



# 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 18, 2013

7:00 PM

1000 Rochester Hills Drive

---

#### CALL TO ORDER

Chairperson William Boswell called the Regular 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.  
James Breuckman, Manager of Planning  
Maureen Gentry, Recording Secretary

#### APPROVAL OF MINUTES

2013-0212 May 21, 2013 Regular Meeting

**A motion was made by Schroeder, seconded by Hetrick, 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) *2014-2019 Capital Improvement Plan*
- B) *Trailways Fall Classic Ride & Walk Invitation for Sept. 28, 2013*

#### UNFINISHED BUSINESS

2013-0189 Request for Conditional Land Use Recommendation - City File No. 13-005 - to construct a used car lot on .28 acres at 1927 E. Auburn, between John R and

Dequindre, zoned C-I, Commercial Improvement, Parcel No. 15-25-482-021, Syed Ahmed, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated June 13, 2013, and Site Plan prepared by Chester Stempien Associates had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Syed Ahmed, 890 E. Hamlin, Rochester Hills, MI 48307 and Siraj Ahmad, Engineering Consultant, no address of record.*

*Mr. Breuckman advised that he had updated the Staff Report to highlight the items of discussion from last month's Planning Commission meeting and to show how the applicant had addressed those. He said that he would be happy to clarify anything or answer any questions.*

*Chairperson Boswell said that regarding the Site Plan Approval motion, condition number four said in part, "Revision of the plans to indicate the species and size of the proposed landscaping." He noted that they had shown that arbor vitae were listed in the details, but he had looked up the particular tree listed (Thuja Flicata) on the internet, and it showed that they grew to 230 feet with the green at the top. He did not feel that those would provide much of a screen wall. He added that after about ten years, all the green would be very high up. Mr. Breuckman said that could certainly be adjusted. Chairperson Boswell asked Mr. Ahmed if there was anything he wanted to add.*

*Mr. Ahmed stated that he was the owner of the property at 1927 E. Auburn Rd. He bought the property on March 25, 2013. He remarked that since then, he had not slept very well. He had invested money, and he wanted to start his own business. He had been trying for a very long time to become a business owner, and he finally got the opportunity to buy some property to start one. He advised that the building would not stay for very long. The previous owner rented it for a barber shop and a buy-and-sell coin shop and collected rent, but he did not do any improvements to the building. In Mr. Ahmed's case, he said that he would build another building as soon as possible and make it a beautiful building right next to the gas station. Looking four years back at that gas station, it was an old building that was closed, and it did not look good at all. When they opened the new gas station, a lot of activity picked up. From John R to Dequindre on Auburn, there was only one business that was closed, and it was Mr. Ahmed's. He wanted to put in a new building that would look very nice for the City. He reiterated that he would do it as soon as possible. He commented that it was hard for him to try to convince nine people, but whatever the City required, he would do it. He was going to add a nice*

*fence - not an inexpensive chain link, but a black wrought iron fence. He could install the fence immediately and later he could use the same fence for the new building. He asked that he be allowed to start the business, and after he became a little established, he could get a bank loan and construct a new building. He stated that the building had been there for 30 years. Since he bought the property, it was his intention to knock down the building and put a nice building in the back.*

*Mr. Hooper stated that as far as Mr. Ahmed's future plans, that was great, but the Commissioners were just dealing with the plan in front of them. When Mr. Ahmed decided to do a future plan, he would have to apply with the Planning Department and come back before the Commission. Mr. Hooper said that he appreciated Mr. Ahmed's forthrightness about the fact that he wanted to help improve the City, and he supported that.*

*Mr. Ahmed stated again that the building had been rented out for 30 years. He would not rent it but be his own boss. He wanted to have a nice building. Mr. Hooper said that he understood, but they were talking about the existing building and the subject Site Plan.*

*Mr. Hooper said that as far as the tree plantings, they could go with pyramidal arbor vitae, as approved by Staff. There were many species they could determine to use. Beyond that, Mr. Hooper said that he did not have any issues, and he was willing to give Mr. Ahmed the chance with the current plan.*

*Mr. Schroeder stated that his concern was that they had discussed having 15-25 cars on the lot, and he saw five parking spots - not displays for cars - where people would open the doors to look inside. He asked Mr. Ahmed what his intentions were.*

*Mr. Ahmed responded that after the Commissioners said that he could not park on the lawn, he maintained that he would not do that. He would start with five to six cars, and when he put up the new building, he would have room to enlarge the parking area. Mr. Schroeder asked Mr. Ahmed if he could conduct a viable business with only five cars. Mr. Ahmed agreed that he could, and said that his business was mostly through the internet. He bought the cars at auctions in other states - Wisconsin, Ohio, New Jersey, Pennsylvania, for example. He mostly bought from Honda and Lexus entities. He could buy a car from the auction and park it there for a year. When he needed a car, his partner would bring it to his lot and park it, but mostly his business was done through the internet. He did not bring many cars to his place, and four to five cars was enough to build his*

