

5. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Conditions

1. *City Council approval of the Conditional Use.*
2. *Provide a landscape bond for landscaping/trees /irrigation in the amount of \$39,450, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*
3. *Address any applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
4. *Applicant to provide an updated Environmental Impact Statement to reflect the correct days and hours of operation, prior to City Council review of the matter.*

*Mr. Reece said that he was not at the last meeting when the Brewster Meeting Room was proposed. He asked if there was something that drove the start time of 5:30 a.m. on Sunday mornings.*

*Mr. Truan said that they gathered around 6:00 a.m., which was their time of worship. Mr. Reece said that it was fine, but there were a couple of residents behind them. He asked that they be respectful of their privacy that early in the morning. If the City got complaints about the noise, although he did not anticipate it, those complaints would need to be addressed. He asked them to be mindful of the neighbors, as they had lived there a long time, and their privacy was just as important as the church's right to congregate.*

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

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**2018-0284**

Public Hearing and request for Conditional Use Recommendation - City File No. 18-008 - to allow attached housing in the MR Mixed Residential Overlay district for Breckenridge Condominiums, a proposed 12-unit duplex residential development on 3.73 acres, located on the south side of Hamlin, west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential

Overlay, Parcel Nos. 15-28-226-023 and -024, Mark Gesuale, Hamliv, LLC, Applicant

*Mr. Kaltsounis noted that previously, he had to recuse myself from projects with the applicants. Since then, his family no longer had a contract with them. Chairperson Brnabic concluded that there was no reason to recuse himself.*

*(Reference: Staff Report prepared by Kristen Kapelanski, dated August 17, 2018 and Site Plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jim Polyzois, Hamliv, LLC, 14955 Technology Dr., Shelby Twp., MI 48315 and Ralph Nunez, Nunez Design, 249 Park St., Troy, MI 48083.*

*Ms. Kapelanski stated that the applicant was proposing to construct a 12-unit development comprised of six, two-unit buildings. She noted that the property was zoned R-3 with an MR Mixed Residential Overlay, and the applicant was using the MR Overlay provisions. The development required a Conditional Use approval to have attached housing in the MR district. She advised that the plan was generally in compliance with the exception of a deficient lot size. Ten acres were required; however, the Planning Commission had the ability to modify the standard. There were two regulated wetland areas, and the applicant was requesting a Wetland Use Permit. Also being requested was a Natural Features Setback Modification for 812 linear feet of impacts and a Tree Removal Permit for 31 trees to be replaced on site. She stated that the plan was in compliance with only minor conditions, and that all staff recommended approval.*

*Mr. Nunez noted that there was an historic home and City-owned property to the east, a single-family home to the south and two other residential properties to the west. He pointed out that the units off of Hamlin were similar to those in Brampton Parc which was just about completed. The southern four units were a modification of another project they had worked on giving a different mix for the elevations. He advised that the way they proposed the T intersection, if other properties became available, they could utilize them for utilities and access. He thanked the City, which he said kept them on track. He offered to answer any questions. Chairperson Brnabic asked if it would be a private road, which he confirmed.*

*Chairperson Brnabic observed that the applicants had sent letters to the adjacent neighbors, and she asked if there had been any inquiries. Mr.*

Polyzois said that he had spoken to the gentleman who owned the home to the south. He gave him an update, and he seemed fine with it. He also had Mr. Polyzois' number if he had further questions. Chairperson Brnabic stated that the Commissioners appreciated that the neighbors were contacted.

Chairperson Brnabic opened the Public Hearing at 7:19 p.m. She reiterated that if anyone wished to speak, that a card needed to be filled out and turned into Ms. Gentry.

**Syed Raza, 2084 S. Livernois, Rochester Hills, MI 48307** Mr. Raza noted that he was the neighbor on Livernois south of the bottom four units. His biggest issue was the grade to the north. He asked if the applicants were planning to change any of the grade and which way it would lean. He said that if it was towards the wetland to the south, he would have a problem. If it leaned to the north, he claimed that it would be better. His second concern was the trees. He recalled when Woodland Park was going through a review, and he was thankful that Mr. Kaltsounis had requested 12-foot rather than six-foot ornamentals. Mr. Raza said that there were Poplars where the four southern units would be, which created a mess. He asked which trees would be removed and what they would be replaced with. He did not think there would be an issue with headlights. He asked how far the backyards for the four units would be from the boundary. He was not sure if the applicant would be interested in putting up a fence to prevent people from crossing into his yard. Pulte (developer of Woodland Park) did not agree to it, so he put up a fence on the southern boundary of his property. He thought that they could discuss it separately - he had kids and a dog, and they would not want anyone affected. He noticed that the wetland impact would be almost 10k s.f., and he wanted to know the plan for the wetland, because most of the creek was on his side. He asked if any of it was on the applicant's side, and Mr. Polyzois did not believe so. Mr. Raza said that he could foresee a problem with the wetland in the future. He commented that Pulte promised they would not change the grade, but part of his front yard was now a pond because of what they did to the grade. He stated that it was pretty big. He asked how much of the back end of the four units would look into his home. He wondered about privacy, since some of the trees would be removed. He asked if the setback modification could be explained as well.

Mr. Nunez stated that as far as the wetlands, the majority of the impact would be where the four southern units were. There was a low quality wetland that was being removed which drained to the west into the larger

wetland. He advised that there would be a 60-foot setback from the back of the units to the property line. He claimed that there were a lot of poor quality trees. The majority were Box Elder, Cottonwood and White Ash. They tried to minimize the removal. The large stand of trees behind the units were Cottonwoods that were being preserved. The vegetation along the southern property line would not be disturbed. There would be boulders to line the wetland edge based upon the wetland consultant's recommendation. They wanted to make sure that the lawns did not encroach any further south. They would meet and exceed the requirements for the buffers on all four sides. They were getting credit for some of the trees in the wetlands. He did not think there should be any problems with headlights, because the cars would be parked in front of the units. Regarding the grade, the swales would be located in the rear yards on the east property line, and there would be inlets in the roadway system. Everything would drain to the northwest corner into the detention basin. What was draining off the property on the south side was the side yard of the units. Half would go toward the street and the back half would drain toward the wetlands. Regarding the windows and looking into the home to the south, the patio spaces would have glass doors, and some windows in the living room faced south. Those residents would be as interested in privacy as the neighbor, and that was why they placed the vegetation where it was shown. He suggested that it was not fixed in stone, and it could be moved to make sure it would not be a problem for the neighbor.

Mr. Polyzois responded that the setback for the units abutting the neighbor to the south would be 60 feet from the units. The lime green area around the perimeter represented wetlands that would remain undisturbed. That area was approximately 35 feet. He proposed to add a few trees in the dark green area, which abutted the neighbor's property line to ensure more privacy. He would also meet with Mr. Raza to discuss fencing. The property was fairly flat, so he did not anticipate any drainage running onto Mr. Raza's property. He maintained that Engineering would be thorough and make sure that all the drainage went to the detention pond.

Mr. Reece asked Mr. Nunez if he could describe what the boulder wall would look like, which he felt would be helpful for the neighbors. Mr. Nunez said that the wall was more for retaining the slope at the detention basin on the west side. The wall started at the access road to the basin, and it would continue to near the back of unit ten. The wall was designed to hold the grade, so there was a separation between the detention and the wetland area. From unit nine down and around to the east side, they would place boulders - it would not really be a wall, but more of a

delineation to keep mowers from it. The boulders would be large enough so that the homeowners would not move them, but they would keep the mowers at bay. They would place new planting material there. Mr. Reece asked if the boulders would be approximately one to two feet tall, to which Mr. Nunez agreed, noting that it was per ASTI's recommendation.

Mr. Kaltsounis said that the height of the buildings was relatively normal for the proposed type of house, which he was fine with. He did wonder about the height of the proposed mixed residential buildings compared with the homes around them. He went through the plans to see if cross sections were provided, but he did not see any. He asked if the City could make it a policy to require cross sections to see how a development might encroach on neighbors' properties. He suggested getting a cross section for the home to the south to compare with the proposed buildings.

Ms. Roediger felt that in special circumstances, such as with discretionary PUDs, they could request it, but two-and-a-half stories were allowed, and the applicants were proposing two-story homes. Mr. Kaltsounis said that he was just asking if a developer could supply cross sections to the surrounding homes when they submitted plans. Ms. Roediger said that staff could look into it, but it would add a cost for the developer.

Mr. Kaltsounis said that he was considering a condition for the motion asking the applicant to meet with the neighbor to the south to create a plan for more trees and to add fencing. It would ultimately be reviewed and approved by staff. He believed that the trees and fencing that they were talking about would be in the wetland, however, so it might not be possible. Ms. Kapelanski said that she believed the applicants were proposing to add trees in the darker green area, which was not in the wetland. She was not sure how much sense fencing would make along the border, because there was already quite a significant buffer with the wetland. If that was something the applicant was willing to talk about with the adjacent homeowner, that would be fine, but it would have to be out of the wetland. Mr. Kaltsounis asked if the wetland encroached into the neighbor's property, and Ms. Kapelanski agreed that it did.

**Jeong Kim, 2122 Logan Dr., Rochester Hills, MI 48309** Mr. Kim said that he lived in a Pulte home south of the proposed development. In the drawing he viewed, it was not clear how far it was between Logan and the south end of the subject property. He asked how tall the buildings would be and if the trees between the development and Logan Dr. would be tall enough to give privacy.

**Ronald Stover, 2559 N. Harrison, Rochester Hills, MI 48309** Mr.

Stover stated that his mother owned the home to the west. He observed a driveway on the west side, and he asked if it was her driveway. He asked if the duplexes would back up to her fence. He stated that she was not selling. Pulte tried to get her to sell, but she would not sell to them or to the applicants. He asked if the houses were going to be right behind his mother's bedroom, which was on the east end of her house.

Chairperson Brnabic closed the Public Hearing at 7:36 p.m.

Mr. Polyzois said that the driveway on the upper left corner was an existing driveway that did not go anywhere, and it would be eliminated. The setback from the property line to the rear of the homes on the west was over 100 feet. That area would stay in a natural state with the exception of the detention pond. He felt that there would be an extensive separation from the owner to the west.

Ms. Kapelanski said that it appeared that the driveway was labeled on the plans as pond access. Mr. Nunez agreed. Engineering proposed it for maintenance of the basin, and it was new. Just to the right of that were utility connections for the storm water system. He agreed that from the back of the units on the west, the setback was at least 100 feet from the property line. There was also quite a bit of vegetation proposed along the back of the units.

Mr. Reece noted that Mr. Raza had indicated that he was having drainage issues due to the Pulte development, and he asked if staff could go out and take a look to see if something had not been correctly. Ms. Kapelanski agreed to look into it.

Mr. Kaltsounis said that with the type of townhouses that they were seeing recently, the height of the buildings were similar to what was seen in a house. When they discussed the area in the Master Plan ten years ago, the proposed development was the type of community they hoped to see. He moved the following motion:

**MOTION** by Kaltsounis, seconded by Reece, in the matter of City File No. 18-008 (Breckenridge Condominiums) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow attached housing in the MR Mixed Residential Overlay district, based on plans dated received by the Planning Department on July 24, 2018, with the following seven (7) findings.

**Findings**

1. *The proposed development and other necessary site improvements meet or exceed the standards of the zoning ordinance.*
2. *The use will promote the intent and purpose of the zoning ordinance.*
3. *The proposed units have been designed and are proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.*
4. *The proposal should have a positive impact on the community as a whole and the surrounding area by further offering another housing option.*
5. *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.*
6. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
7. *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.*

*Mr. Reece explained that the homes would be standard residential, two-story homes. As far as the height, there was nothing unusual with regards to being taller or looking down onto the neighbor's property to the south. He wanted the neighbors to understand that they were typical, two-story residential homes, and that was all they were.*

*Ms. Roediger added that there was a question about the distance from Logan St. She advised that the distance from the Pulte property line to the proposed homes was over 225 feet, which was substantial.*

**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 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

2018-0277 Public Hearing and request for a Wetland Use Permit Recommendation - City File 18-008 - for impacts of up to 9,671 square feet associated with construction activities for Breckenridge Condominiums, a proposed 12-unit duplex residential development on 3.73 acres located on the south side of Hamlin, west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel Nos. 15-28-226-023 and -024, Mark Gesuale, Hamliv, LLC, Applicant

*Chairperson Brnabic opened the Public Hearing at 7:43 p.m. Seeing no one come forward, she closed the Public Hearing.*

**MOTION** by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission **recommends** that City Council **approves a Wetland Use Permit** to impact approximately 9,671 square feet for the construction of several units and associated grading, the construction of the storm water detention basin, grading in the lawn areas of several units and to the boulder retaining wall areas, based on plans dated received by the Planning Department on July 24, 2018, with the following two (2) findings and subject to the following three (3) conditions.

