directives to the developer, why they were at the meeting, because they had not addressed half of the land to be developed. Even though Mr. Anzek said that it was required, Mr. Kragt said that the developers did not show it. Mr. Kragt said that Mr. Gibbs had been very careful about what it was that they were looking at. It was zoned FB-2, and Mr. Gibbs did not want the Commissioners to talk about what could go there or could not go there. He was just saying that it could work. He did his task. Mr. Kragt asked if the idea was that the developer would keep pushing ahead and leave the site vacant. Mr. Gilbert had no plan that Mr. Kragt was aware of to bring

forward - he only had a conceptual plan. Other developers would have included the neighbors, but G&V decided not to this time. He thought there was a misconception about MDOT requiring the realignment. MDOT did not come to the developer and ask him to realign it because they wanted a light there. MDOT had been perfectly clear. They were only being reactive; they were not suggesting that it be done. He noted from the illustrative drawing that the developer worked in another access onto Rochester Rd. There were concerns about different curb cuts and angles, and now there was another access added. He did not know if MDOT liked that or not or if they had been included. The road was remarkably close to Sandalwood, where people had been trying to get the City to consider a light. He stated that the conceptual drawings suggested that it was feasible. He said that it was very concerning that the developer was asking the Planning Commission to consider a concept, without giving any indication as to what his intended uses were. He commented that the last thing the City would want, and the people on either side of Rochester Rd. would want was to have something moved, the identification of the subdivision eliminated and for the property to sit for another ten or fifteen years. He asked that the matter not be moved forward, and he maintained that there was nothing to move forward.

Chairperson Boswell explained that there was nothing to move forward. It was a discussion item, and they were having a discussion. He remarked that Mr. Kragt had taken up quite a bit of it. He asked Mr. Kragt to please conclude. Mr. Kragt related that the reason he said it was an action item was because Mr. Anzek's memo said that the next step would be to move it to City Council for consideration on the concept.

**Susan DeShaw, 1638 Farnborough Dr, Rochester Hills, MI 48307.**

Ms. DeShaw said that she agreed with Mr. Kragt completely.

**Scott Armstrong, 625 Lexington Dr., Rochester Hills, MI 48307** Mr.

Armstrong said that he appreciated the Planning Commission giving them time to come and talk with them. He lived in the Eddington Farms subdivision, and he was also the Vice President of the Homeowner's Association. He knew that the Commissioners had heard from quite a few residents, but he wanted them to understand that they had been working on this for a very long time. They looked into the laws; they talked with MDOT; and they knew where the light sat in terms of approval. He was not sure if the Commissioners had the opportunity to look at all of those things. He said that he liked the way G&V presented it as if it had already been approved, when, in fact, once the PUD was pulled, G&V lost the right to the light. The subdivision asked G&V for a concept, because they

were asking the residents to realign Eddington Blvd, of which the residents had ownership. G&V wanted them to give up the boulevard but tell them nothing about what they wished to do with the property. He looked at it almost as smoke and mirrors. They said they had a concept, but that people should not look at the buildings, because it was really about realigning Eddington. He asked for what purpose. He noted that Yorktowne was already aligned with Meadowfield. If someone put a light where Eddington was, he wondered how the people at the bottom of the hill would see it when it changed. He reiterated that Yorktowne had already been set up, and there was nothing to be moved. He did not understand why they kept pushing to realign Eddington. The City emphatically told the residents that they were not behind it, and they heard at the Planning Commission meeting that it was the City pushing it. That was quite a surprise to the residents. They had been asking for years if the City was behind it, and they were told no. He asked that the Commission did its due diligence when looking at the realignment of Eddington Blvd. He wondered at what point they should tell G&V that they had been given everything they had asked for 20 years. They changed the PUD, and they gave them what they asked for, but they still had not developed. Now they wanted Eddington realigned with nothing to show for it and have the residents give up their entry. He asked the Commissioners to really consider what was being done.

