

Mr. Gaber asked for reaffirmation from the Commission as to the process being used, explaining that Mr. Cueter had gone through several evolutions and would like feedback to confirm they were on the right road. Mr. Hooper asked if anyone had an objection to the applicant using a PUD, and found none. He asked about the density of both multiple-family areas of the site. Mr. Boswell, Mr. Hooper, Ms. Brnabic and Ms. Hardenburg thought the southern portion was too dense. Ms. Hardenburg thought that if they took some of the buildings away that it would clear up issues with parking also. Mr. Hooper summarized that multiple-family was acceptable, but that the density on the southern leg needed to be looked at.

Mr. Cueter said he did not have a problem adjusting the density. There were currently just over five units to the acre. He would also have no problem developing a full-fledged entrance to School that would meet the standards for a 24-foot road, with a breakaway system that could easily be removed. It would be fully disclosed in the Deed that it would be a connection point in the future at an undetermined date. He added that he would fund it.

Mr. Schroeder stated that if it were not done now it would never be. He reminded that the easements should include public and private utilities.

Mr. Hooper asked about a full connection to School with a breakaway system, to which there was a majority agreement. Mr. Hooper asked about a 24-foot concrete road with a five-foot sidewalk and parking on one side. Mr. Reece, Mr. Dettloff, Ms. Hardenburg, Mr. Boswell and Mr. Hooper said they would agree to that. Mr. Hooper said he was a proponent of adding pocket parking and that it would be discussed further during the Site Plan review.

Discussed

2005-0366

Preliminary Site Condominium Plan - City File No. 05-005 - Pine Woods Condominiums, a proposed 29-unit site condominium development on 9.5 acres, located south of Auburn, west of M-59, zoned R-4, One Family Residential, Parcel Nos. 15-34-101-012 & -013, Lorenzo Randazzo, applicant. (Reference: Staff Report prepared by Derek Delacourt, dated January 12, 2006 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Larry and Vito Randazzo, 235 Grosse Pines, Rochester Hills, MI 48309 and John Wright, JJ Associates, Inc., 44444 Mound Rd., Suite 100, Sterling Heights, MI 48314.

Mr. Randazzo said they had been working on the plans since last January and had tried to make everyone happy. MDOT would not allow

access to Auburn Road, which caused a delay. They tried several different layouts, and he believed they had come up with the best development for the area, with direction from the City Staff. They proposed a 60-foot stub road for future access to Livernois, and advised that they were in negotiations to acquire two parcels (addressed) on Livernois. At that time, they could build the road to Livernois and have another access into Pine Woods. He stated that the Plan met the Ordinances and was approved by City Staff.

Mr. Delacourt advised that a stub was left from the Hazelwood Hills subdivision to connect to future development to the west and out to Auburn. Mr. Randazzo presented the first plan showing that connection. After review, MDOT and Staff decided that a connection to Auburn would not be approved for Pine Woods and the existing Hazelwood Hills. Mr. Randazzo revised the plans to show a long, dead-end road to the south end of the property. There were several meetings with the Hazelwood Hills Association regarding a connection to Grand Park Drive from the south end of the proposed development. No agreement was reached between the applicant and the Association regarding that connection. Staff agreed that because of the location of the Mosque, and the inability to provide a stub shorter than to the end of the property, that the preferred option was a temporary cul-de-sac with a potential for future connection. A 60-foot stub was shown to the west, and right-of-way would be provided at the south end. The Fire Department did not have an issue with the temporary cul-de-sac. If the connection to Livernois was made, the cul-de-sac would be removed and the road connection would be constructed. Staff felt this was the best option.

Mr. Hooper asked if there would be enough room to put a row of R-4 housing on the north side of a road if lots six and seven were developed. Mr. Delacourt said that lot seven would be difficult on its own to develop. Initially, half of a right-of-way, or 30 feet, would travel across lot six and half across lot seven. That would give enough room for a double loaded street in the future. He noted that the Subdivision Control Ordinance prohibited half right-of-ways. Mr. Wright showed a possible future development for lots six and seven.

Mr. Hooper asked Mr. Randazzo the likelihood of obtaining those properties. Mr. Randazzo said one owner was on board, and the other would call soon to finalize things.

Mr. Hooper opened the public comments at 9:13 p.m.