*business. Mr. Schroeder asked where he would park the cars. Mr. Ahmed pointed out the five parking spots. Mr. Ahmad added that customer parking would be next to the building. Mr. Schroeder said that he could not understand how Mr. Ahmed could run a viable business with only five cars and tight parking. Mr. Ahmed said that for now, the cars would be parked tightly, but in the future, he could add more parking. Mr. Schroeder said that he was afraid they would end up seeing more than five cars. Mr. Ahmed assured that would not happen. Mr. Schroeder said that he would like to see that guarantee in writing - as a condition of approval.*

*Mr. Schroeder asked Mr. Ahmed if he had gone to MDOT for a driveway approach permit. Mr. Ahmad said that he did, and MDOT told him that once the plan was approved, a permit would be required. Mr. Schroeder asked if the location shown on the plan was approved, which was confirmed by Mr. Ahmad.*

*Mr. Hetrick concurred with adding a condition about the number of cars allowed on the subject Site Plan, and he stated that there should be no more than five cars for sale on the lot. Mr. Ahmed agreed to that condition. Mr. Hetrick observed that the future could change with another Site Plan. Mr. Hetrick confirmed that there was a security camera on the building.*

*Mr. Kaltsounis asked if this matter required a Public Hearing, and Chairperson Boswell advised that the Public Hearing was held at the last meeting, and it did not require another one. Hearing no further comments, Mr. Kaltsounis moved the following motion adding one condition allowing no more than five cars to be parked for sale on the lot.*

***MOTION*** by Kaltsounis, seconded by Reece, in the matter of City File No. 13-005 (Syed used car lot on Auburn) the Planning Commission ***recommends*** to City Council ***approval*** of the ***conditional land use***, based on plans dated received by the Planning Department on June 7, 2013, with the following five (5) findings and subject to the following one (1) condition:

***Findings***

- 1. The proposed use of the existing site and building do promote the intent and purpose of the Zoning Ordinance.***
- 2. The proposed building is proposed to be operated, maintained, and***

*managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the neighborhood the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.*

3. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
4. *The proposed development would not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
5. *The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Condition:

1. *No more than five cars shall be parked for sale on the lot.*

*Chairperson Boswell thought that the condition could be in the Site Plan Motion.*

*Ms. Brnabic maintained that there would be no used car business if the Commission did not vote to recommend a Conditional Land Use. She questioned why they could not add conditions to the CLU. She was looking at it from the perspective that if an applicant did not follow the Site Plan conditions regarding having only five cars or not parking on the grass, the applicant would be defaulting on the Conditional Land Use. She was not looking at it as an enforcement issue, but rather that the CLU would be in default. She would also like to see a condition prohibiting all displays on the grass area - no parking, signs or displays of any kind. Mr. Ahmed stated that he would never default.*

*Ms. Brnabic asked how long Mr. Ahmed felt it would take to install the fence and plant the landscaping. Mr. Ahmed said that it would be as soon as possible. If he got the approval, he would first put in the fence, because it was a safety issue for him, too. Ms. Brnabic asked Mr. Ahmed if he felt it would be reasonable to put a timeframe of 90 days for completion. Mr. Ahmed said that he would install everything before the winter, and that he would agree to 90 days.*

*Mr. Anzek thought that it was fine to put conditions on both the Conditional Land Use and the Site Plan. Regarding the plantings, he would ask that it be made date certain, suggesting November 15, 2013, because it would be into the proper planting season. If they said ninety days, they would not be sure from when. Ms. Brnabic agreed that would be fine.*

*Chairperson Boswell brought up that there could be no usage of the grass area at all. He wondered why they could not have a picnic table or something like that. He asked if Ms. Brnabic meant just business uses not being allowed. Ms. Brnabic agreed a picnic table would be much different than a displayed car. Chairperson Boswell suggested no usage of the grassy area for parking of cars or displaying signs. Mr. Breuckman suggested that they could say no displays of cars or advertising purposes.*

*Mr. Kaltsounis asked if there were three extra conditions they should add to the CLU motion. Chairperson Boswell asked Ms. Brnabic if she would like those amendments added to the motion, and she agreed. Mr. Kaltsounis said that he would be willing to accept the extra conditions. He shared a concern of Ms. Brnabic's about the grass. He noted that at the last meeting, the applicant for the former Meadowbrook Dodge site was present. There were several areas in the parking lot that had to be remediated and cleaned up because cars leaked oil through cracks in the concrete. He was very concerned about trying to preserve the grass on Mr. Ahmed's lot. He explained that it was why they took time discussing the extra conditions. Mr. Kaltsounis moved the finalized motion with the extra conditions:*

***MOTION*** by Kaltsounis, seconded by Reece, in the matter of City File No. 13-005 (Syed used car lot on Auburn) the Planning Commission ***recommends*** to City Council ***approval*** of the ***conditional land use***, based on plans dated received by the Planning Department on June 7, 2013, with the following five (5) findings and subject to the following three (3) conditions:

***Findings***

- 1. The proposed uses of the existing site and building do promote the intent and purpose of the Zoning Ordinance.*

