



# 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*

---

Tuesday, June 26, 2012

7:00 PM

1000 Rochester Hills Drive

---

#### 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 Development  
James Breuckman, Manager of Planning  
Maureen Gentry, Recording Secretary

#### APPROVAL OF MINUTES

**2012-0219** May 29, 2012 Special Joint Planning Commission and City Council Meeting

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

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

**2012-0226** June 5, 2012 Regular Planning Commission Meeting

**A motion was made by Kaltsounis, seconded by Brnabic, 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) Planning & Zoning News dated May 2012
- B) Letter from Charlotte Burckhardt, dated 6/12/12 re: Auburn Hills Master Plan
- C) Letter from Friends of the Clinton River Trail soliciting donations for 2012

Chairperson Boswell announced for the members of the audience that if anyone wished to speak on an agenda item, there were cards to be filled out and handed in to the Secretary. He noted that there was one Public Hearing, but advised that the Commissioners would entertain discussion on any agenda topic.

## NEW BUSINESS

**2008-0302** Request for Recommendation of an Extension of the Final Site Condominium Plan until July 14, 2013 - City File No. 05-005 - Pine Woods Site Condominiums, a proposed 29-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One Family Residential, Parcel Nos. 15-34-101-073 to -075, L&R Homes, Applicant

*(Reference Memo prepared by Ed Anzek, dated June 22, 2012 and Final Site Condominium Plan had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Vito and Lorenzo Randazzo, L&R Homes, Inc., 2490 Walton Blvd., Suite 103, Rochester Hills, MI 48309.*

*Mr. Vito Randazzo stated that they were present to request an Extension of the Final Site Condominium Plan for Pine Woods until July 14, 2013. He explained that it was due to economic conditions, and they wished to hold on and extend the approval.*

*Mr. Anzek advised that the applicants were current with taxes and the escrow account. They were requesting another Extension and waiting for a stronger economy, although there were good signs of the housing market returning. He added that Staff had no issues with the request.*

*Hearing no further discussion and noting that the Commissioners had discussed the matter several times, Mr. Schroeder moved the following, seconded by Mr. Yukon:*

**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 he 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.

15-01-277-015 and 15-01-278-006, Vito Terracciano, Applicant  
(Reference: Memo prepared by Ed Anzek, dated June 22, 2012 and PUD Layout had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Brian Szliter, Arteva Homes, 1668 Telegraph Rd., Suite L150, Bloomfield Hills, MI 48302.

Mr. Anzek believed that everyone was familiar with the subject two-parcel, 7.3 acre site. Several months ago, Staff brought it to the Planning Commission to consider a Recommendation to Rezone the land back to R-1, as it was zoned in 2009, to match the property to the north. After a couple of meetings and discussion, the Planning Commission Recommended Approval. It went to Council, and it was approved for First Reading, but it was not approved for Second Reading, based on a protest petition filed by an adjacent property owner. It would have taken a super majority for passage, and the matter failed. The property was still zoned R-E, Residential Estate.

Mr. Anzek advised that since that time, he and Mr. Breuckman had met with the potential developer, Mr. Vito Terracciano, of Arteva Homes. He was interested in determining what he could do with the parcels, and the zoning would allow seven units. Mr. Terracciano pointed out in their initial meeting that he really liked the healthy, large trees throughout the property. He talked to them about how to keep it rural and scenic. It was suggested that he consider a Planned Unit Development (PUD), which would alleviate the rigid siting of lots and setbacks and would allow more flexibility in design. Staff felt that he needed to do further evaluation on the merits of having two ponds. One was large and was shared by several property owners and the other, in the northeast portion, was rather small. Regarding a PUD, it would be at the City's discretion as to whether that tool should be used as a means to promote flexible development. Staff suggested that he present before the Planning Commission and seek input before he went to the expense of preparing plans and surveys. Mr. Anzek related that he learned today that Mr. Terracciano could not make the meeting, but his partner, Brian Szliter was present.