Samantha Phillips, 3220 Grand Park, Rochester Hills, MI 48307 Ms. Phillips stated that she was a member of the Association Board for Hazelwood Hills. She asked about a single entrance for an additional 29

homes to a subdivision that was already 35 homes large. She wanted to know more about the future of lots six and seven. She referred to the length of the street and said it far exceeded what was currently allowed for a cul-de-sac (600 feet). If lots six and seven were not purchased, there would be a 1,500-foot long road. She wondered how long it would be approved for and under what conditions. She noted that they currently could not get buses to come into Hazelwood Hills because of the streets and difficult turnarounds, and she wondered about going into the proposed sub with such a long road. Hazelwood Hills had a lot of young children and it was a long walk from the homes to a bus. There would be more children with a new sub, and there would be a safety issue with new traffic. There would be 406 additional trips on a daily basis from the new homes.

Michael Mahfet, 3209 Villa Nova Circle, Rochester Hills, MI 48307

Mr. Mahfet also lived in Hazelwood Hills Association. One big concern of people who lived along Villa Nova was the position of the detention pond. He wondered why the pond had to be in the position it was and why it could not be moved to the opposite side of the street. He thought it was likely that the valuation of the homes backing to that area would change significantly because it would be overgrown and have mosquitoes. People would not want to look at it. He asked if it could be moved and still meet the flow characteristics required.

Ron Rader, 3009 Grand Park, Rochester Hills, MI 48307 Mr. Rader addressed a shared maintenance cost, explaining that until the stub was developed through to Livernois, there would be a single access point that would tie Grand Park to Raffle Drive. Grand Park had a common area for which the Association paid costs, and they wanted to solicit the Planning Commission's opinion about integrating shared costs to maintain that or to come up with some sort of contractual agreement for that area. He stated that they had been trying to work closely with Mr. Randazzo to develop the second access point off of Grand Park; unfortunately some land that would be needed was part of a private lot. They had encouraged Mr. Randazzo to work closely with the owners, the Lys, to come to an agreement, and based on the Board's position, they could not encourage the homeowner one way or another. The family had concerns about the detention pond and whether additional costs could be negotiated to offset the pond or if Mr. Randazzo could offer them something to rectify the situation.

Mr. Hooper closed the public comments. He referred to lots six and seven, and advised that the Commission's only knowledge about them regarded the potential connection to Livernois. Mr. Randazzo said he called the homeowners about the 30 feet he would need for the connection to Grand Park, and Ms. Ly said she would let him know and

never called back. He offered to put pines around the pond. Mr. Hooper asked if there was an alternative choice for the detention pond.

Mr. Davis commented that there always was, but Staff looked for the best choice. The reason the pond was to the east was because that was the low area of the property. The west side was about six feet higher and would need a deeper basin. The proposed location was better, engineering-wise. Mr. Hooper asked about screening for the pond. Mr. Davis said they would permit landscaping around the basin. Mr. Wright agreed that the basin should go into the low part of the site. All the restrictive flow was sized into the system at that location. He noted that it would be a dry basin with one-on-six side slopes and it would be seeded. There would not be standing water except for rain events and there should not be overgrown weeds. It would be an open space area maintained by the Association.

Mr. Hooper asked if the school district would normally get involved in a subdivision review. Mr. Shumejko said that they designed roads with turning templates for fire trucks, the largest vehicles, and school buses were something less than that. He did not understand quite why the busses would not come down the street. He knew that due to lack of funding, the districts had eliminated some stops recently. Mr. Hooper asked if they picked up outside of Grand Park and Ms. Phillips advised that they did not, and she was told it was not because of funding but because of safety. Mr. Shumejko said he would talk with their transportation group to find the reasoning. The City was not aware they restricted pick up because of road design or safety issues. Mr. Hooper agreed they needed more information, in light of the fact that 29 homes could be added.

Mr. Hooper asked if the proposed development would be required to share costs because of road usage. He asked how it worked when a sub was added to an existing sub.

Mr. Delacourt said it was the first time he had seen an Association raise the question about sharing maintenance costs for a boulevard. The Master Deed for the new sub would be the place it was addressed, if at all, and that would come at the Final Plan review. Mr. Hooper said that the retention pond in his sub was shared by three subs and a percentage was assigned when each was built. He indicated that if the storm water that left the site entered Hazelwood Hills' pond, it would only make sense to share maintenance of it.

Mr. Wright advised that the property from the Mosque drained to the east. Their basin would travel to the new site, which would travel to the Hazelwood basin. The drainage was analyzed when those

developments went in. The Hazelwood plans allowed for a C factor to accommodate runoff from the other sites, because the natural pattern of the land could not be blocked; they would maintain all the developed flow, and only the agricultural rate would go through the Hazelwood system. That was what their design provided, and Mr. Schroeder agreed that was a standard practice. Everyone handled their own drainage, and took what came into their site and passed it on, and the next people had to handle it, and so on. It was called riparian rights, an old English law. They would only be responsible for downstream if they polluted the water or there were soil erosion problems, but for normal drainage, they would not be. Mr. Anzek added that they would not be releasing faster than pre-development. Mr. Schroeder said that normally, subs did not want other subs involved in their open space, but if others paid for it they could use it. He asked if Hazelwood wanted the new sub to share in the island at the entrance. Mr. Mahfet agreed, noting it was green space. Mr. Schroeder reiterated that the common area would then be open to the additional homeowners. Mr. Moffat related that they paid \$350 per household to cut, water and maintain the boulevard pristinely, and it would be the only entrance for the next two years. He added that it was not a play space.

Mr. Delacourt restated that he had never seen an agreement for limited, or common open space requested. There was a boulevard; he assumed the Association maintained it to a standard higher than the City would, but it was part of the public road system. He was not sure how they would draw up a shared agreement for that. He reminded that the issue was not tied to Preliminary, noting that Staff had not reviewed any of the documents required for Final, and the City Attorney had not been involved. He was not sure Mr. Randazzo was even willing to entertain it, and Mr. Delacourt could not comment about the plausibility without further review.

Ms. Hardenburg said that another sub added onto hers but the entrances were her sub's responsibility, not the new sub's. It was just a benefit the new sub got for coming in afterwards. She reminded that if and when lot six and seven came in there would be another entrance for the Hazelwood people, and they would not have to be responsible for it.

Mr. Hooper referred to the Cul-de-Sac Waiver and asked if the Fire Department had the final say due to safety. Mr. Delacourt said that the standard was in the Zoning Ordinance. Ultimately, it was the decision of the Commission. They would ask the Fire Department to review it for safety and identify any concerns. They did not make a judgment about approval. The Fire Dept. recommended a bulb rather than a T-turn around, but had no other concerns. Mr. Hooper asked if there was a limit for how long one could be. Mr. Delacourt said Engineering

standards stated that long, terminating cul-de-sacs should not be more than 600-1200 linear feet and the City took the minimum for the Ordinance. The limit would be what the Commission felt was acceptable for waiving the length. Mr. Davis said that it also depended on the community's comfort level about what they wanted. He noted that he lived on a ¾ mile long cul-de-sac road. Mr. Shumejko said they could probably make a case for the street in Pine Woods because it was designed to eventually make a connection. If it were a permanent dead end it might be a different issue. Staff asked MDOT for a temporary construction access off Auburn. MDOT agreed to that and so they asked the Fire Department if they wanted to create a temporary access off of Auburn in the interim, but they did not feel that was necessary.

Ms. Brnabic clarified that they would not build unit 17 with the cul-de-sac in place. Mr. Wright agreed, and said the plan was to hold off on that unit until the connection to Livernois was made. The 40-foot pavement radius would be temporary and would be removed and restored to grass area. Ms. Brnabic referred to page three of McKenna's letter (7b), which suggested exploring the possibility of eliminating a unit. She read, "The area could be utilized to create a more natural storm water basin. As proposed, the basin appears very engineered and not part of the natural environment."

Mr. Wright said they tried to get the most efficient layout for the land area. The proposed pond would work but if developed further, it would further impact the Hazelwood homeowners. Ms. Brnabic asked for Staff's comments. Mr. Delacourt said it was a suggestion from McKenna and there were pros and cons. The pond was intended to work and it would be dry. They could eliminate a lot, but he was not sure how much of an enhancement it would be.

Ms. Brnabic thought the area by unit 18 looked too dense. Mr. Wright said that the shaded area would be temporary. The eyebrow detail would meet the City's standards and unit 18 would be no different than any other lots around the eyebrow. Mr. Hooper referred to Mr. Taunt's memo, which said that storm system maintenance agreements should be established with properties to the east and west to which the proposed storm system would be connected. Mr. Wright was not sure why Mr. Taunt mentioned a maintenance agreement, because the property was already designed to handle flows from the west. If it was not large enough they might have to share costs, but in this case they could not block the natural flow of drainage.