**Lisa Winarski, 194 Bedlington, Rochester Hills, MI 48307 Ms.**

Winarski said that she felt they were at a circus all the time when they had to deal with the Planning Commission or the City Council. She accused Chairperson Mr. Boswell of scolding their attorney. Mr. Kragt had been representing them for over two years, and she claimed that he had a right to speak. Chairperson Boswell agreed that he did, and he offered that Ms. Winarski had the right to speak also. Ms. Winarski interrupted, and said that she was talking, not Chairperson Boswell. She stated that the Planning Commission and City Council had never given their attorney respect, and she felt that it was "ludicrous." She said that they had always shown everyone on the Planning Commission and City Council nothing but respect, and that was what they expected in return. People at the City said over and over that they were not pushing the matter, but then they heard that it was, and she asked what the real story was and who was lying to whom. She did not know why they were talking about a concept. She believed that Mr. Gilbert could have done a similar plan under the PUD, but the Planning Commission had to recommend getting rid of the PUD and give them another chance. She claimed that Mr. Gilbert had not paid his bill on one piece of property around the corner, and it was foreclosed. She asked if they really thought the property would be developed, noting

*that it was a hard piece of property to develop, with ITC power lines, etc. There was not any retention or detention shown. She mentioned a main water line. She stated that she did not know what the Planning Commission did, and just because something was discussed enough, it did not make it real. She stated that the Commission needed to do its work and look at the data. MDOT said that there could not be a boulevard at Drexelgate. They also said that there could not be another entrance on Rochester Rd. She said that it was very misleading. She claimed that if there was not a PUD, there was no MDOT and no light. She asked who would pay for the light. Mr. Gilbert said that he would pay for it and then all of a sudden, his attorney said that they could not pay for it and asked who would help them. She said that it would not be the residents, because it would not be fair to them. She asked if the residents would pay for the water main to be moved also. She did not know how many Commission members lived in Rochester Hills, but she insisted that they should be appalled by someone with private property wanting to benefit on the taxpayers' dime.*

*Chairperson Boswell closed the Public Hearing at 8:59 p.m. He explained that City Council wanted Mr. Gilbert to show how to combine the entire site north to south. Mr. Gilbert elected to bring a realignment of the road forward first, and Chairperson Boswell agreed that it was the best way to develop the site. He felt that if the City could get a light between Avon and Hamlin, that the entire City would be served.*

*Mr. Kaltsounis remembered the development from about 12 years ago, which was at his second Planning Commission meeting. It was called City Place at the time, and people were there from one end of the hall to the other. He said that there was a PUD approved at that time, but it did not happen. There were other options the Commissioners looked at, including attached housing, and then an amended PUD was approved. He said that he disagreed with the comment about the Commissioners not doing their job. There were a lot of fine lines they had to walk as a Planning Commission to make sure they did not deny a person the right to develop. If they did not walk those fine lines, the result could be something they did not want. He stated that they were all residents of Rochester Hills, and they were as concerned as the residents were. They tried to do the best that they could within the laws to make sure they got an agreement that was good for everyone. He appreciated the residents coming to look at the concept with them.*

**Discussed**

*When he was first on the Commission, it was considered one of the hardest Commissions to get things by. Developers would put together plans that cost a lot of money and bring them before the Commission, and they would deny it. About four or five years ago, Staff put together a plan for concept reviews to allow the Commission to look at something and take a straw vote to say which direction the development should go. If someone spent a lot of money, they had to determine whether the Commission would shoot it down or not. He thought it had been a very important tool in trying to iron out what was good and what was bad, giving the residents a chance to give input, as well as giving the developer a chance to go back and see if it was something they wanted to do. There were a lot of comments from the residents, and items like platting of the road and that it could not change, and some other items had to get looked at further. That was why they had concept reviews. It was not an approval; it was just to see if a plan was something worth going ahead with. In his mind, he was just looking at the road, and they could look at just one portion. He appreciated the residents' comments about it. At the next step, there would probably be another concept review to go over what might happen with the rest of the development. There would not be anything built until after a long, elaborate process. He hoped the residents could appreciate that the Commissioners were doing their jobs. The meeting was a chance to hear what the residents thought about one piece of the development. He suggested that there were still a lot of things that had to be looked into, but it gave everyone a starting point going forward. He stressed that it was not an approval - it was just an idea/concept.*