2. *The proposed building is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the neighborhood the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.*
3. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
4. *The proposed development would not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
5. *The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Conditions:

1. *No more than five cars for sale shall be parked or stored on the lot.*
2. *The fencing and plantings shall be installed by November 15, 2013.*
3. *The grass area cannot be used for parking, display or advertising purposes*

**A motion was made by Kaltsounis, seconded by Reece, 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.*

**2013-0190** Request for Site Plan Approval - City File No. 13-005 - Used car lot at 1927 E. Auburn Rd., Syed Ahmed, Applicant

***MOTION*** by Kaltsounis, seconded by Dettloff, in the matter of City File No. 13-005 (Syed used car lot on Auburn Rd.), the Planning Commission **approves the site plan**, based on plans dated received by the Planning Department on June 7, 2013 with the following one (1) finding and subject

to the following eight (8) conditions.

Finding:

1. *The submitted site plan proposes to use the site as-is, and a site plan is required only because the site also requires conditional land use approval. For that reason, the site need not be brought up to all current standards until development activity that requires site plan approval is proposed.*

Conditions:

1. *City Council approval of the conditional land use.*
2. *Executing a pathway easement and filing the executed easement with the County Register of Deeds prior to issuance of a Certificate of Occupancy for the building or the commencement of sales activity on the site.*
3. *Submittal of cut sheets for exterior light fixtures, not to exceed 250 watts.*
4. *Revision of the plans to indicate the species and size of proposed landscaping, as determined by Staff and if necessary, revision to the number of plants proposed to ensure a complete opaque screen.*
5. *Address all applicable comments from other City departments and outside agency review letters.*
6. *No more than five cars for sale shall be parked or stored on the lot.*
7. *The fencing and plantings shall be installed by November 15, 2013.*
8. *The grass area cannot be used for parking, display or advertising purposes*

*Chairperson Boswell recommended that the tree species be changed. If they stayed with what was proposed, there would be 12 logs going out in the air with a little green at the top. He commented that it was called giant arbor vitae for a reason. He suggested changing it to winter arbor vitae or conical arbor vitae, to be approved by Staff. He was not sure that 12 would even be the optimum number.*



*Mr. Anzek said that he just went through this exercise with the Vistas of Rochester Hills. The residents were concerned about their view into the detention area, so he worked with Gerry Lee of the Forestry division, who identified a certain arbor vitae species that grew to a 15 to 20-foot height with a spread of eight feet. If they were planted eight feet on center, it would make a perfect screen wall. He asked that the Commission entrusted Staff to take care of it.*

*Chairperson Boswell revised condition number four as listed above.*

*Mr. Reece asked Mr. Ahmed if the grass area had a sprinkler system. Mr. Ahmed replied that it did not. Mr. Reece suggested that Mr. Ahmed would have to get a pretty long hose to keep the new plants watered and alive, because it would be his responsibility. Mr. Ahmed said that he would do that.*

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

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

*Chairperson Boswell thanked Mr. Ahmed for his patience, for doing what the Commissioners had asked and for putting his business in Rochester Hills.*

## **DISCUSSION**

**2013-0111** Riverbend Park Project - HRC, Presenters

*(Reference: Memo prepared by James Breuckman, dated June 13, 2013 and Riverbend Park Master Plan and associated documents, prepared by HRC had been placed on file and by reference became part of the record thereof.)*

*Present for the discussion was James Burton, Hubbell, Roth & Clark, Inc, 555 Hulet Drive, P.O. Box 824, Bloomfield Hills, MI 48303-0824.*

*Mr. Burton explained that he was before the Commissioners to give an update, share some of the great ideas put forth and answer any questions. He indicated that the Riverbend Park project was very diverse, and that they had a very diverse team working on it. His firm had joined with a landscape architect firm, Landscape, Architects and Planners that*

*did a lot of park projects, and they had done all the graphics in the presentation. The third member of the team was Niswander Environmental. They had done a lot of work in Rochester Hills as wetland specialists and ecologists.*

*Mr. Burton noted that the site was surrounded by several subdivisions: Pheasant Ring, Clinton River Valley, Heritage Oaks and Christian Hills. There was an area next to the southeast corner of the park that belonged to Heritage Oaks, and the team had started talking to them about a possible future addition to the park to accommodate invasive species control and add a water feature.*

*Mr. Burton mentioned the Parks and Recreation Master Plan, and said that out of all the comments from a survey about what residents wanted to see, the top three were preserving open space, having biking and walking trails and nature areas and protecting historically sensitive areas. He stated that the park project would accomplish all three of those in a very environmentally sensitive manner.*

*Mr. Burton pointed out that there were areas in the community for ball fields, dog parks and concerts, but said the park project was not that opportunity. The City had owned the property for a long time, but was really starting to understand the value of the property. The Clinton River ran through the middle of it, which was a very valuable economic development. They also found numerous varieties of habitats, including one that was very rare in this part of Michigan. It was something to be protected, celebrated and enhanced. The three key elements of the project were environmental stewardship, preservation and vibrant habitats, and they wanted to raise awareness and education opportunities that existed. He felt that it was really important to promote healthy living - to keep people moving and to spend time in a clean, healthy environment.*