Mr. Delacourt noted that he talked with Mr. Taunt. The comments regarded Final submittal and whether the applicant was required by the City to provide something. The comment should have included the

words, "if required by the City, a storm sewer maintenance agreement would be provided." Mr. Hooper asked what the requirement would be predicated upon. Mr. Davis said that part of the design included looking at how the site would perform with the stormwater discharge after the storm event. The basin was designed for a ten-year event, but there were bigger rains. On a bigger event, the stormwater would go through the adjacent sub's storm sewer system. It was designed for a 100-year event to go through pipes and to the detention basin. There were riparian rights; the drainage always went to the east and it now would go in a more concentrated location through the pipe rather than just being an overland flow route across the undeveloped properties. Some flows went out to a public road, but with Pine Woods it would go to the storm sewer system for Hazelwood Hills. Mr. Hooper asked at what point they would require an agreement. Mr. Delacourt said that in between Preliminary and Final the plan would go through construction plan review. Any easements and agreements would be required at that time and reviewed before the matter came back to the Commission for Final. Mr. Anzek said that the triggering point would be if they had to reroute the system.

Ms. Brnabic asked why unit 18 was not considered a corner lot and Mr. Delacourt advised that a corner lot had to abut right-of-way on two sides. Ms. Brnabic still believed it was too dense, noting that the north end had much larger lots. Mr. Wright said that Mr. Matich suggested flaring the cul-de-sac bubble greater than to City standards, and adding pavement to allow better turning movement. Ms. Brnabic said she did not have an objection to that.

Ms. Hardenburg referred to McKenna's suggestion about eliminating a unit and asked if the applicant had thought about adding a commons area for the sub. Mr. Randazzo felt they had the best plan and he was not sure there would be benefits. Ms. Hardenburg believed there would be a benefit to the people who lived there. Mr. Randazzo advised that he had done other developments in the City, and that every Association, in the long run, had disagreements about the open area. Ms. Hardenburg said that the City was pushing for open space, and just passed a millage for it. She noted that the last developer before the Commission was required to add open space. The Commission looked for it in proposed developments, and there was none shown except for the detention pond area. Mr. Randazzo said it would be a dry pond and it would be maintained as open space. He would be willing to follow suggestions, but the plan had been worked on a long time. He thought the comment would be more appropriate at Final Plan review.

Mr. Delacourt said that if the Commission wanted to discuss number of lots and street layout that Preliminary would be the appropriate time. Mr.

Wright said that everything seemed to work with the rectangular shape of the parcel and if a lot was given up, homeowners on each side of the lot would start encroaching. Ms. Hardenburg noted that in her sub, they had an area that everyone used for recreation because their lots were not big enough, and if someone encroached, they were cautioned to move things out of it. Mr. Randazzo said there was an open area in the sub he built at Tienken and Adams, and people did not want others to walk or play behind their homes. They thought the area belonged to them, even though it was in the Master Deed as open area. Ms. Hardenburg stated that it could be marked as a commons area and the rules could be enforced so everyone knew what the area was. Mr. Randazzo said that if something were workable, he would listen to reason. Mr. Wright advised that the only way to add open space was to lose lots. They did not think it made sense to give up a 70-foot lot for that type of development. He questioned what they could do in 70 feet. If the Homeowner's Association was not very strong, the area would not be policed well. Mr. Hooper remarked that the answer was no. Mr. Wright added that they would be saving quite a few trees, even though they did not have to follow the Tree Conservation Ordinance. Ms. Hardenburg asked who would monitor the trees when the homeowners moved in and cut down trees they did not want. Mr. Wright said that trees were a valuable resource and they were making every effort to keep them. Ms. Hardenburg commented that open space was a valuable resource. Mr. Wright referred to the Tree Preservation Plan, and said they would save a lot of mature spruce and pine trees along the perimeter of Hazelwood Hills, which would cause the expense of relocating utilities. Mr. Hooper noted that the trees on the property were sparse.

Mr. Schroeder said that the detention pond would be a big plus for the adjacent homeowners. There was no fence; it would be a very flat, one-on-six slope pond; there would be trees and bushes, and it would be just like having open space. The homeowners would encroach there. As long as they did not disturb the detention characteristics it would not harm it, and he stated that it would be a positive for the people who bought adjacent to it. He asked if there would be a cunnett (concrete trough that carries the low flow from the pond inlet to the outlet, which would keep the pond dry and maintainable). Mr. Wright said they would look at it with Engineering to make sure the bottom drained out. Mr. Schroeder said it would go against the environment, and they would have to keep it graded. Mr. Randazzo said that the pond would help control the water that now went into people's backyards. Mr. Hooper agreed the pond would allow an improvement in drainage from the Mosque site. He reviewed the items for consideration and asked if anyone wished to make a motion to approve or deny.