*Mr. Hetrick summarized that the good news was that the road, as it was conceptualized, was reasonable. From a concept point of view it seemed, despite some of the less than favorable comments, that it was a good starting point. A couple of people mentioned a second access point. He was not sure where or what that was. He asked Mr. Gilbert to explain what the potential second access point was.*

*Mr. Gilbert believed that it was on there from an old PUD plan that they looked at as maybe a right-in, right-out only access point. It was not important to them at all, and it could be taken out. They would never put in something where someone could take a left from that access point.*

*Mr. Hetrick said that regarding due diligence, he felt that it would be helpful if they were clear about MDOT and what was or was not agreed to and what the reason was for everything, so there were no questions as to who owned what or who told whom to do what. While the concept plan was*

about the road, and even though they did not discuss what would be built, he felt that it would be helpful to provide some insight about what the applicants thought would fit into an FB-2 development. The other part was about the platting relative to Eddington Blvd. Whatever that issue was, it definitely needed to be something that was cleared up as the process moved along. He felt that those items might be additional discussion points as the concept moved to the next stage.

Mr. Gilbert said that the reason they were at the meeting was because at the last City Council meeting they discussed the realignment, and unless MDOT had changed its mind, they had documents from them that said that if the road was realigned, that it would meet warrants, and they would permit a light. Council said that they could not just look at it in a vacuum. They wanted to know how everything would connect with the properties to the north and the south. They wanted interconnectivity, and good planning would keep people off of Rochester Rd. as much as possible. They had shown that in the concept, as Council had requested, and they felt they had addressed the identity issue. That might have to be massaged some more, and that was why they retained one of the best planners. They had no problem calling the whole project Eddington Farms, and Eddington Square was simply a conceptual name. He said that no one was trying to sneak in anything. MDOT would have to approve everything, and they wanted limited access on Rochester Rd. They had enough accesses up and down Rochester Rd. They had read all the traffic studies, and there was a Rochester Rd. Corridor Study for the area from Royal Oak all the way to the City of Rochester. The area by Eddington Blvd. had the highest average speed mile on Rochester Rd. It was the only mile without a break. He reiterated that they had documents from MDOT that would permit a light. If MDOT would not, then they would not, and nothing would get relocated. He said that it was not a cart/horse type of thing. There would be a coordinated effort if it went through. If the road was relocated, it would be with a firm condition from MDOT that they would permit a light. Regarding the whole issue of what would go there, he said that for ten years, the PUD did not work. FB-2 was a new zoning in Rochester Hills, and that concept gave flexibility. He noted that the project could be all three-story apartments, although he acknowledged that people would probably not be happy with that, and they were not looking to do that. He had tried to emphasize that with a light, there would be a better development. They could attract more quality development with a light. He said that they could sell the land for more money, but they had been approached by two or three credible retailers. They had said no to a Dollar Store and an Auto Parts store. They said no to a smaller grocery store, all because they did not think it would fit with what they

*envisioned for down the road. He remarked that he was also tired of being at these meeting. The point was that eventually, they would be done. It was a valuable piece of land with or without a light because of the traffic count, and because it was Rochester Hills. Certain businesses or apartment developers would put up with having no light just to be on Rochester Rd. He stressed that he was not threatening a law suit or anything; they were just trying to develop a really good plan. They were told to come back and show how it would all tie in with the infrastructure. There was still a lot of engineering to be done, but the concept showed how the network of roads could work and connect. They originally wanted to go just back to Council, but Planning Staff suggested that they should come to the Planning Commission first because Council would ask them to do so, anyway. That was why they were there. They knew it was not for an approval, but it could perhaps give Council some guidance about what the Commissioners thought of the concept.*

*Mr. Gibbs felt that there was no question that a light was needed at the intersection. In order for them to accommodate a light, and they met with the City's Engineering Department multiple times, the two streets had to align, and a light was needed at the intersection. There should be no question that it was a serious health, safety and welfare issue. There were almost 60,000 cars per day along there, and it was among the highest traffic on Rochester Rd. They could not proceed with a site plan until they knew whether or not the City would approve the street design. If it would not, they would have to keep coming back until they got one that could be approved, but he stressed again that they could not proceed until then. The site was zoned FB-2, which had requirements and regulations they felt they could meet. They felt the street design could accommodate that. If they built the street too small, that would be to their peril. The City's Engineer confirmed that there was a need for a light, and he had shown the drawings to MDOT. He was not sure whether MDOT had approved them, but they were asking the City for support.*