*Mr. Anzek added that the City had owned the property for at least 20 years. He recalled when the students from Lawrence Technological University (LTU) presented a concept for the park to the Planning Commission. Professor Ralph Nunez from the University came to the City and asked if there were any sites that they could look at to do a student project. Mr. Nunez was present, and Mr. Anzek said that he was the person who started the work on the concept and got the ball rolling.*

*Mr. Burton stated that the Mayor and Staff challenged his firm to make the park different and to make it a destination that was very special. A lot*

*of the ideas that were still white-boarded came from the LTU students. They gave a top-notch presentation, and it made HRC raise its game. Through a relationship with Mayor Barnett, a local gentleman, Steve Stolaruk, who was looking for opportunities to donate to the community, committed to a large donation of time and resources into re-development of the park.*

*Mr. Burton continued that the team had already completed initial site evaluations and eco-system evaluations and had come up with several concepts. They had met with the MDEQ, which was absolutely necessary to have onboard. MDEQ was very excited about the opportunity. It would be preservation of thousands of feet of river in a developed community. They had also started to engage the public. They met with the four subdivisions, and it was very well attended. There were more comments about people wanting to get started than questions about lighting or fencing. He stated that there was a very positive response.*

*Mr. Burton pointed out the Clinton River running through the park, and said there was an existing sanitary sewer that ran from northwest to southeast. There were ponds that were mitigation areas from the Hamlin Rd. reconstruction. There was a trail of crushed aggregate that ran back to the mitigation areas. There were various habitats, prairie, various wetlands and hillside seep, which was groundwater coming through to provide very unique micro-habitats. He remarked that it was a very cool property with a lot going on.*

*Mr. Burton advised that the invasive species had taken over and done a lot of damage to the park. They were harmful to the environment and to the value of the habitats. The phragmites was dominate, but there were about a dozen invasive species on the property. The City faced that at all park properties where there was open water, including in front of City Hall. Phragmites choked everything. They looked wetland-like, but there were no birds or animals heard. He was adamant that they needed to get rid of it.*

*Mr. Burton commented that Mr. Stolaruk was very descriptive in wanting a large area of open water. There was an area that had the largest stand of phragmites on the property, and it was also the inlet from some storm drainage off of Hamlin. They felt that it was the perfect opportunity to remove the phragmites entirely and create an open water body. On the west side of the existing trail, there was a large area that was low quality, and it was converted into different invasives, and they could remove that and turn it into a wildflower prairie. Everywhere else, they would do spot*

*treatments. It was not a matter of brush hogging the whole site and starting over; it was a matter of getting in and hand treating and hand spraying.*

*Mr. Burton referred to the existing park entranceway off of Hamlin. They were looking at that area as a starting point for future development. He showed a slide for phase 1 of the current Master Plan for the park. He referred to the entrance area as the business center of the park. It would be on higher ground and be moved to the southwest corner. It would have a parking lot, maybe a shed for equipment storage, restroom facilities, perhaps a park ranger station and drop off for schools and other groups. From there, people could go off into the different trail areas. There would be a main loop of paved trail for all users. The whole park would have to be ADA compliant. They wanted children, seniors, and able-bodied triathlon types to be able to utilize the park. Once that area was done, there would be other trails in the future that would go around the unique habitats for educational purposes and outdoor classrooms. They could have a kayak stop off point on the Clinton River. They would do some stream restoration in the future. He pointed out the area of Heritage Oaks, and said that it would be desirable to make the pond work, and they continued to talk with the Homeowner's Association about that. There would be no parking lots for car shows or big sports lighting or grandstands. It would really be a true passive park.*

*Mr. Burton summarized that phase 1 would be access to the park. As mentioned, they would move the existing entrance further to the west and put in excel and decel taper lanes, and phase 1 would include a gravel parking lot. They had not spent an enormous amount of time master planning what it would look like yet. The first steps would be the initial restoration of the prairie and invasive species control, the gravel lot, a paved loop and connection to local trails. There would be boardwalks over the wetlands and educational displays to keep people out of the wetlands. There would be overlooks in the future, from a simple deck overlay to more complex ones that the LTU students came up with like beaver huts and birds' nests. They would secure parts of the riverbank for fishing. He maintained that the Clinton River was a regional gem that should be cherished and its banks protected. They did not envision a kayak launch, because someone would have to use a car to get to the back of the park, and they did not want cars anywhere but at the entranceway. There could be a stable point for kayakers who were already on the river to stop and have lunch or just enjoy the park and continue down the river.*

*They were currently working on additional exploration and testing theories. They were testing the soil for development. They would begin immediately to start to control some of the invasives. After that, it was a matter of the City and the donor's vision and everyone's input to keep the ball rolling into future phases. Mr. Burton said that he would be happy to answer any questions, and he added that they really appreciated the opportunity to bring everyone up to date. He remarked that for him, it was great to be able to do something other than sewers and manholes.*

