

always been there. He concluded with the Church prayer, "May his memory be eternal."

Mr. Hooper stated that he had the extreme pleasure of working with Bill on the Planning Commission for the last 17 years. He said that it was always tough to see someone's passing, noting that he had gone through it on City Council when Mr. Marty Brennan passed away. Mr. Hooper indicated that he would always remember Bill on a very positive note. He enjoyed working with him, and he learned a lot of things from Bill from his many years of experience on the Planning Commission. He definitely valued the time he had been able to spend with Bill on the Planning Commission. He moved the above Resolution, seconded by Mr. Kaltsounis, and Vice Chairperson Brnabic called for a vote.

Voice Vote: All Ayes

RESOLUTION PASSED

Vice Chairperson Brnabic called for a moment of silence in honor of former Chairperson Boswell.

NEW BUSINESS

2016-0124

Public Hearing and request for Preliminary Site Condominium Plan Recommendation - City File No. 15-017 - Devondale Site Condos, a proposed 4-unit residential development on 1.96 acres located on the east side of Devondale, south of Austin Ave., zoned R-4, One Family Residential, Parcel No. 15-29-452-041, 2595 Devondale, LLC, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated April 15, 2016 and site plan and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Paul Esposito, 2595 Devondale LLC, 45489 Market St., Shelby Township, MI 48316 and Jeff Allegoet, Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Rd., Shelby Township, MI 48315.

Ms. Roediger summarized the request and outlined the project, a single-family, detached site condo development consisting of four homes on approximately one-half of an acre each. The applicant was going through the condo process, because the lot could not be split any further, and she indicated that it was very straight forward. It involved a two-step process with a recommendation to City Council for Preliminary and Final Site Condominium Plans. The homes could be single or two-stories depending on market demand. Since the plans met all the City's regulations, staff recommended approval.

Mr. Allegoet advised that although the site was not under the City's Tree Conversation Ordinance, the developer was setting up a tree preservation easement to save trees and to avoid building in those areas. He said that he would be happy to answer any questions.

Vice Chairperson Brnabic opened the Public Hearing at 7:12 p.m. She asked that all questions be directed to her, and advised that they would be answered after all speakers were finished.

Michael Pfund, 2596 Devondale, Rochester Hills, MI 48309 Mr. Pfund noted that he was a neighbor across the street. He asked the square footage of the homes, and was told 2,100 to 2,700 square feet by Mr. Allegoet. A couple of other questions were answered by Mr. Allegoet; however, Vice Chairperson Brnabic reminded that everyone's question(s) would be answered after the Public Hearing. Mr. Pfund asked if the property was going to be rezoned for condos, noting that it was zoned single-family. He asked if there would be condos on the two-acre lot across the street. He asked when the building would commence. He stated that there would be an increase in traffic, noting that Rayconnect down the street was recently built at 100k square feet, and there were 50 cars a day going down his street, as well as Fed Ex, UPS and double axle trucks. He was especially concerned about traffic.

Werner Gottschalk, 2726 Midvale, Rochester Hills, MI 48309 Mr. Gottschalk noted that he lived diagonal to the southeast on Midvale (one street to the east). His big concern lately was with development - on the subject parcel and on adjacent properties. There were some trees in the area, but last fall it was completely leveled, and the adjacent property was cleared. He claimed that the noise level since Rayconnect was built had increased dramatically. He was concerned about all the tree cutting in his neighborhood. He claimed that he originally moved in because there were woods, but now there was nothing, so the noise could be heard from M-59. He asked if there would be a Homeowner's Association with the condos and if the other lots to the north would be developed as condos. He said that in the past, one house would be built, but now there could be seven condos. He felt that the proposed homes would look cookie-cutter style. In his neighborhood all the homes looked different, and he did not think the proposed homes would fit in the neighborhood.

Helga Orvis, 2717 Devondale, Rochester Hills, MI 48309 Ms. Orvis noted that she was a neighbor on Devondale. She pointed out that the road was currently gravel, and she asked if there would be any paving

done. She asked if the utility lines would be underground. She said that she lived right next door, and there were low lines between the two property lines. She asked how the lot would be cleared. She mentioned a fence which was very run down and falling apart, and she asked if it would be removed, because there were a lot of weeds going onto her property. She realized that there would be a silt fence for construction purposes. She asked if all the condos would be built at the same time and listed at the same time or if it would be a three-year process of dust and construction. She wondered what made the subject lot different than the three lots to the north where there would be houses. She asked if there was going to be an association and what the homeowners would be required to maintain, such as raking the leaves or cutting the grass.

Vice Chairperson Brnabic closed the Public Hearing at 7:20 p.m. She mentioned the question about rezoning. The property was zoned R-4, single-family, but Mr. Pfund had questioned whether it had been rezoned.

Ms. Roediger agreed that the property was zoned R-4, which allowed single-family homes, which were being proposed. She pointed out that the density proposed was actually less than what could be built. She thought that the use of the word "condominium" was confusing, and she explained that developing site condos had to do with ownership. The property did not require a rezoning. There would be condo documents provided that would show how everything was structured, maintained and operated. She stated that for all intents and purposes, the applicant was developing single-family homes, which was exactly what the site was zoned for but at a lower density.

Vice Chairperson Brnabic noted concerns about traffic. Ms. Roediger reiterated that the applicant could have put in more homes. According to the experts, the average single-family home took between 9 and 10 trips per day. There were no plans to pave the road. She emphasized that the applicant would be putting in what was always planned for the area.

