

MOTION by Schroeder, seconded by Yukon, in the matter of City File No. 05-005 (Pine Woods Site Condominiums), the Planning Commission recommends that City Council approves an Extension of the Final Plan until July 14, 2013.

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

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

Chairperson Boswell stated for the record that the motion had passed unanimously, and he wished the applicants good luck.

2007-0383

Natural Features Setback Modifications - City File No. 06-012.2 - Somerset Pines, a proposed 41-unit residential development on 19.2 acres, located on South Boulevard, between Adams and Crooks, zoned R-4, One-Family Residential, parcel Nos. 15-32-300-007, -008, -009, and -010, MV Somerset Properties, LLC, Applicant

(Reference: Staff Report prepared by James Breuckman, dated June 22, 2012 and Preliminary Site Condominium Plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jeff Rizzo, Fenn & Associates, Inc., 13399 W. Star Drive, Shelby Township, MI 48315; Mark Gesuale, Wolverine Building Co., 21872 23 Mile Rd., Macomb, MI 48042 and Vito Pampalona, MV Somerset Properties, LLC, 850 W. University, Suite D, Rochester, MI 48307.

Mr. Anzek started the discussion, and noted that the Planning Commission might have remembered the development as Lorna on the Green. It was immediately west of Walnut Brook Estates, and was first submitted to the City in 2006. The first plan that was submitted and reviewed for that development was a single-family layout with two entrances onto South Boulevard. In the initial approval, the Planning Commission asked that a redesign be considered that would preserve the trees on South Boulevard to try to maintain the secluded nature of the site. The applicant agreed to go back to the drawing board, and they worked on a series of single and duplex units and came back with a discussion for a PUD proposal with a boulevard entrance. It was fairly well received, but never voted upon. The economy was hit, and no activity continued on the project. The previous developer allowed the land to return to the bank, and the applicants subsequently picked up the property and reactivated the project. In meetings with Staff, the

single-family concept was discussed, because the applicants preferred it for their market. Mr. Anzek explained that he just wanted to give a little history before turning it over to Mr. Breuckman.

Mr. Breuckman advised that technically, the plans were compliant with the requirements of the Zoning Ordinance and Site Condo Ordinance. The applicants were using the lot averaging option, so the minimum lot area was 8,640 square feet. In terms of specific review considerations, Engineering had recommended approval, and the site was exempt from the Tree Conservation Ordinance because it was platted in 1955. There were a number of regulated trees on site, and while no replacement trees were required, the applicant was proposing to provide some, consistent with the number of trees proposed in 2007. There were a few landscape comments - cost estimates, bonds and payment into the tree fund. The Natural Features Modification they were requesting was consistent with the request on the prior iteration. The City's Environmental Consultant recommended that the natural features could be modified for lots 22, 23 and 24, because the impacted Wetland B was not a high quality wetland. There was a requirement for some silt fencing along the natural features setback line, and there would be a conservation easement provided for the wetland areas. The Master Deed and Exhibit B documents would have to be provided prior to Final submittal.

Mr. Breuckman stated that the most significant outstanding item regarded the Fire Department review. There was a standard in the Fire Code that required a separation of entrances when there was a single point of access. The applicants used the boulevard concept, with two accesses. Mr. Breuckman indicated that it was something that would have to be worked out with the Fire Department, in terms of what the final layout would be. The reason Staff was bringing it forward was because addressing Fire's comments would really only impact the area along South Boulevard. Lots could be shifted around to maintain the vast majority of the overall site layout. He felt that it was a detail that could be worked out between now and when it went to Council or between now and Final Approval. Mr. Breuckman added that Staff was recommending a Recommendation of Approval, and there were motions in the Staff Report for consideration. He said he would be happy to answer any questions.

Mr. Fenn said that they had been working closely with Mr. Breuckman and Mr. Anzek on the layout, and they felt they had something they were all happy with. He also said he would be happy to answer any questions.

Chairperson Boswell said that it appeared that if they put in a separate

entryway that they might lose a lot. Mr. Breuckman said that they could still maintain 41 lots. He was not sure if there would be two lots in between the two legs, but there was room on the site to accommodate a shifting of lot lines. Chairperson Boswell asked Mr. Breuckman what the Fire Department would accept. Mr. Breuckman said that Staff did not exactly know yet. He presumed they would accept a loop road. The question was whether they could modify the boulevard layout to maintain the entrance. They still needed to work that out with the Fire Department. One of the challenges was that the Fire Department had been very busy with the Festival of the Hills and the fires around town, and it had been hard to coordinate with them.

Mr. Pampalona added that one of the main reasons why they went to the boulevard was because there was a considerable amount of 50-60 year-old pines on the front of the development that they wanted to save. They felt that the natural features of the development would only increase its value. The traffic department was not too happy with two entrances because of what it would do to the line of sight for the decel lanes. He felt that the development would really sell, and they really wanted to keep the trees.