Mr. Szliter stated that since the parcels were 7.3 acres, they proposed the PUD tool, to incorporate seven homesites within the development. Most important to them was maintaining most of the natural elements of the site. Along the south edge of the property, it was extensively wooded with mature trees. Also, along Dequindre Road, there were lots of mature trees. There was an extensive pine stand separating the property owners

*of Winkler Mill Estates to the north from the site. In earlier discussions, there were some neighbors that were concerned about a stand of white pines along the west, and they wanted them maintained. Given the new layout, they could successfully and substantially save a number of those trees. Under Residential Estate zoning, they would not necessarily have to put in all the storm drain infrastructure, and in the previous proposal, Little Winkler, the rear yard catch basins in the lots to the south and north would have required cutting down a majority of the trees there to add a detention basin. He had brought a couple of photos, showing a view looking south towards the pond. Aside from the surrounding trees on the perimeter of the property, there were some large trees that existed interior as well. Their plan was to work with the Engineer to site the building envelopes so as to maintain as many of the large trees on the property as possible. He showed the view looking north at the stand of pines and one with a view to the east. The trees were in the right-of-way of Dequindre, so the hope would be to maintain the natural vegetation barrier for the development. There was also a large stand of spruce and white pines that were located in the interior portion of the property, and the intent would be to maintain as many of those as well. The premise of the project would be to keep the development rural as designated by the Residential Estate zoning, using bio detention areas to handle storm water, instead of an underground storm sewer system. The bio-detention areas would be planted with native vegetation, and they would work with the Engineer to make sure that the specifications were met. They would set homesites within the natural vegetation and features of the site, which he felt would be in keeping with the intent of Residential Estate.*

*Mr. Schroeder asked about the building footprints and what the square-footage would be. Mr. Szliter said that they anticipated the market demand would be for two-story colonials, as opposed to a sprawling ranch. They anticipated between 3,500 to 4,000 square feet, and the footprint of the first level or the size of the basement would be 2,000 square feet. Mr. Schroeder pointed out that what was depicted on the proposed plan was a much larger building envelope, almost 8,000 square feet, so it was deceiving as to how the homes would look. Mr. Szliter agreed, and said that the envelopes were depicted as a large area to fit something in. Something could be turned or oriented to take maximum views into account. He said that he appreciated Mr. Schroeder's clarification.*

*Mr. Breuckman thought that a fairly important element of the proposal was the fact that the potential for using a PUD process would allow the applicant not to have to put in the standard 27-foot wide road, curb and*

*gutter and underground utilities. The access road currently was 20 feet wide. There would be a much lighter imprint on the land, along with bio swales and eliminating the need for detention ponds. He thought that the road cross section was a very important part of the whole rural package.*

*Mr. Yukon asked what type of maintenance would be involved with the bio-detention area. He assumed someone would have to go in and dredge the area every couple of years. Mr. Szliter responded that it would not be a standing water feature. His understanding was that there would be the use of natural and native vegetation, and it would be a lower area, but there would not be standing water. There would be things like river birch and other types of plants that could live with "wet feet" so to speak and absorb and detain the water and slowly let it steep into the ground. Eventually it would probably make its way to the pond at the south. It would not be like a detention pond that filled up periodically with storm water runoff. Mr. Yukon asked if Mr. Szliter was aware yet of the percentage of trees they would save. Mr. Szliter did not have a percentage. The plan was recently laid out, but with the location of the trees indicated, they had the ability and flexibility to move building envelopes and move the roadways to try to maximize how many trees they could save. There were some trees that were in decay and were not worth saving, but there were some really nice, mature oaks and maples that would be great to keep. Mr. Yukon indicated that he hoped they could do that.*

*Mr. Reece asked about the structure of the agreement to allow access to Dequindre for the two landlocked parcels to the west.*

*Mr. Anzek said that he had been told that access had to be provided to those two lots. He did not know if there were any specific metes and bounds description as to where the easement had to occur.*

*Mr. Szliter agreed that was correct - based on a title review, there was no specific metes and bounds legal description of an easement, but an easement did need to be granted.*