*Mr. Schroeder asked who owned the property north of the park. Mr. Anzek advised that it was in trust to the White family. Mr. Schroeder asked if there was any potential for acquiring it. Mr. Anzek said that the City had numerous conversations with the family, but it had not progressed. The City had done analyses for the ability of development. It was very steep and with the Steep Slope Ordinance, they would probably get six homes on 40 acres. Mr. Schroeder asked if the park would be able to acquire the piece owned by Heritage Oaks. Mr. Burton said that the meetings went well. The inherent value in the City taking care of the phragmites and the ability to access the river from their backyards was something the Heritage Oaks residents saw value in. It was just a matter of working out the details and the City talking with them further. Mr. Schroeder noted that Mr. Stolaruk was a longtime contractor, and he asked if Mr. Stolaruk would do any of the work. Mr. Burton agreed that he would. It was his understanding that the deal was part payment for services and having Mr. Stolaruk do some of the work himself.*

*Mr. Kaltsounis noted that he was at the presentation by the LTU students, and he remembered that there were a lot of good ideas. Mr. Burton had mentioned the potential for the park, and the students had also claimed that there was the potential for an amazing, nature-filled area in the middle of their City. The Master Plan followed some of the basic routings of what the students came up with. Mr. Kaltsounis said that he liked the tie-in to the subdivision. He cautioned that when it came to phases, it was his opinion that if something was not planned, it would not happen. He was not sure about the scope of work intended, but he thought that the different ideas presented by the students to make it a supreme nature center should be a part of the plan. He knew getting the trails in was important, but he wondered how someone could donate to something that was not there. If they had an amazing park with a lot of special features, he wanted to make sure the excitement continued with the next step.*

*Mr. Burton said that he appreciated those comments. He agreed, and said that they also needed momentum and to move forward to meet the*

donor's needs. They were still in the process of developing the remaining improvements and possible program activities that could occur on the property. Those would be a part of the Master Plan document. They would work on cost estimates and try to identify all the next steps. At the same time, once access was there and the park was open, it could drive more grass roots efforts. They were working on getting the park open and getting things rolling, but they were also working on the Master Plan for the rest of it. Eventually, he would present a Master Plan with all the activities, including whether any buildings should be there and future layouts for other activities. They were working on the vision so more people could get excited. Mr. Kaltsounis said that he just wanted to make sure that was covered. He had been to Costa Rica, and he went to an amazing place in a natural habitat. There was a main building and a couple of museums, and then people could go out on cable cars to amazing places. The City had that, too, and it could be shared with schools and people from the OPC, and others looking for a hike.

Mr. Burton indicated that the challenge that the Mayor had put forth was to make it a park with a "wow" factor. They were working on creative ideas to make it a place where people would come because it was different than anywhere else. They could not find seven different habitats anywhere else in suburban, southeast Michigan, but they had it at the park, including one that was phenomenal. He believed that the story of the park would be as "cool" as the outcome. He thought it would be great to have a video presentation that showed how they developed the park and why they made the decisions they did. They planned to figure out how to document everything so they had a great narrative that went along with the park. Mr. Kaltsounis said that he looked forward to seeing it through.

Mr. Hetrick stated that he would be really supportive of having the Master Plan as something with a vision that was also flexible and allowed for organic growth. He agreed that as people went to and used the park, the wow ideas would surface more so than having the team just think them up. The more it could be flexible to allow organic growth would be a good idea, in his opinion. Mr. Hetrick noted that the asphalt trail was meant for biker and walkers, and he asked if the yellow trails would be primarily walking trails to get to a certain place or if they expected that runners and bikers would use those as well.

Mr. Burton stated that the answer was that mountain bikers would go where mountain bikers wanted to go. One of the tasks was to create different areas for different people to use so they did not create their own and go through the middle of where they were not supposed to go, without

*putting up fences and big signs. The second challenge was that all the paths needed to be ADA compliant. Some would not be bike trails, i.e., 12 feet wide and two feet clear, paved surface speedways. That was for the outside loop. The other trails were intended for people to go down to a specific area or outlook and return. Either through rules or park guidelines, they could limit bicyclists to the paved trail. They hoped that by educating people about the project that people would just get it and not go somewhere they were not allowed. The other trails would be set differently by width, material and so on to make sure they were accessible, but they would not be bicycle lanes. Mr. Hetrick said it would limit who used the other trails and provide a level of safety. He commented that the people on the Clinton River Trail had not quite figured out passing on the left. Ideally, he hoped that people would have a good time and a safe time.*

*Mr. Hetrick asked how they would keep phragmites from coming back once they got rid of them. Mr. Burton stated that phragmites were an absolute problem everywhere in the region with shallow water. They did not like deep water, so they could create a pond. They would have to have an ongoing invasive species management program. They would spray and watch it forever. Biological controls had been looked into, but for now, they would either cut, burn or dig them out. They were very difficult, and the City was fortunate that they were limited mostly that one area. They had to dig a pond somewhere, so where the phragmites were was the logical place. Mr. Hetrick said that it sounded as if there was a lot of consideration being given to on-going maintenance of the park and to keep it in a pristine state of nature. He thanked Mr. Burton for the good work.*

