

make some of the movements, but it could not happen. He appreciated the effort put in, and he was looking forward to the new façade of the building.

A motion was made by Kaltsounis, seconded by Schultz, that this matter be Approved . The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motions had passed unanimously, and she congratulated the applicants.

NEW BUSINESS

2018-0282 Request for Final Site Condominium Plan Recommendation - Berkshire Site Condominiums, a proposed 13-unit site condo development on 4.3 acres, located on the east side of John R, south of Hamlin, zoned R-4 One Family Residential; Parcel No. 15-25-351-045, Francesco Bartolotta, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated March 15, 2019 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Bob Lind, Urban Land Consultants, 8800 23 Mile Rd., Shelby Township, MI 48316.

Ms. Kapelanski advised that that the applicant was proposing to construct a 13-unit site condo development on the east side of John R, north of Auburn. The property was zoned R-4 One Family Residential. The Planning Commission recommended approval of and the City Council approved the Preliminary Site Condo Plan in September 2018. In the beginning of the project, there had been a few resident concerns. They were opposed to the connection of the road through to Gravel Ridge, and they requested a gate. They also requested the removal of the proposed sidewalk on Gravel Ridge. Lastly, a resident along the southern property line was concerned about the trees. Prior to the September City Council meeting, staff, residents and the applicant worked together to come to an amicable solution for most of those items. A gate was being added to the end of Berkshire Rd. to prohibit through traffic. Staff and the applicant's team also walked the southern property line with the homeowner and came up with an agreeable plan for tree pruning. Staff continued to support the need for a sidewalk along Gravel Ridge, but City Council had asked the Planning Commission to reconsider that item at the request of the residents on Gravel Ridge. She stated that staff had all recommended approval, as the plans were in compliance with the approved Preliminary Plan and other applicable Ordinance provisions.

Chairperson Brnabic asked if the numbers would change for the regulated or unregulated trees due to the request by Forestry that all unsound and poor condition trees be replaced. Ms. Kapelanski advised that those tree numbers had been included.

Mr. Lind said that he did not have anything to add. He noted that they had most of their permits, and they were ready to start work as soon as they were approved by the City.

Chairperson Brnabic noted the request from City Council to consider a sidewalk waiver. She said that she would like to hear opinions in regard to that.

Mr. Kaltsounis mentioned that when the request came from City Council, it meant that there were different situations with a proposed development than with others. If Council felt that it was important not to have a sidewalk, he felt that it was a viable reason to consider it, and he had no problem with that.

Ms. Morita stated that Council had sent the request back to the Planning Commission, because she asked them to have PC look at it. She emphasized that it was what the Commission did - considered the ins and outs of a situation. She appreciated Mr. Kaltsounis supporting a potential motion, but she wanted the members to keep in mind that the comments from Council were limited to two or three members. They passed the Preliminary approval with the idea that the sidewalk would come back to the Planning Commission. Before they made a motion because a few members of Council brought it up, she felt that it would be helpful to have a bigger discussion. She believed that the Planning Commission was more in tune with the Zoning Ordinance and what should or should not be required. She understand not wanting to build a sidewalk to nowhere, but she also understood staff's position. Eventually, there might be sidewalks there. Perhaps there might be a compromise where as a condition of approval, if and when the developments on either side of the project put in sidewalks, the applicant would be required at that time to also put one in. She considered that it would burden the subsequent property owners of the development as opposed to the developer, but it had to start somewhere. Someone had to build the sidewalks first, and the question was whether the subject development should be the first, knowing that the others would fall in line and that eventually, there would be a sidewalk. She asked them to keep that in mind when they were thinking about that issue. She came to the meeting hoping to get the Commissioners'

opinions, because she valued their opinions.

Chairperson Brnabic said that she generally supported City policy. In this situation, she felt that it was pretty clear that it would be a sidewalk to nowhere, and she was not sure it would ever attach to another one even remotely soon. She felt that the responsibility would be put on a couple of homeowners or the HOA of the new development for maintaining it, and they might not do it because it was not being used by them. Due to those circumstances, she understood the request to not require a sidewalk.