Chairperson Boswell remembered that when the project was before them before, the trees were a big concern of the Planning Commission as well. He added that safety was also a big concern.

Ms. Brnabic asked if the homes would all be ranches. Mr. Pampalona advised that there would be a mix between split levels, colonials and very few ranches. Ms. Brnabic asked the price range. Mr. Pampalona said it would be between \$379,000 to \$400,000, depending on the amenities. Ms. Brnabic asked if he felt that was realistic in this economy. Mr. Pampalona stated that he felt it was very realistic. They were going to sell the lots to a developer, but they decided to develop and keep them. There were five or six builders in the area that had a waiting list of people who wanted to build homes. They felt that it would be about a year out until they finished a model. By that time, they were confident they would sell out in 18 to 24 months. Ms. Brnabic indicated that she would be concerned if there were more than a 2-4 year buildout because if the lots did not sell due to the prices being unrealistic in this economy, the development could become unsightly and scattered.

Mr. Pampalona mentioned a similar development that was of a lower scale off of John R, which developed and sold out within 4-5 months. The price point was \$330,000, and he felt that the quality of their homes would

be way ahead of that development. They were not looking to go in and put in tract homes. They were going to do custom homes that were affordable for people that could not afford Birmingham but liked Rochester Hills and did not mind Avondale Schools. That was their market. He personally felt that their development would look way better than the one off of John R, and that was their only current competition.

Mr. Schroeder said that he did not have a clear understanding about the Fire Department's problem with the boulevard. Mr. Breuckman said that they did not have specific comments for the geometry of the boulevard. Their requirement came from the Fire Code. It read that they had to measure from the corner of the property to the other corner on the diagonal, and in this case it was about 1,500 feet, and divide it by two. The Fire Code said there should be two accesses separated by at least half of the maximum diagonal, or 750 feet. Because of the requirement, the Fire Department was saying there had to be a loop road. However, the loop road would only be separated by 250-300 feet, so the applicants could not meet the requirement. They had to come to an equitable solution - perhaps a wider boulevard.

Mr. Pampalona said that they were willing to widen the boulevard. Chairperson Boswell recalled that they ran into that issue off of Hazelton. There was a boulevard put in and the Fire Department eventually approved it, which Chairperson Boswell did not quite understand because one fallen tree would cut across both roads. Mr. Anzek added that it applied to Butler Ridge also. It was a single entrance development with 160 homes, although it had a little wider entrance. He thought that it was always the Fire Department's solution to support a boulevard. In this case, they wanted to push it further apart. From a planning perspective, his personal preference was a boulevard entrance, for tree preservation and to create exclusiveness to the development. He referred to Walnut Brook to the east. There was a guard house entrance with a boulevard, and they had million dollar homes. He felt that a boulevard was ample for 41 units, and there were several developments in the City where a boulevard was satisfactory.

Mr. Schroeder asked if the Road Commission had reviewed the plan. Mr. Pampalona said that the Road Commission had reviewed the plan, and he believed it was approved. Mr. Schroeder stated that he did not understand the Fire Department's requirement. He believed that the Road Commission would probably not approve the two entrances. Their goal was to limit access to major roads.

Mr. Hooper noted that the previously approved development had a boulevard with 24-foot wide streets with a 15-foot island. The proposal had 22-foot wide streets separated by a 19-foot island. If it was issue of asphalt to concrete they could simply increase it, but if the issue was that they needed more separation between the two roads, he was not sure how they would get over that hurdle. There was a previously approved plan with a boulevard. He questioned whether there was a code change between that approval and the proposal on the same piece of property.

Mr. Anzek indicated that they did a quick review on the internet, and it appeared that it was the same code that went back to at least 2000 and probably 1997. Mr. Hooper thought that with two entrances, if someone pulled out of the eastern entrance and made a right hand turn and there was someone 200 feet away making a left hand turn, it would encourage head-on collisions on South Boulevard. Mr. Anzek agreed that conflict would be created, and it would also add two decel lanes and a very long bypass lane on the south side. The economics were important to make things work, but he noted that this would virtually double the cost for offsite improvements. Mr. Schroeder remarked that economics aside, two closely spaced entrances with the loop road layout would be a traffic disaster.

Mr. Fenn advised that they did make a modification to the boulevard upon the request of the City. They widened the island from 15 feet to 19 feet, and they were willing to make the road wider if necessary. Mr. Hooper explained that he was just trying to understand the problem the Fire Department was having. The first development was approved with 24-foot wide roads and a 15-foot island. He indicated that he had no issues with the development.

Mr. Anzek pointed out that in working through the development, the applicants had done some pretty innovative things from an environmental standpoint with the bio-swales being used as the rear yard drainage systems and the forebay pond to be used as a sedimentation device before it went into the retention. Because they added those things, they had actually gone from 47 to 41 lots from the original approval. They had given that up for the environmental aspects, and he thought they were being very respective of that.

