



Rochester Hills Minutes - Draft

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

City Council Regular Meeting

*Susan M. Bowyer Ph.D., Kevin S. Brown, Dale A. Hetrick, James Kubicina,
Stephanie Morita, Mark A. Tisdel and Thomas W. Wiggins*

Vision Statement: The Community of Choice for Families and Business

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier
community of choice to live, work and raise a family by enhancing our vibrant residential
character complemented by an attractive business community."*

Monday, January 11, 2016

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Tisdel called the Regular Rochester Hills City Council Meeting to order at
7:06 p.m. Michigan Time.*

ROLL CALL

Present 7 - Susan M. Bowyer, Kevin S. Brown, Dale Hetrick, James Kubicina, Stephanie
Morita, Mark A. Tisdel and Thomas W. Wiggins

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Hetrick, seconded by Bowyer, that the Agenda be Approved as
Presented. The motion carried by the following vote:

Aye 7 - Bowyer, Brown, Hetrick, Kubicina, Morita, Tisdel and Wiggins

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council:

*Jack Vaglia, Rochester Hills Government Youth Council (RHGYC) Representative,
reported that the RHGYC enjoyed a wonderful busy holiday season, providing
manpower for the Rochester Hometown Christmas Parade in the warming tent, and
fund raising by wrapping gifts at Barnes and Noble.*

PLANNING AND ECONOMIC DEVELOPMENT

2015-0224 Request for Preliminary Site Condominium Plan Approval - Nottingham Woods,
a proposed 17-unit, single-family site condominium development on 8.7 acres,
located on the north side of Hamlin, east of Livernois, west of Crestline, zoned

R-3, One Family Residential; Vanguard Equity Management, LLC, Applicant

Attachments: [011116 Agenda Summary.pdf](#)
[Suppl Presentation 011116.pdf](#)
[Map aerial.pdf](#)
[Site Plans 122315.pdf](#)
[Giffels Webster Response Ltr 122115.pdf](#)
[Planning Comm Conditions 121715.pdf](#)
[Site Plan Review 3 - 121115.pdf](#)
[Prelim. Staff Report 081415.pdf](#)
[Review 2 Comments, EIS, and response.pdf](#)
[Letter to Homeowners Revised.pdf](#)
[Minutes PC 081815.pdf](#)
[PHN 081815.pdf](#)
[Resolution \(Draft\).pdf](#)

Sara Roediger, Manager of Planning, introduced **Andy Wakeland, P.E.**, and **Lydia Wakeland**, Giffels Webster, Engineers for the project.

Ms. Roediger explained that the proposed project encompasses 8.7 acres on the west side of Crestline, north of Hamlin Road. She noted that 17 single family homes are proposed. She commented that a number of neighbors have expressed concern regarding the screening of the property. She pointed out that the property is unplatted, and does not fall under the regulation of the Tree Preservation Ordinance. She stated that since concerns were expressed during the Planning Commission meeting, the Applicant has reported that they have spoken with neighbors to address screening and fencing concerns, and provided Staff with revised plans which enhance the landscaping along the north and east side of the property. She mentioned that Lot 17 on the plans was previously the site of a detention basin, and noted that it was determined that drainage patterns altered by recent paving would be better served by enlarging the north detention basin. She stated that Staff felt that the Applicant has addressed conditions for approval specified at the Planning Commission meeting. She mentioned that sample elevations were included.

She commented that residents have expressed that they are not satisfied that the Applicant has addressed their concerns. She noted that tonight's request for approval is a part of the preliminary site condominium process; and she explained that the next phase would be for the Applicant to prepare final plans, with required public hearings held prior to final approval.

Mr. Wakeland stated that additional screening has been provided to the north and east, as well as calling for the fence along west property line to remain. He mentioned that a letter was sent to the resident adjacent to that fence indicating that it would remain. He pointed out that enlarging the pond at the rear of the site provides 17 percent tree preservation as opposed to the nine percent originally proposed.

Public Comment:

K. Rao, 642 West Hamlin Road, expressed his concern that the nearby Legacy Development has only had two units constructed over the past two years. He noted that the site plan as submitted does not respect property lines and the

privacy of the neighboring property owners. He stated that while he received one letter from the developer showing the fence and a commitment to repair any damage, a second site plan does not reflect these changes. He commented that the developer is unresponsive to any attempts to contact them.

Alex Kiwior, 1860 Crestline Road, stated that he has owned his 2.3 acres since June of 1976, and he explained that his 670 foot west property line borders the proposed development. He pointed out that a letter he received on December 26, 2015, shows a site plan that is drastically different at the border to his property from that presented at the meeting in August. He noted that stormwater and drainage crosses the subject property onto his property and he expressed concern how the development will affect the drainage. He mentioned that as proposed, the entrance to the development will create a 283 foot by 212 foot section of his property that will have a street bordering on three sides. He commented that not enough trees are proposed to be saved.

Paul Schira, 227 Parkland Drive, stated that he is the President of the Sycamores Homeowners Association. He commented that from his understanding, the homeowners were told one thing and subsequently received letters stating something different. He expressed concern that the development to the west has been under construction for two years and only two houses have been built.

Kathryn Brown, 675 Parkland Drive, stated that she submitted concerns to the Planning Commission on August 18, 2015, including requests for an irrigated berm or privacy fence be erected to identify property lines between the adjacent subdivision and the proposed development. She explained that her home is adjacent to the northwest corner of the planned development; and expressed concern that the adjacent homes and backyards must be protected during the construction process, especially as the other nearby development has sat for years unsold and open. She commented that the developer has not met with property owners or returned phone calls. She noted that landscape plans submitted in October differ greatly from those submitted in December and questioned whether easement buffers exist. She requested any trees be planted before construction and asked that the fence remain to provide privacy. She noted that her property line is only 25 feet from her deck.

Shirley Gower, 663 Parkland Drive, stated that she wished to have any buffer trees planted in an easement where they will not grow over her property and affect her existing landscaping.

Sean Farrell, 651 Parkland Drive, noted that he has the same concerns expressed by the other neighbors. He pointed out that heavy rains result in a large pond forming in the northwest corner of the property, and expressed concern that his property sits lower than most of the proposed development. He suggested that rather than a ditch, an earthen berm be installed along the property line to contain any runoff to the development and provide additional privacy.

Ms. Roediger addressed public comment, noting that residents expressed concern regarding screening and privacy at the August meeting. She pointed out that the

Applicant has added trees. She mentioned that as this property is residential zoning which abuts existing residential zoning, a buffer is not required. She stated that the Applicant is voluntarily going above and beyond the requirement in the six feet along the property line. She stated that all properties are required to keep stormwater on their own property, and she noted that the City's engineers will ensure that site is graded to keep all stormwater on the property. She pointed out that a pond was originally planned for Site 17, and she explained that it was moved to create a larger detention basin in the rear. She mentioned that the Applicant has agreed to keep all existing fences. She stated that Staff felt that the Applicant met the intent of the Planning Commission discussion, and on numerous occasion requested updates. She noted that the Applicant provided letters sent to residents. She commented that to her knowledge, City Staff had not received any comments from residents.

Council Discussion:

Mr. Hetrick questioned where the planting would be along the property line, and if stormwater must remain on the property.

Mr. Wakeland responded that it will be within the six foot easement area. He pointed out that the site plan shows a catch basin to collect stormwater, along with yard basins within the property.

Mr. Wiggins stated that while it appears that questions were addressed, he would suggest that better communication be held between the residents and the developer.

Ms. Roediger suggested that if Council determines to move forward with an approval, a condition could be added to specify that the Applicant must meet with the residents and City Staff be there to facilitate and witness the discussions and dialogue and provide proof of cooperation.

Ms. Morita questioned what would happen to the homes on the two outlots.

Ms. Roediger responded that the house shown on the east side of the property will be demolished, and the house to the west of the property will remain. She pointed out that the west side of the property will remain a separate parcel with the current property owner retaining ownership.

Ms. Morita questioned why the street entrance was placed to one side of the property instead of at the center.