*Mr. Reece thought that what was presented was a very good first start. He suspected that the two people on the parcels to the west might have an issue with the relocation of the access road. Mr. Szliter said that it was currently maintained as a gravel driveway. It was the applicants' intention to pave the road. They did not want to have a gravel driveway between homes. Mr. Reece was referring to having the road go around the perimeter, and he clarified that they would not be using the loop road. Mr.*

*Szliter agreed that was shown on the plan. Mr. Reece asked if the perimeter road would be gravel. Mr. Szliter said that the loop road would be paved; whatever the homeowners decided to do with the easement given was up to them.*

*Mr. Reece said he felt that the PUD would work to the City's benefit, to allow the applicants to have the maximum use of their lots and still allow maintenance of the natural features of the property. The applicants had a right to develop it, and they would certainly be within the intent of the Zoning Ordinance, but he felt that the nut would be the access road. Mr. Szliter said that they were open to discussion about that. By providing the easement as it was, they maintained Dequindre Rd. addresses. They had not even brought the issue up with the neighbors yet because they did not know what kind of reception they were going to get from the Commissioners. They would be open to granting them an easement to the loop road, as long as they agreed to pave their driveway, so they did not have a gravel driveway between neighbors. Mr. Reece asked if he meant potentially extending the access off of the cul-de-sac. Mr. Szliter said that was correct, but the homeowners would be required to install a paved driveway. Mr. Reece asked if the applicants would potentially be in favor of something like that. Mr. Szliter agreed, but he was not sure if the homeowners wanted to keep their addresses on Dequindre. He assumed that if the easement was extended from the loop road that the homeowners would have to have address reassignments. Mr. Reece thought that might be even more palatable. He asked Mr. Anzek if there were any Ordinance restrictions on having the access drive along the perimeter of the property, as it was currently depicted.*

*Mr. Anzek stated that he did not know of anything offhand that was in the Ordinance that would prohibit it. He thought there were better solutions, and that whatever saved the most trees would be the preferred solution. Mr. Reece said that if the property owner was willing to allow access off the cul-de-sac, he felt that would be the best solution. Mr. Szliter agreed, but said that they would have to discuss it with the neighbors to make sure that they understood it would be their responsibility to pave it. He reiterated that they did not want to have a gravel road through the property.*

*Mr. Reece asked if the detention pond on the northeast corner would go away, which Mr. Szliter confirmed. He added that they would fill it. It was not very deep, and he did not believe it was that great of a natural water feature. He reiterated that the Engineer just laid out the proposal, and they could explore changing the shape of the road, perhaps making it*

*more of a P-shape and maintaining the pond. Mr. Reese said that personally, he felt that they had put some ingenuity into the plan in trying to find a solution that worked. He said that for discussion purposes, he felt it was a good start.*

*Mr. Kaltsounis said that in looking at the proposed development, it brought to mind all the other similar type developments left in the City. At the joint meeting a couple of weeks ago, they stated that the City was about 96% built out. Whatever they did for small properties such as the proposed could set a precedent. In a formal review of the subject development, he would ask how it could set a precedent for the next time a developer came before them and wanted to do the same thing - special requests, a loop road, etc. He recalled a development off of Washington a few years ago that proposed a loop road, which was how he saw the driveway. He did not want something to come back to haunt them in the future.*

*Mr. Anzek reminded that the use of a PUD was solely at the City's discretion as to whether they wanted to use that tool as a means to accomplish a certain objective. They were at the very beginning of the discussion. It also had to go before Council for their support regarding use of a PUD for development. The applicant was present to see if it was a viable tool to achieve their desired results. Their desired results were to have a more rural look and not put a 35-foot wide cement cul-de-sac down the middle, making it a public street; they wanted to keep it private. It would be privately held by the seven homeowners and possibly the two adjacent to the west, as an exclusive community. There were a couple of others in town, and he was not concerned about setting a precedent because it could be a good thing. If others would match and equal this type of development, he felt it would be worth supporting them. He acknowledged that there might be some concerns, but it was solely at the City's discretion to use a PUD.*