*Chairperson Boswell asked if there were any further comments, or if anyone objected to the road. He heard no objections. Mr. Hetrick stated that there clearly was more work to do in terms of some of the due diligence, but the way the road was laid out, it seemed to fit a reasonable approach to a development and sets up the opportunity to minimize the safety issue described.*

*Mr. Schroeder advised that the City had been in discussions with MDOT for many years. MDOT had multiple layers of people. There were local offices and traffic engineers, and the City had concurrence with them over*

*the years. They had agreed that a mid-mile light was needed, but they would not tell anyone that they had an agreement until someone took a plan to them with a signed contract. Then they would permit a light. They had the agreement for years. People could make faces, but it was a fact. The traffic engineers had come and gone and got shifted from district to district or retired, but it was not as it seemed portrayed. The residents said that they dealt with different levels of people at MDOT, but Mr. Schroeder said that they were not dealing with the people he dealt with.*

*Mr. Dettloff asked Chairperson Boswell if he needed a show of hands to move things forward, and Chairperson Boswell did not feel that was necessary. He said that no one had any objections, and as far as the Commissioners were concerned, it looked like a pretty good idea, and it was a lot better than having two Ts.*

*Ms. Winarski asked from the audience who was going to sue Eddington Farms to get their right-of-way.*

*Mr. Anzek reminded everyone that it was a concept plan. There had been a lot of discussion about the southern access point. He suggested that they leave it until MDOT said to remove it. It could serve very well as a right-in or just a right-out only to relieve any traffic pressure at the peak hours. Until they started digging into the details for approvals, he did not think they should change anything. Having heard the Commissioners, Staff would carry the message forward if Mr. Gilbert wished to go before City Council.*

*Mr. Gilbert requested to be put on the next available City Council agenda. They would be aware of what took place at the Planning Commission meeting. He said again that if it was totally not acceptable and MDOT would not give them a light, it would all be a moot point. Eddington Blvd. would stay as it was but however the property developed, it would create more and more havoc. He traveled the road every day to get to his office. People jutted out of Eddington Farms and Drexelgate into the middle lane, and until they could merge, they were stuck. He did not believe that was even the proper way to enter a road, but at times, that was the only way to do it. They were trying to come up with a good plan, and he did not like the fact that they had been working on it since 1986 and it was still sitting. The new FB-2 zoning was great, and it talked more about the size, scale and setback relationships between buildings and not so much what was in a building. That usually changed over time. An example was an office that was changed to lofts, and he indicated that nothing was set in stone anywhere forever. He asked again that the matter be scheduled on*



*the next available City Council agenda, which he hoped would be the August 11th meeting.*

*Mr. Anzek said that, as Mr. Kaltsounis had mentioned, the City did encourage concepts from developers with complex issues. It had served the City well, and developers could get input early on, before spending a lot on expensive drawings. City Council was a little different, and Mr. Gilbert would have to send a letter to the Clerk's Department requesting to be placed on an agenda.*

*Chairperson Boswell thanked the applicants.*

### **ANY OTHER BUSINESS**

*Mr. Kaltsounis observed that a hookah lounge by his house disappeared recently. He heard several weeks ago that there was an incident outside of it. He wondered if Staff knew anything, or if the owner lost his lease.*

*Mr. Anzek did not think he could discuss it, even if he did know something, because he believed that there was an on-going investigation. Mr. Kaltsounis just wondered if the business was not viable after six months or if it was something else. Mr. Anzek said that he could not speculate, but he advised that hookah lounges, as they came into the City, were monitored and controlled by the Building Department.*

*Mr. Schroeder asked if there had been any commitments for businesses at Rochester and Auburn. Mr. Anzek believed so, and he said that the Building Department had received tenant build out plans for the developments on both sides of Rochester Rd., although the buildings were not even complete. He had heard that a Star Bucks would be moving into the Rochester Retail development on the south end of the building, but he had not asked about the other tenants.*

### **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for August 19, 2014.

### **ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Kaltsounis, Chairperson Boswell adjourned the Special Meeting at 9:25 p.m.

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William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary