

the Site Plan and remarked that it made Hidden Ridge look like a "cakewalk."

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 98-025, the Planning Commission **recommends** to City Council **approval** of the request to rezone 17.3± acres, identified as Parcel No. 15-09-451-002 **from** RM-1, Multiple-Family Residential and R-3, One-Family Residential **to** RCD, One-Family Residential Cluster.

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

Aye 8 - Boswell, Brnabic, Hardenburg, Hill, Hooper, Kaltsounis, Rosen and Schroeder

Excused 1 - Reece

2005-0367

Preliminary Site Condominium Plan Recommendation- City File No. 00-037 - Northbrooke East Site Condominiums, a 12 unit development on approximately 3.7 acres, located south of Auburn and east of Crooks, zoned R-4, One Family Residential, known as Parcel No. 15-33-128-009, Northbrooke East Development, LLC, applicant.

(Reference: Staff Report prepared by Deborah Millhouse, dated June 2, 2005 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Reid Orr and Laith Hermiz, Northbrooke East Development, LLC, 1361 East Square Lake Road, Troy, MI 48085.

Mr. Hermiz stated that the subject site was a 3.7 acre vacant piece of property located south of Auburn Road, east of Crooks. He noted that it was located directly behind the Avondale Faith Tabernacle Church. The property was zoned R-1, One Family Residential, and they were proposing a 12-unit site condominium project. They worked very diligently on the project with Staff for a number of months to come up with a plan that would benefit, and be compatible with, the surrounding uses. He thanked Ms. Millhouse and Ms. Dinkins, the City's Landscape Architect. He noted that the property was located just east of the existing Northbrooke development, and it was surrounded on the south and west by Meadow Creek II, a Tadian project currently under construction.

Mr. Hermiz continued that they felt the plan would benefit the community in a number of ways. First, they planned to connect to the existing streets at Newstead and Wren Lanes and would provide sidewalks, allowing the children in Meadow Creek direct access to the elementary and middle schools just west of the property. They had complied with the Tree Conservation Ordinance by preserving 41.7% of the regulated trees.

They also complied with the One-Family Condominium Ordinance and were utilizing lot size averaging. He said that per the Staff Report, Engineering, Landscaping and Planning had all recommended approval, so they were before the Commission requesting a Tree Removal Permit and recommendation of the Preliminary Site Condominium Plan.

Ms. Millhouse indicated that the proposed project was a very simple one that would connect two subdivisions, both of which had stub streets. The development met all the Ordinance requirements and there were some minor conditions Staff had requested. She pointed out that the Church gave permission to locate the detention on its property. Staff would make sure the three-party agreements were available prior to the issuance of a Land Improvement Permit.

Mr. Hooper asked how often it occurred that detention was located off-site. Ms. Millhouse said she believed it had happened before but it was the first time she had been involved. Mr. Schroder asked if it was sized to take the church property. Mr. Hermiz said it was sized to accommodate the proposal as well as a small section of the corner adjacent to the church's property, and they provided Staff with a sign-off letter from the church, indicating approval.

Mr. Hooper opened the floor to public comments.

Mr. Larry Dropeski, 3154 Davenport Lane, Rochester Hills, MI 48309

Mr. Dropeski said he lived just west of the proposal. He asked if the meeting would speak to the character of the housing for the development - minimum lot size, square footage of homes, number of stories, etc. He mentioned that for a prior agenda item, they discussed the percentage of brick on the houses. Mr. Hooper explained that if "percentage of brick" was offered as a condition, it could have been tied to the previous Conditional Rezoning, but for the proposal, the applicant would have to build according to the Ordinance. Mr. Dropeski said they were delighted to have an additional development, but he had concerns about the process. He also suggested that there was one regulated tree that might have been missed between lots two and three. Mr. Hermiz advised that it was identified in the Tree Survey. Mr. Dropeski referred to the properties to the south and east currently under development (second year and less than 50% built, according to him) and indicated that he was looking at five years until it was finished. He stated that the proposal might take several years and he was concerned about dust. Mr. Hooper advised that the applicant would have to get a Soil Erosion Permit and erect and maintain a silt fence for downslope areas. Mr. Dropeski said that silt fencing would