*Mr. Kaltsounis said that he understood, but he indicated that if a PUD was used for a property such as this, he thought that everyone would be lining up tomorrow with requests to use one to get leniencies. Mr. Anzek said that the leniencies in the subject PUD would only be to push the footprints around to save the trees and other environmental features. If they went with a straight seven-unit development, they probably would have to lose 80% of the large trees. The first plan that expired had that setup, with ten units, a road down the center and a big retention basin on the south end. In his opinion, it was not very exciting, and he did not think it did justice to the property and the trees. Mr. Kaltsounis said that he could have a lot of*

*fun on the loop road, and he could drive down and zip around it. Mr. Anzek said that as discussed at the joint meeting, they were looking for ways to keep people from zipping around, such as using calming devices to keep the speeds down.*

*Mr. Szliter said that the intent would be for the road to be private. There would be a landscaped wall and gated access to the homesites. It would not be a free for all for kids on motorcycles. Mr. Kaltsounis said that even with bio-detention, he really was not feeling the loop or "lollipop" road. Mr. Szliter asked if he meant from an aesthetic standpoint. Mr. Kaltsounis said that the design of the loop road bothered him, and he would like to see different solutions.*

*Mr. Schroeder asked if there were utilities that went back to the two homes to the west - water and sewer. Mr. Szliter said that he was not sure. There was a water main to tap off of and the sanitary sewer was underneath Dequindre Rd. and tied into a Shelby Township sanitary sewer. He knew that the homes to the north were on septic, but he was not sure about water. Mr. Schroeder said that it had always been his policy as a former City Engineer to require that developers extended water and sewer, and he would advise that they did it to the homes in the back. He indicated that a road down the side did not make sense to him. He would not want to be plowing that. Putting it where it was proposed made sense, and it also made sense for the water and sewer. Mr. Szliter said that he could not remember what was initially planned for the previous 10-unit development, but it made sense to him, too.*

*Mr. Breuckman pointed out that the benefit of the layout with the bio-detention was that it introduced a lot of green in the middle of the loop road. If they did a simple cul-de-sac, it would require a 96-foot radius for fire truck turnaround. The radius would be almost as big as the loop road. With a cul-de-sac, they would have to pave the entire middle of the detention area. They would end up with a road functionally similar without any green or natural feature preservation. He thought that was something they should not lose sight of.*

*Mr. Kaltsounis acknowledged that, but he wondered if they would be willing to accept bigger projects that came in with the same type of roads. Mr. Breuckman said that perhaps they would for something in the rural estate district, which had one unit per acre. They were not allowing it for 8 or 9,000 square-foot lots. Mr. Kaltsounis commented that they could get a very well rewarded PUD.*



*Mr. Hetrick summarized that a PUD was a contract. They would add certain clauses and stipulations about what the property would look like and what the development criteria would be, etc. It was specific to the development. Mr. Anzek agreed. He added that if, in the future, there were any proposed changes, it would have to go back through the process, and the contract would have to be amended. They needed to think about a homeowner putting in a pool, so they had to make sure the building envelopes could accommodate that type of future growth. If someone wanted to come in and build another home, they could not do it. If someone wanted to knock one down and build somewhere else, they might not be able to do it. It depended on how the PUD was written.*

*Mr. Hetrick considered that a PUD would be something that helped the Commission from the standpoint of other properties trying to do the same thing somewhere else. There would be a document for this property only, which would not have much sway on any other properties. Mr. Anzek agreed, and said that the document would be recorded, and it would be binding for this development only. Mr. Hetrick pointed out that tree preservation and other criteria were the type of stipulations that could go into the PUD document.*

*Chairperson Boswell called Mr. White, who had turned in a card, forward to speak.*

**Robert White, 56187 Dequindre, Rochester Hills, MI 48306** *Mr. White advised that his home was to the west of the subject site. He said that the Commissioners might remember that they were at a meeting a few months ago speaking in opposition to the Rezoning to R-1, primarily because they wanted to preserve the natural open space and feel of the R-E zoning, which they appreciated when they bought their house less than a year ago. He thanked everyone for letting them in on the process at this stage, and he felt that it was a good start to working together. They wanted to learn more about the PUD process. They were not opposed to creative solutions to make sure the rural nature and open feel were maintained. That had been their main objective all along. They had always been willing to work with the developer to come to a solution that everyone could be happy with. They did have a septic and well water, and he believed his neighbors were on it also. Regarding the driveway easement, he was not sure if the applicants had done a title search on his property, but he believed that there was a specific easement on his title where the existing driveway was. He had not spoken to his neighbors, but he thought they would agree that it would be o.k. to connect to the loop road. He did not think the easement could just move without their*

permission.