Findings

1. *Of the approximately 50,500 s.f of City-regulated wetlands on site, the applicant is proposing to impact approximately 9,671 s.f.*
2. *Wetlands A and B are of low quality and function, and should not be considered a vital natural resource to the City, according to the ASTI Environmental letter of July 27, 2018. Wetland C is not regulated by the City.*

Conditions

1. *City Council approval of the Wetland Use Permit.*
2. *If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.*
3. *That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*

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

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz



2018-0280

Request for a Natural Features Setback Modification - City File No. 18-008 - for impacts of up to 812 linear feet associated with construction activities for Breckenridge Condominiums, a proposed 12-unit duplex residential development on 3.73 acres, located on the south side of Hamlin, west of Livernois, zoned R-3 One Family Residential, Parcel Nos. 15-28-226-023 and -024, Mark Gesuale, Hamliv, LLC, Applicant

***MOTION*** by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission **grants a natural features setback modification** for 812 linear feet for impacts from the construction of the detention basin and other site development, based on plans dated received by the Planning and Economic Development Department on July 24, 2018 with the following two (2) findings and subject to the following one (1) condition:

Findings

1. The permanent impact to the Natural Features Setback area is necessary to construct the detention basin and other site developments.
2. The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated July 27, 2018.

Condition

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

2018-0278

Request for a Tree Removal Permit - City File No. 18-008 - for the removal and replacement of as many as 31 regulated trees for Breckenridge Condominiums, a proposed 12-unit duplex residential development on 3.73 acres, located on the south side of Hamlin, west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel Nos. 15-28-226-023 and -024, Mark Gesuale, Hamliv, LLC, Applicant

***MOTION*** by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission **grants a Tree Removal Permit** for the removal and replacement of as many as 31 regulated trees, based on plans dated received by the Planning Department on July 24, 2018, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to replace 31 regulated trees with 36 tree replacement credits on site, as required by the Tree Conservation Ordinance.*

Conditions

1. *Tree protective and silt fencing, as reviewed and approved by the city staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City Tree Fund.*

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

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

2018-0279

Request for Site Plan Approval - City File No. 18-008 - Breckenridge Condominiums, a proposed 12-unit duplex residential development on 3.73 acres, located on the south side of Hamlin, west of Livernois, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel Nos. 15-28-226-023 and -024, Mark Gesuale, Hamliv, LLC, Applicant

***MOTION*** by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission ***approves the site plan*** based on plans dated received by the Planning Department on July 24, 2018, with the following four (4) findings and subject to the following seven (7) conditions.

Findings

1. *Upon compliance with the following conditions, the proposed site plan meets all applicable requirements of the zoning ordinance and one-family residential condominium standards.*
2. *The Planning Commission waives the ten-acre minimum site area,*

*finding that the site cannot physically comply with this requirement.*

3. *Adequate utilities are available to properly serve the proposed development.*
4. *The site plan represents a reasonable and acceptable plan for developing the property.*

Conditions

1. *City Council approval of the Conditional Use.*
2. *City approval of all easements and recording of such easements with the Register of Deeds prior to issuance of a Land Improvement Permit.*
3. *Submittal and City attorney approval of the condominium documents, prior to final approval by staff.*
4. *Submit a landscape bond in the amount of \$83,048 plus inspection fees, prior to issuance of a Land Improvement Permit.*
5. *Provide payment of \$2,601 into the City's Tree Fund for street trees, prior to issuance of a Land Improvement Permit.*
6. *Approval of required soil erosion permit and approval from outside agencies.*
7. *Applicant to meet with the neighbor to the south to create a plan to add trees and potentially fencing, to be approved by staff prior to final approval.*

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

**Aye** 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

*After each motion, Chairperson Brnabic stated that the motion had passed unanimously, and she congratulated the applicants. She said that it was always a pleasure to work with them, and they were always prepared and answered questions well and talked with their neighbors. Mr. Hooper thanked the applicants for their investment in the City.*