Ms. Roediger explained that the street was positioned to offset with existing driveways and streets for safety purposes.

Mr. Brown stated that he senses that the residents feel that they were shown one thing previously and are being shown something different tonight. He questioned what the next opportunity would be do to a deep dive into the project.

Ms. Roediger responded that Staff would recommend an informal meeting be scheduled before the project goes back to the Planning Commission and City

Council. She stated that Staff was under the impression that the Applicant had been working with the residents, and now hear differently.

Mr. Brown noted that page eight of the site plan depicts trees to be planted on the property line and not in an easement for Lot 9. He commented that this note should be clarified prior to final review.

Mr. Wakeland responded that it would.

Mr. Brown commented that the undeveloped property has been there for some time. He questioned whether landscape could be installed prior to construction to minimize dirt.

Ms. Roediger responded that it could be specified that all buffer landscaping be installed at project commencement.

Dr. Bowyer mentioned vegetation and the fence line and noted that it would be great if trees could be installed on the periphery. She stressed that the developer should follow up with the residents.

Mayor Barnett questioned whether an earthen berm was evaluated versus a ditch.

Ms. Roediger responded that it has been the City's policy not to have berms, especially with residential property backing residential property. She commented that it will take up land and infringe into backyards.

Mr. Wakeland responded that a six foot landscape buffer would yield a berm only a foot tall; however, trees would be eight to ten feet tall. He noted that a shallow swale is proposed for the south side of the buffer area.

Mayor Barnett stated that he would like to be included in any meetings as the project moves forward, and he stressed that the Applicant should be in attendance as well. He questioned the price point for the homes.

Mr. Wakeland responded that the price would be in the \$450,000 to \$500,000 range.

Mayor Barnett commented that the nearby Legacy development has prices in the high \$700,000s, and he stated that the lack of progress has been discouraging.

President Tisdell questioned how this project differs from the Legacy development, and how long the project is expected to take for an entire buildout.

Mr. Wakeland responded that this question was best answered by the Applicant. He commented that he was not aware what product the Legacy development has. He stated that he would expect that the developer has done his due diligence.

Vice President Morita commented that she is hearing many questions directed toward the Applicant, and noted that he is not in attendance.

President Tisdel questioned what the proposed density of the development will be and how it is zoned.

Ms. Roediger responded that the property is zoned R-3, with R-3 surrounding and R-4 to the north. She explained that R-3 allows 2.9 units per acre; and she stated that the proposed development has 1.9 units, with a lesser density than the zoning allows.

President Tisdel commented that he wished to be included in any future meetings as well to follow up with the residents regarding their concerns of water drainage, containment, and trees.

Mr. Hetrick stated that given the concerns expressed regarding the Applicant, he would propose a strong condition be added to the approval that meetings take place and the Applicant attend these meetings. He moved the motion in the meeting packet to approve the preliminary site plan, with the findings and conditions as stated, and the additional condition that the Applicant meet with the residents, and Staff, Mayor and any other members of City Council that wish to attend.

Mr. Kubicina seconded the motion.

Mr. Brown stated that his recommendation would be to defer consideration of this request until the residents have a chance to meet with the Applicant, and the applicant is available to answer Council's questions.

John Staran, City Attorney, stated that procedurally there is a motion on the table. He commented that it would be in order to make a motion to postpone further deliberation and action on the pending motion on the floor until the Applicant appears before Council.

Mr. Brown made the motion to postpone per Mr. Staran's suggestion, until the residents have the opportunity to meet with the Applicant, Engineer and Staff, and the Applicant is available for questions by Council prior to the vote, seconded by Vice President Morita.

A motion was made by Brown, seconded by Morita, that this matter be Postponed by Resolution. The motion carried by the following vote:

Aye 6 - Bowyer, Brown, Kubicina, Morita, Tisdel and Wiggins

Nay 1 - Hetrick

Resolved, that the Rochester Hills City Council hereby postpones further deliberation and action on a pending motion on the floor to approve the Preliminary Site Condominium Plan for Nottingham Woods until the Applicant and Engineer have met with the residents and Staff; and the Applicant is available to appear before Council prior to the vote.