not do anything about the dust, and he thought that prior to the excavation of the basements a seed mulch could be put down to help minimize it. He was also concerned about construction traffic and said that currently, the development to the south and east forced the traffic through his subdivision. The decision to engineer his street to be superior to Gilsam was made by the Engineering Department, even though Gilsam would be a very easy, direct access off of Crooks to Meadow Creek II. In his neighborhood, someone would have to make two very tight 90-degree turns, and because of the traffic, there was a lot of damage to the roads. He remarked that there were birdbaths in the street. He believed the City should be responsible for the repairs or require the developer to make them. The people in his subdivision would have much rathered the trucks routed off of Auburn Road than through his neighborhood and he would like consideration given to having the truck traffic for the proposal come from Auburn or Gilsam rather his neighborhood.

Mr. Hooper advised that the Traffic and Engineering Department would resolve that issue. He suggested that Mr. Anzek or Ms. Millhouse might also bring that up.

Mr. Dropeski asked if there would be consideration for any type of ground cover. Mr. Hooper said that by Ordinance, a developer was required to seed the right-of-way after the improvements were in. He asked if the applicant had any thoughts about that.

Mr. Hermiz said they would comply with all the requirements of the County and City in terms of providing soil erosion fencing and they would use best efforts to keep it as clean as possible. He stated that it was impossible to keep it dust free. At this point he said he was not willing to provide additional ground cover and said he would have to investigate it with his site work engineer to see what the cost implications would be. They would use the standard, acceptable procedures and they would be held accountable by the City, who had excellent inspectors. He pointed out that Meadow Creek surrounded his property and had about 60 lots and they proposed 12. He said he totally understood Mr. Dropeski's point and said he would be happy to talk with him after the meeting to exchange names and numbers. They would do everything in their power to keep noise and dust to a minimum, but he believed the impact would be much more minimal than what they had gone through. Mr. Dropeski said he understood, but noted that the proposal was adjacent to him and even though it was only 12 sites, it could take awhile to finish.

Mr. Anzek advised that there were engineering standards for soil erosion

and dust control, but there was another Ordinance for dealing with noise and nuisances. He said that regardless of where the homes were in the process, if Mr. Dropeski had a problem with dust, he could call Mr. Anzek or the Planning Department and they would have Code Enforcement out to look at the situation.

Mr. Hooper asked the applicant to speak to the type and quality of homes they were going to build. Mr. Hermiz said it was their goal to provide homes that were compatible with the current market place. He believed that the homes they eventually built would be of a better quality than some being built in the area. Regarding timing, he said their schedules were very tight and he would expect to complete the land development work within three or four months and it would then be a question of how quickly the homes went vertical, which he could not answer at that moment. Mr. Dropeski asked if there was a possibility that along the east side of Wren, where there was a few regulated trees and tree line, they could grade the roads and leave a visual barrier until the homes were developed. Mr. Hooper believed they would have to come out because of the utilities. Mr. Hermiz said they were required to provide utilities in the back along Mr. Dropeski's property line. They surveyed the property several times and there were three trees not on the plan per the City's Landscape Architect because they were Ash Trees. Mr. Dropeski confirmed that an Ash Tree was not regulated. He said that the trees on the east side of Wren were Silver Maples and they were regulated. He was told that those would be removed as part of the initial clearing of the site.

Mr. Hermiz advised that they would propose to the City's Engineer that all construction traffic enter through the church so they could avoid going through Mr. Dropeski's neighborhood.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 00-037 (Northbrooke East Site Condominium), the Planning Commission **recommends** City Council **approve** the **preliminary site condominium plan**, based on plans dated received by the Department of Planning and Development on April 21, 2005, with the following five (5) findings and subject to the following ten (10) conditions.

Mr. Rosen asked if the Church was under any obligation to dedicate the 60-foot future right-of-way for Auburn Road. Ms. Millhouse replied that they were not, but Engineering Services liked to know that information.