*Hearing no further discussion, Chairperson Boswell noted the Resolution of Support in the packet and asked if anyone wished to make a motion.*

**MOTION** by Schroeder, seconded by Hetrick:

**Resolved**, that the Rochester Hills Planning Commission reviewed the proposed development plan for Riverbend Park at its June 18, 2013 meeting, as prepared by Hubbell, Roth & Clark; Landscape Architects and Planners; and Niswander Environmental and, having reviewed and offered comments on the Plan is in support of the proposed plan and endorses its implementation.

*Mr. Kaltsounis said they had reviewed the plan, and he wondered about the next steps. He said that he was looking forward to seeing the next*

steps.

*Mr. Anzek said that Mr. Burton said it very well in his presentation as to why they broke it into several phases. Initially, it was kind of fast tracked because the donor really wanted it done as quickly as possible. A more important point was that the plan was done with MDEQ in mind because they really needed their approvals and permits as quickly as possible. The City did not want to put in a lot of the "wow" portion yet, and it was a conscious decision. The Planning Commission would see the plan again as those things were polished and they had more time to work the MDEQ. If they did want to do something extreme, like build a big bird's nest that hung out over a pond, it would not have been permitted in this type of proposal. He assured that the Planning Commission would see future amplifications of the plan.*

**A motion was made by Schroeder, seconded by Hetrick that a Resolution of Support be approved.**

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

**2006-0226**

Proposed single-family residential development - City File No. 03-009 - Rochester Enclaves, on 30 acres located on the east side of Rochester Road, north of Tienken (north of Cross Creek Sub), Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC, applicant.

*(Reference: Memo prepared by James Breuckman, dated June 13, 2013 and letter from Jerry Kisil of TJ Realvest, LLC dated June 7, 2013 had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jerry Kisil and Tom Cooney TJ Realvest, LLC, 54153 Deer Ridge Ct., Rochester, MI 48307 and Ralph Nunez, Design Team Plus, 975 E. Maple Rd., Birmingham, MI 48009..*

*Mr. Kisil stated that the proposed development was tentatively named Rochester Enclaves, and it was located north of Tienken on the east side of Rochester Road. The property bounded the Cross Creek Subdivision to the south, and it was on approximately 30 acres on two parcels. He showed a concept of the layout of the development. They proposed 25 single-family units. Their intent was to develop a luxury home development, and the homes would start at 4,500 square feet. The tentative pricing would be \$700,000.00 and up. They hoped to have a gated community, which he knew would be subject to discussion. They intended to preserve approximately one-half of the property. Mr. Kisil showed some home elevations that they were currently building or had recently completed, and said that the proposed development would have similar styles.*



*Mr. Kisil noted that he and Mr. Cooney were both members of TJ Realvest, LLC, the proposed developers, and they were each owners and presidents of other companies. Mr. Kisil was President and General Counsel of JBK Construction Co., which was established in 1987. Mr. Cooney was President of Lakeview Contracting, which was established in 1956, and they joined forces in 1999 to form TJ Realvest. Mr. Kisil mentioned some of the projects that had completed. They were finishing up Deer Ridge in Rochester - 13 luxury homes priced up to \$900,000.00. Their most recent project in Rochester Hills was Hazelwood at Livernois and Auburn, which was done about nine years ago and had 35 units. They had a large project outside Lansing called Centennial Farms, which was a PUD with 177 lots, and they did a recent condominium project in Sterling Heights with 35 units. Mr. Kisil recalled that they had approached the Planning Commission about seven years ago, before the recent economic downturn, and presented a conceptual review for the same property for 35 condominium units, for which they gained support. The condos were two and three unit buildings. They had made substantial modifications for the current project, while still preserving the wetland areas and other areas. They reduced the total units from 35 to 25. He turned the discussion over to Mr. Nunez.*

*Mr. Nunez commented about the Riverbend Park concept and how it was an honor to work in the City with an excellent Staff. The City opened Riverbend Park last summer for 18 students to get a real world experience working on a project. The students camped out and had a blast, and they were still talking to him about the park. Mr. Nunez said that he planned to talk with Mr. Anzek about another team they had that would like to do something in the City again. He reiterated that there were some excellent people working for the City.*

*Mr. Nunez noted that he was a registered Landscape Architect and Urban Planner. He had been in practice for 30 years with Design Team. This past year, he changed the name to Design Team Plus, and he had an architect and an interior designer on board, and they had expanded their services. He was going on his 20th year teaching at Lawrence Tech., and he had done a number of successful, challenging projects in the City. The last one he worked on was Harvard Place.*

*Mr. Nunez commented that a lot of the easy sites were built. The subject site was not one of those. There were 30 acres with sloped areas, and about 10.4 acres of wetlands, and it was heavily vegetated. There was a good upland woodlot and a healthy mix of trees onsite. There were some*