**Mr. Rob Link, 1956 Carter, Rochester Hills, MI 48306.** Mr. Link said that he lived just north of the proposed site. He appreciated the opportunity to speak. He was concerned about water drainage. If someone walked through the land, it was very squishy and wet. One owner was going to build a house there, and they dug two to three holes to look for septic fields. Those were filled with water now. They needed to figure out some place to drain the water. It was very important to him because all of their water spilled into the pond in the north when it rained. He added that he would not like a driveway going around the perimeter, and he thought that something through the middle would make more sense. He asked if the applicants could pay their taxes, and he also said he would have to put in a call to have their lawn mowed.

Chairperson Boswell informed that the easement, the drainage, and all of those things would work themselves out. The easement would be looked into, and the drainage had to meet the City's standards, no matter what. Regarding a PUD, it was a Planned Unit Development, and it was a way of trying to be creative. Certain standards would have to be met, such as the R-E zoning, and in so doing, what the applicants had proposed was to save trees. If it were built as a regular R-E, seven-unit subdivision, most of the trees would be gone. As to the road around the perimeter, he stated that he would not want that in his backyard, either. Mr. Szliter noted it was just for discussion, and they were completely open.

Chairperson Boswell stated that if they went forward, he would advise them to talk to all of the neighbors. If they came back and they had not done that, the Commission probably would not entertain a discussion. Mr. Szliter said that he understood.

Mr. Anzek thanked the Commission. When someone wanted to do something unique or complex, Staff liked to get them in front of the Commission for guidance and input. The next step would be to refine the design and locate the trees to be preserved; begin to properly place building envelopes; and to work on the detention systems. They would need to come back in front of the Commission for a formal resolution supporting the PUD concept, and then go in front of Council to also get support for use of the PUD process.

## **ANY OTHER BUSINESS**

*Mr. Kaltsounis brought up that there would be older developments being regurgitated, and during the rewrite of the Master Land Use Plan, he wondered what they could do to change the Tree Ordinance so it applied to existing, platted developments. He noted that there were parcels that had been there over 50 years, such as those in Somerset Pines, where trees had grown a lot that he felt should be preserved.*

*Mr. Anzek thought that was a good point, and it was worth considering. In continuous discussions with Gerry Lee of the Forestry Department, he was advised that it was more important to keep stands of trees than to keep a percentage of trees. That was something they had discussed, but never put in an Ordinance. Mr. Kaltsounis was not sure how it should be worked out, but they would have a lot of those coming forward. Mr. Anzek said that he was not sure what they would redevelop in terms of residential. Homes lasted 80-100 years, and most had been built since 1960, but he agreed that they could take the matter up. Mr. Kaltsounis referred to Somerset Pines, which was vacant and platted in the 1950's, and he said that the developer could take all the trees if he wanted. Mr. Anzek agreed, but he noted that they would be keeping a percentage because of the wetlands to the north. Mr. Kaltsounis said that he would just like to have that tool in their toolbox. Mr. Anzek suggested that was the beauty of a PUD. They could cluster units to keep stands of trees. The mixed-residential overlay was intended to be more creative in the siting of homes to preserve the environment. He stated that the trees on the Little Winkler site were impressive, and it was worth pushing homes around to keep them. He agreed they would take it up during the re-write.*

## **NEXT MEETING DATE**

Chairperson Boswell reminded Commissioners that the next Regular Meeting was scheduled for July 17, 2012.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Kaltsounis, seconded by Hetrick, Chairperson Boswell adjourned the Regular Meeting at 8:11 p.m., Michigan time.

---

William F. Boswell, Chairperson  
Rochester Hills Planning Commission

---

Maureen Gentry  
Recording Secretary