Chairperson Boswell opened the Public Hearing at 7:25 p.m. Seeing no one come forward, he closed the Public Hearing.

Mr. Kaltsounis recalled the history from before and the subject of the Fire

Department and boulevards. It was talked about quite a bit back then. He felt that the density of the development was harmonious with the development to the north and similar to where he lived, and he moved the following motion, seconded by Mr. Hetrick:

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 06-012.2(Somerset Pines Site Condominium), the Planning Commission **grants natural features setback modifications** for 212 lineal feet of direct and permanent impacts as a result of a proposed rain garden/infiltration trench at the rear of lots 22, 23, and 24, and for 50 lineal feet of direct and permanent impacts as a result of the construction of the storm water energy dissipater, with the following two (2) findings and subject to the following one (1) condition:

Findings

1. The wetland associated with the natural features setback area at the rear of lots 22-24 is of low quality.
2. The construction of the storm water energy dissipater qualifies for an exemption to the natural features setback according to the City's wetland consultant.

Conditions

1. Provide silt fencing along the natural features setback line on lots 14 and 15 and between wetland B and the infiltration trench on lots 22-24.

Approved

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

Chairperson Boswell stated for the record that the motion carried unanimously.

Mr. Schroeder stated that he would strongly recommend the boulevard because the alternative, with divided entrances, would result in double curb cuts with extra decel, accel and passing lanes, which would create traffic conflicts. The ordinance rule made no sense to him, although he acknowledged that it was not part of their discussion. Chairperson Boswell remembered that they had that discussion once before and they ended up with a boulevard, and he agreed with Mr. Schroeder. Mr. Schroeder said that he would keep the boulevard, and he reiterated that the alternative would be a disaster.

Mr. Pampalona stated that the boulevard was not set in stone; they were willing to work with the Fire Department and the Planning Commission to

make it a win-win for everyone. Mr. Schroeder stressed that it should be a boulevard. He noted Great Oaks West. There was a problem with the connecting road, and the City tried to do something the residents opposed. At the first snowstorm, a resident got stuck. If there had been a fire, the fire trucks could not have gotten in. He believed that a boulevard was the best solution.

2012-0208 Request for Recommendation of a Preliminary Site Condominium Plan - City File No. 06-012.2 - Somerset Pines, a proposed 41-unit residential development on 19.2 acres, located on South Boulevard, between Adams and Crooks, zoned R-4, One Family Residential, Parcel Nos. 15-32-300-007, -008, -009 and -010, MV Somerset Properties, LLC, Applicant

Mr. Kaltsounis said that he could see where the development would fit in with the surrounding developments, and he felt that it was nicer than what they had before, and he moved the following motion, seconded by Mr. Yukon:

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File No. 06-012.2 (Somerset Pines Site Condominium), the Planning Commission **recommends that City Council approve the preliminary one-family residential detached condominium plan** based on plans dated received by the Planning Department on June 11, 2012, with the following four (4) 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 Ordinance.*
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.*

Conditions

1. *Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.*
2. *Inspection and approval of tree protection and silt fencing by the City prior to issuance of a Land Improvement Permit.*
3. *Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans.*
4. *Payment of \$8,200 into the tree fund for street trees prior to*

- issuance of a Land Improvement Permit.*
5. *Submit a landscape bond in an amount equal to the cost estimate for landscaping, replacement trees, and irrigation prior to issuance of a Land Improvement Permit.*
 6. *Filing of conservation easements for all wetland, infiltration trench, and natural features setback areas prior to the issuance of a Land Improvement Permit.*
 7. *Approval of all required permits and approvals from outside agencies.*
 8. *Compliance with the Engineering and Fire Department memos dated June 18, 2012 and June 20, 2012 respectively.*

Ms. Brnabic asked if the Fire issue would be ironed out before the matter went to City Council. Mr. Breuckman said that he did not know, but he assured that it would be worked out before a Final Plan was brought forward. Ms. Brnabic felt that it would be a good idea to have it worked out before going to City Council. She believed that it eventually would be, but she was a little uncomfortable that she was approving something that she knew would go to Council not knowing if it would be ironed out. She recommended that they try to work it out before then. Mr. Pampalona agreed that they would work it out before they went to Council, because they would not move forward with the project as it was. They would have to start over with the Engineering and go back to the original two entrance layout and bring it back before the Planning Commission. They would do their best to have it done before then. If it took longer, they would shelve the project and wait until the next Council meeting. He stressed that they definitely wanted to have it ironed out before they went to City Council, because it would do them no good to go there without a remedy.

Recommended for Approval to the City Council Regular Meeting

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

Chairperson Boswell said that the motion carried unanimously and wished the applicants good luck. Mr. Pampalona thanked the Commissioners and said that they were also open to any suggestions to remedy the boulevard.

DISCUSSION

- 2011-0444** Discuss PUD development option - City File No. 05-042.2 - two parcels on Dequindre, south of Washington, zoned RE, Residential Estate, Parcel Nos.