*problems with ash trees and some dead elms in the lower region. They looked at the previous plans again, and they started talking with Staff. They wanted to make the new development an up north kind of development. Mr. Anzek had always challenged him on the goal for the site, and Mr. Nunez had to figure out how to make it work. There was an existing lane on the north side (Tree Top Lane) that went into two properties to the east. They created a boulevard entrance and worked the road the best as they could with the existing grades in order to try to minimize the impact. They had to balance the the City's goals and the development goals, including working with the Fire Department and the Engineering Department, so they had some work cut out. They tried to identify the length of the cul-de-sac. They wanted to minimize the impact to the existing neighbors to the north and the two to the northeast. They wanted to create a complete neighborhood in bringing the traffic in to the end. They were working with the Fire Department on the road widths. They had a 60-foot right-of-way and a driveway coming to the south for two units. Engineering would have to look closely at the wetland crossings and the wetland mitigations. They wanted to keep it within the one-third rule, so they did not have to take it to the Federal level. Stormwater detention would be at the low end of the site before it went into the wetlands.*

*Mr. Nunez noted that the pads would be 70 x 70 feet, with 30 feet between each of the units. They met the setbacks of 30 feet from the front and a minimum of 35 feet in the back. Any development along Rochester Road was pushed even further back to a minimum of 50 feet, so they could keep a lot of the existing vegetation and augment it with additional plantings. They would try to do something similar to what the City had done with its entrance road and the bike paths. The Fire Department wanted 26 feet of pavement because of the outriggers, and the developers would like a sidewalk. He understood that most fire trucks did not have a reverse, so they had to make sure the loop worked. They would have a meeting with the Fire Department to see if they could do an integral sidewalk curb and have the storm drain on one side. It would give a narrower looking width, and it would reduce the speed.*

*Mr. Nunez showed an aerial of the site, reiterating that it was heavily vegetated. They looked at Walnut Brook Estates, and one of the things he liked about that was the large vegetation at the end of the cul-de-sac. The site did not have requirements for woodland replacement, but the developer still placed large trees. He showed another subdivision road in Rochester Hills. It had a normal roadway width and sidewalks and not a lot of trees. They would like to keep the sidewalk more toward a narrow*

*road for their project and have more trees in front of the homes.*

*Mr. Hooper asked what the current zoning was. Mr. Nunez replied that it was RE, Residential Estate. Mr. Hooper asked why they could not develop it under RE rather than going the PUD route. Mr. Nunez said that it was because of the extensive wetlands, woodlands and also the slopes. The density they showed was .81 per acre. Mr. Hooper asked if they would not be able to put in 25 homes under RE. Mr. Nunez said that doing a more conventional subdivision would restrict what they could do. They especially wanted to do private roads. Mr. Hooper said that other than a revised street layout and size of the lots, he did not see another issue to use a PUD over conventional zoning. Mr. Nunez believed that the site lent itself to preserving as much of the vegetation as they could versus what could be done in an RE development.*

*Mr. Kisil responded that with RE single-family lots, it would allow individual homeowners to be able to remove all vegetation within a large footprint. In their case, they would condense the development to the uplands and outside the heavily treed areas and preserve as much of the vegetation and leave a larger buffer zone around the wetland areas. It would give the overall appearance of a large, open park atmosphere with the housing being in a tighter neighborhood layout.*

*Mr. Hooper said that Mr. Kisil mentioned having a gated community, and he asked Mr. Kisil if he was considering putting gates at the two entrances shown. Mr. Kisil said that they would just be at the boulevard entrance. Mr. Hooper thought that would defeat the purpose of having a gated community, noting that someone could come into Tree Top Lane and go right into the sub. Mr. Kisil explained that it would not necessarily be for security purposes, but for aesthetics.*

*Chairperson Boswell remembered traipsing the property about six or seven years ago, and at that time, he thought that a PUD was about the only avenue that would work. He realized that it was zoned RE now, but a lot of the land would not be able to be used.*

*Mr. Kaltsounis recalled that when he was a new Planning Commissioner, he heard a lot of complaints about the Hazelwood Condos when he had lived down the street from there. It was approved right before he got on the Commission, and then it was built, but he was aware of it. He had mentioned Hazelwood because of the density. His concern would be how close the proposed development would be to the surrounding environment. They might be able to make a case based upon the people*

to the south. He was concerned about the sidewalks proposed and that they would be connected to the road, acknowledging that everything had not been worked out yet. He liked the idea of the development personally, but he was dead set against the sidewalks being connected to the road. He mentioned that in Walnut Brooks Estates, families that had purchased one of those homes had moved nine families in. He wondered where all the cars would go if that happened. Those were things he had to consider, because it was something people complained to him about. He was not always wild about PUDs, and he always tried to see if there were other creative options they could use, but if they had to use one, they had to. He would like to see the sidewalks separated by a couple of feet, because people would drive right next to the road and use every bit of it. He added that he liked the general direction of the project.