Mr. Hooper stated that as a matter of principal, he supported the City's policy to continue walkways on the major roads. In the subject case, similar to what they had done in the past, and he remembered one on Auburn and one on Tienken, was that rather than put in the sidewalk, the City collected payment in lieu of. The City would then be responsible to install it in the future. He asked Mr. Lind if the applicant would be amenable if Engineering determined a price for a five-foot sidewalk. Mr. Lind felt that would be a win-win for everyone. He remembered at the last meeting discussing the problem of Gravel Ridge being only a 50-foot right-of-way. The sidewalk would be put outside of the ROW, so anyone who wanted one north or south of that would have to give up some property and enclose the road ditch. Those were obstacles that would make it difficult to install it. If there were no users to the north or south who would use it, there would have to be a sidewalk assessment. Mr. Hooper said that he would support a condition that Engineering would determine the cost of the sidewalk, and that amount would be put into an escrow for future installation should it be deemed necessary. There would not be a burden for the developer to have to maintain it forever.

Mr. Anzek reminded that the subject site was immediately south of Holy Family school. He felt that the sidewalk would be a huge benefit for kids from the neighborhood or people who lived on Gravel Ridge to be able to walk safely to the school. He concurred with Mr. Hooper's suggestion that the funds should be escrowed. He did not think it would be a sidewalk to nowhere. It would service a major generator of children who could use it. He felt that whatever connection needed to be done to the north of the terminus of the sidewalk, the City could work with those owners to make it happen.

Mr. Dettloff observed Mr. Davis in the audience, and he asked if he would give an opinion. Mr. Davis noted that he had provided some comments at the Council meeting previously. He thought that there were good points as far as not putting in infrastructure that would not eventually be

part of a broader network. However, Mr. Anzek had mentioned that it was possible that the sidewalk could be continuous and provide connectivity to the school and church to the north. He felt that a good compromise would be to escrow the funds, as Mr. Hooper suggested. It should be clear that sidewalks were not owned by the City, and it would not have future maintenance responsibility. Even though the City might build them, it would be the responsibility of the HOA in the future. He thought that there were good reasons either way to build one or not. Mr. Dettloff said that personally, he would support Mr. Hooper's recommendation about escrowing the funds. Mr. Kaltsounis said that he used to live on a road similar to Gravel Ridge. He did not think a sidewalk would go in even after they paved the road, and there was not one there 15 years later. He supported Mr. Hooper's recommendation as well.

Mr. Kaltsounis outlined that the Final Site Condo Plan was before the Planning Commission. It was their responsibility to review what had been previously approved and confirm that what was presented for the Final was similar to the Preliminary. A lot of the debate had centered around the sidewalk, and they were working through those details. The request was to provide a confirmation for rather than debate the development. Hearing no one further, he moved the following:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 17-040 (Berkshire Site Condominiums), the Planning Commission recommends that City Council **grants Approval of the Final Site Condominium Plan**, based on plans dated received by the Planning Department on February 7, 2019, with the following four (4) findings and subject to the following six (6) conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The final plan represents a reasonable and acceptable plan for developing the property.
4. The final plan is in conformance with the preliminary plan approved by

City Council on September 24, 2018.

Conditions

1. *Engineering approval of all permits and agreements prior to issuance of a land improvement permit.*
2. *Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.*
3. *Post a landscape and irrigation bond in the amount of \$51,370.00 plus inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.*
4. *Payment of \$2,818.00 into the tree fund for street trees prior to issuance of a land improvement permit.*
5. *Compliance with all outstanding staff review comments, prior to final approval by staff.*
6. *Engineering shall determine the cost of the sidewalk along Gravel Ridge abutting the development, to be paid into an escrow by the developer prior to the issuance of a land improvement permit and until such time at a future date that it becomes necessary to install the sidewalk.*

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she wished the applicants well.

2019-0004

Request for a Tree Removal Permit - City File No. 17-043 - for the removal and replacement of as many as 204 regulated trees for Legacy of Rochester Hills, a proposed apartment complex on approximately 22 acres located at the northeast corner of Adams and Hamlin Roads, zoned R-2 One Family Residential and governed by Consent Judgment, Parcel Nos. 15-29-101-022 and -023, LRH Development, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated March 15, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jordon Goldberg and Eric Bell, Goldberg Companies, 25101 Chagrin Blvd., Suite 300, Beachwood, OH 44122; Rachel