Findings:

1. *Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.*
2. *Adequate utilities are available to properly service the proposed development.*
3. *The preliminary plan represents an acceptable comprehensive development plan that connects an existing subdivision to the west with an approved site condominium development to the east.*
4. *The preliminary plan represents the only possible street layout and a reasonable lot orientation.*
5. *The Environmental Impact Statement shows that this 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 for this project.*
2. *Note on the plans whether or not the Avondale Faith Tabernacle is willing to dedicate the 60-foot future right-of-way line for Auburn Road.*
3. *Keep the plans consistent relative to depicting a 100-year overflow manhole or utilizing a 100-year overflow weir.*
4. *Clearly indicate that the post construction device (County SO-2 structure) will be permanent.*
5. *Show the restrictor on the downstream end of the standpipe structure on Sheets C-5 and C-7.*
6. *Correct Note #3 on Sheet L-1.0 to read that \$200 per unit is required to plant one street tree.*
7. *Add the second sentence in Note #3 to the end of Note # 5 on Sheet L-1.0.*

8. *Payment of \$2,400.00, as adjusted if necessary by the City, to the Forestry Division for street trees prior to issuance of the Land Improvement Permit.*
9. *Adjust the Sequence of Construction schedule on Sheet C-2.*
10. *Reinstate the "Minimum Lot Area = 8,640 SFT" under Lot Averaging Requirements on Sheet C-3.*

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

Aye 8 - Boswell, Brnabic, Hardenburg, Hill, Hooper, Kaltsounis, Rosen and Schroeder

Excused 1 - Reece

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 00-037 (Northbrooke East Site Condominium), the Planning Commission **recommends** City Council **approve** the **preliminary site condominium plan**, based on plans dated received by the Department of Planning and Development on April 21, 2005, with the following five (5) findings and subject to the following ten (10) conditions.

Findings:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The preliminary plan represents an acceptable comprehensive development plan that connects an existing subdivision to the west with an approved site condominium development to the east.
4. The preliminary plan represents the only possible street layout and a reasonable lot orientation.
5. The Environmental Impact Statement shows that this 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 for this project.

2. Note on the plans whether or not the Avondale Faith Tabernacle is willing to dedicate the 60-foot future right-of-way line for Auburn Road.
3. Keep the plans consistent relative to depicting a 100-year overflow manhole or utilizing a 100-year overflow weir.
4. Clearly indicate that the post construction device (County SO-2 structure) will be permanent.
5. Show the restrictor on the downstream end of the standpipe structure on Sheets C-5 and C-7.
6. Correct Note #3 on Sheet L-1.0 to read that \$200 per unit is required to plant one street tree.
7. Add the second sentence in Note #3 to the end of Note #5 on Sheet L-1.0.
8. Payment of \$2,400.00, as adjusted if necessary by the City, to the Forestry Division for street trees prior to issuance of the Land Improvement Permit.
9. Adjust the Sequence of Construction schedule on Sheet C-2.
10. Reinstate the "Minimum Lot Area = 8,640 SFT" under Lot Averaging Requirements on Sheet C-3.

2005-0394 Tree Removal Permit - City File No. 00-037 - Northbrooke East Site Condominiums.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 00-037 (Northbrooke East Site Condominium), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Department of Planning and Development on April 21, 2005, with the following three (3) findings and subject to the following two (2) conditions.

Findings:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 41.7 percent of the regulated trees on-site.
3. The applicant is proposing to replace seven regulated trees with

four replacement trees (i.e., eight replacement tree credits) on-site.

CONDITIONS:

1. *Tree protective fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit for this development.*
2. *The applicant post a performance guarantee in the amount of \$2,826.00, as adjusted if necessary by the City, to ensure the proper installation of replacement trees and landscape plantings. Such guarantee to be provided prior to issuance of a Land Improvement Permit.*

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

Aye 8 - Boswell, Brnabic, Hardenburg, Hill, Hooper, Kaltsounis, Rosen and Schroeder

Excused 1 - Reece

ANY OTHER BUSINESS

The Commission discussed and agreed to move the July 5th meeting to July 12th due to the holiday.

NEXT MEETING DATE

The Chair reminded the Commission that the next special joint meeting was scheduled for June 14, 2005.

ADJOURNMENT

Hearing no further business to come before the Commission, the Chair adjourned the regular meeting at 10:56 p.m., Michigan time.

Greg Hooper, Chairperson
Rochester Hills Planning Commission

Maureen Gentry
Recording Secretary