Mr. Kisil noted that they had presented the property to the Open Space Advisory Board about two years ago. The Board encouraged them to stay at the type of development they had originally proposed to move and condense the development to one portion of the property. They were excited about the fact that there would be a lot of open green spaces that would maintain. Regarding the attached sidewalks, Mr. Kisil said that he would leave those technicalities to Mr. Nunez and Planning. They could certainly do some enforcement and require onsite parking. They anticipated having four-car garages with driveways for an additional four to six cars. He felt that would have a bearing as to how much parking would be on the street.

Mr. Breuckman brought up the sidewalk issue, and said that Staff had some conversations about it. The whole goal was to try to keep the street as narrow as they could to keep traffic speeds down. They would like to have a 25 m.p.h. design speed, and in order to do that, they had to have a narrower street. Regarding the issue of separating the sidewalk, the sidewalk would have dual purpose. It would be identified as pedestrian space, but it would also serve the Fire Code requirements. The Fire Code required a 26-foot wide roadway. If they moved the sidewalks off the road, they would still have to have a 26-foot wide roadway and a five-foot sidewalk and then they would have to move the sidewalk back eight feet from the edge of the pavement to have room to plant trees. All of a sudden they would go from being able to move away from the wetlands and trees to pushing everything 20 feet further out in order to accommodate the sidewalks. 25 units would not generate high traffic counts, and he felt it might be worth considering attached sidewalks like the City had at its entrance drive, treating the side of the road differently to identify that it was not driver space but pedestrian space. He maintained

*that they were going after efficiencies.*

*Mr. Kaltsounis stated that it was beneficial to have discussions before an applicant spent a lot of money and presented plans. Mr. Nunez said that he appreciated it, and they would look at different alternatives. They still had to bring the other players into the meeting. He acknowledged that it was a safety issue, and they understood the Fire Department's concerns. They had to come up with creative solutions that met everyone's goals. He noted that they were also proposing a safety path along Rochester Rd. and stop off areas for bikers or walkers. There was a piece of real estate that was upland and there was an area at the southern portion of the site that they could put in naturalized benches that were more rustic-looking.*

*Mr. Schroeder asked if it would be possible to put in a very low, mountable curb adjacent to the pavement and sidewalk. The curb would delineate and be easily mounted. Mr. Breuckman thought they could, but it would be a detail they would have to look into. Mr. Schroeder felt it would be a good solution, and he added that it was a very nice development.*

*Mr. Reece said that based on the layout, and the issue with the sidewalks, he rather liked where they were going with the plan. There would be a very limited number of houses, and if they looked at the main road going back to the end, there would only be 14 along that route. There would be bigger homes, wider driveways and bigger garages, and that would get the cars off the street. They would expect to have cars parked in garages or in the driveways in a sub of this type, not in the road. There would always be the case of someone having a graduation party or similar event, but that would not be the norm, and they had to plan better for the norm. He stated that the unusual circumstances should not dictate what they were doing. He said that he liked the layout, and although they had some work do to going forward, he felt that they were on the right path.*

*Mr. Kisil commented that between Mr. Anzek, Mr. Breuckman and Mr. Nunez, they really pushed the bounds of what he was normally accustomed to in development. They suggested that it be developed into something quite unique and something very special, with a winding road and up north feeling. They became excited about the opportunity, and he added that he would probably become a resident of the community. He did not think this type of development was found in most communities, especially in urban centers with the type of atmosphere it had. He thanked Staff for "pushing their envelopes."*

*Mr. Schroeder remarked that the curbing road they had designed was a traffic engineer's dream. It cut down on speeds and was a great advantage.*

*Chairperson Boswell felt that a majority of the Commissioners liked the plan and would like to see it come forward. Mr. Nunez said that they would be back shortly, and he thanked the Commissioners.*

**Discussed**

## **ANY OTHER BUSINESS**

*Mr. Kaltsounis brought up that on April 10, 2013, an old house on Auburn between Crooks and Adams caught on fire and burned down. The house had since been torn down, but there were a rather large amount of contents from inside the house that did not burn down, and they were sitting on two bus-sized large piles on either side of the house. They looked like giant piles of clothes. The house was mainly gone - there was a back porch and entrance - but there was a lot of junk left, and he asked if Staff could look into it.*

*Mr. Reece said that on a similar vein, there was a house that had been under construction in Hillside Creek that had been waiting to be bricked for a year or so. It looked like the developer had walked away from it. It was the second house in, and it had been sitting for months with the bricks scattered across the site and sand and mortar everywhere. Mr. Breuckman said that he would look into that also.*

*Mr. Hetrick mentioned that the work had started on the Taco Bell on Walton.*

## **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for July 16, 2013.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and upon motion by Kaltsounis, Chairperson Boswell adjourned the Regular Meeting at 8:43 p.m.

\_\_\_\_\_  
William F. Boswell, Chairperson  
Rochester Hills Planning Commission

\_\_\_\_\_  
Nicholas O. Kaltsounis, Secretary  
Rochester Hills Planning Commission