MOTION by Reece, seconded by Dettloff, in the matter of City File No. 05-005 (Pine Woods Site Condominiums), 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 January 23, 2006, with the following five (5) findings and subject to the following eight (8) 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.
4. The preliminary plan represents a reasonable street layout and lot orientation.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions:

1. Indicate proposed lighting, including street lighting, or note there will be none.
2. Add note to the plan that all proposed signage will conform to the City's Sign Ordinance and that a sign permit will be required prior to installation.
3. That the applicant incorporate a 15-foot landscape strip along Auburn Road to buffer the homes on the north end of the development, as approved by the City's Landscape Architect prior to final site condominium approval.
4. Correct Sheet 7 of 7 to show revisions as outlined in memo from the City's Landscape Architect dated November 15, 2005.
5. Tree Protective Fencing must be installed, inspected and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit.

- 6. *All construction traffic shall enter from a temporary construction road off of Auburn Road.*
- 7. *Construction of Lot 17 shall be postponed until the connection to Livernois is made for future development.*
- 8. *Detention pond screening shall be added, as reviewed and approved by Staff.*

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

Aye: Boswell, Brnabic, Dettloff, Hooper, Reece and Schroeder

Nay: Hardenburg

Absent: Holder and Kaltsounis

2006-0147 Cul-de-Sac Waiver Request for Approval - City File No. 05-005 - Pine Woods Site Condominiums.

MOTION by Reece, seconded by Hardenburg, in the matter of City File No. 05-005 (Pine Woods Site Condominiums), the Planning Commission **Approves a Temporary Cul-de-sac Waiver**, based on plans dated received by the Planning Department on January 23, 2006 with the following three (3) findings and subject to the following one (1) condition.

Findings:

- 1. *The cul-de-sac waiver will only be required until such time as the parcels to the west and south of the subject site are developed.*
- 2. *The proposed cul-de-sac length and lot layout have been reviewed and recommended for approval by both the City's Engineering Service and Fire Departments.*
- 3. *The proposed street design incorporates a temporary cul-de-sac bulb that meets City's Standards allowing for easier movement of fire vehicles.*

Condition:

- 1. *Provide performance guarantees to ensure the future development of the road, including removal of the cul-de-sac, as approved by Staff prior to construction plan approval.*

A motion was made by Reece, seconded by Hardenburg, that this matter be Approved. The motion carried by the following vote:

Aye: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Reece and Schroeder

Absent: Holder and Kaltsounis

Mr. Hooper stated for the record that the motions had passed, and that the matter would next require Final Preliminary Plan recommendation.

Recess 10:00 to 10:07 p.m

ANY OTHER BUSINESS

2006-0100 Applicant is seeking guidance regarding the request for Buffer Modifications for an 8,700 square foot professional office building proposed for Tienken, west of Rochester Road, zoned O-1, Office Business, Parcel No.15-03-451-022, Sam LoChirco, applicant.

(Reference: Memo prepared by Derek Delacourt, dated February 3, 2006 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Sam LoChirco, Peter Stuhlreyer and Michael Pizzola, Designhaus Architecture, 111 West 2nd Street, Rochester, MI 48307.

Mr. Delacourt stated that Staff and the applicant had a conceptual meeting about a month ago. The property was properly zoned O-1, but because it abutted RM-1, the Ordinance would require a Type B Buffer between the development and the RM-1 zoning to the north and east. Staff advised the applicant that he could request a Buffer Modification, but that it was usually done after a full technical review. They decided to bring the matter for a discussion so the applicant did not have to expend a large amount of money and effort and find out the Commission did not feel the Buffer was justified. The applicant wanted the Commission's input about a reduction in the required width of the Buffer on the north and east sides of the property. They would also like to discuss a waiver of the Intermittent Visual Obstruction (IVO) and possibly the opaque screen requirements. They submitted a drawing of the surrounding zoning and how the properties were developed. Mr. Hooper recapped that a 25-foot buffer with a 20-foot IVO and six-foot screen would be required for the north and east locations. He asked what the applicant proposed.

Mr. Stuhlreyer said that on the north side they proposed a staggered buffer with an IVO, ranging from 38 feet to eight feet. He explained that on the east side was an apartment boulevard and because of its nature, they were proposing no buffer. On both sides a brick wall all the way around would be proposed if that were desired. The proposed an IVO with landscape on the north side. Half would be eight feet, the other half 38 feet. Mr. Hooper said that for the 38 feet, he assumed they would meet the 25-foot buffer, IVO and screen, and that the issue was the eight