Vice Chairperson Brnabic asked about the utility lines, and Mr. Esposito responded that the lines ran at the front at the road. There was one in the middle of a lot that would have to be reconfigured, and the pole would be moved, but coming into the properties, all the lines would be underground.

Vice Chairperson Brnabic asked the proposed timeframe for construction. Mr. Esposito advised that the three lots to the north had been sold. On the first lot by Austin, a 4,500 square-foot home was being

built. On the second lot south of that, a 2,800 square-foot home was being built, and on the third next to the proposed site, a 3,300 square-foot home was being built. He said that he had an interested customer for the subject site to build a 3,500 square-foot home, and he maintained that the homes would be higher-end. They would be brick, and some would cost over \$400k. He stressed that the word condo did not mean that they would be coming in and building 60 homes. There would be four homes, and he felt that it would beautify the area.

Vice Chairperson Brnabic questioned whether the homes would be built independent of each other or all at one time. Mr. Esposito advised that the first three were going in at the same time, and that all seven would be completed by the end of the year.

Ms. Roediger clarified that three of the seven lots Mr. Esposito was talking about were not part of the proposal. They were done as lot splits through the Building Dept. If the subject parcel already had been platted into four lots, Mr. Esposito would be able to construct homes without going before the Planning Commission. The applicant had to use the condominium process to be able to build four homes on the lot and was not able to split it into platted lots.

Vice Chairperson Brnabic mentioned concerns about tree removal. Mr. Allegoet reiterated that the property was exempt from the Tree Ordinance, but in good faith, the developer had proposed a 35-foot wide easement. The lots were deeper than normal, and they did not plan to clear cut the property. They would only take trees out necessary to build the homes and decks.

Mr. Kaltsounis recalled that the Commissioners had previously discussed development on land that had been pre-platted and the fact that the Tree Ordinance did not protect those properties. He related that all of the trees could technically be removed from the subject site. The Commission had asked staff to take a look at that Ordinance.

Mr. Anzek responded that staff had started that research and had started looking at other communities. They had a brief conversation with Mr. Staran as to how the Ordinance could be re-enacted. Their work load had not permitted them to really take a deep dive into it, but he assured that it was being looked at.

Mr. Kaltsounis noted that the applicant would be back for Final approval, and he looked forward to seeing the trees saved at that point as

discussed. Regarding the word condo, he commented that he wished he had a nickel for every time people came before the Commissioners and said that they did not want a condo next to them. Mr. Kaltsounis maintained that what would be built was not a condo, and it was a poor name put forth by the State to address building homes on properties that had been pre-platted. The subject property used to be part of a subdivision with certain dimensions and sizes. If someone wanted to change it to add more homes, the site condo process had to be used. He emphasized that the homes were not condos. He lived in a site condo, and he stated that it was a house. There were rules within the Association, but people could mow their own grass if they wanted.

Mr. Kaltsounis said that the property was zoned R-4, and the applicant was not trying to stuff a lot into a little area. There were ample backyards, and a lot of the other homes on the street were harmonious with the proposed homes. Hearing no further discussion, he moved the following, seconded by Mr. Yukon.

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File No. 15-017 (Devondale Site Condominiums), the Planning Commission recommends that City Council approves the Preliminary One-Family Residential Detached Condominium plan based on plans dated received by the Planning Department on February 25, 2016, with the following five (5) findings and subject to the following five (5) 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 preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will not have substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated in the construction plan documents without altering the layout of the development.

Conditions

1. Provide all off-site easements, on-site conservation easement and agreements for approval by the City prior to issuance of a Land Improvement Permit.

2. *Payment of \$800 into the tree fund for street trees prior to issuance of a Land Improvement Permit.*
3. *Approval of all required permits and approvals from outside agencies.*
4. *Compliance with applicable staff memos, prior to Final Site Condo Plan Approval.*
5. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*

Mr. Hooper asked if there was an easement or some type of approval needed for the Leuder Drain crossing.

Mr. Allegoet agreed that if there was any connection to the Drain, they would have to get County approval. He believed that the drives were staying clear of it. He added that it would have to be submitted to the County for review, and Mr. Hooper clarified that the County would then grant driveway access, which Mr. Allegoet confirmed. Mr. Hooper said that he had the opportunity to walk the site over the weekend. He agreed with the comments about the property clearing. The property behind the subject site had been cleared some time ago, and the vegetation around the property had been cleared. On the subject site, there were some trees, but those left were not mature trees. He indicated that as far as tree preservation, they would not be saving any majestic oaks or anything of any significance. Mr. Allegoet agreed. Regarding tree conservation, which he indicated was a noble gesture, Mr. Hooper asked if it was the applicant's idea or a recommendation. Mr. Allegoet said that it was talked about during some preliminary meetings, and since the lots had extra depth, they were able to push the drainage to the west and give a little more of a buffer through the area.

Mr. Esposito added that the properties were over 300 feet deep, and it would create more privacy. They felt that trees helped houses sell. Usually, they would carve out where the homes would go, and try to keep as many trees as they possibly could. Mr. Hooper maintained that a good number would be removed because of the grades, and there would be a fair amount of fill needed. Relative to the neighbor to the south, the property was at roughly the same elevation, but there would be some grading and filling around the building envelopes and for the driveways. Other than that, he said that it was zoned appropriately, and what was being proposed was appropriate, and he did not have any other issues.

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Yukon

Vice Chairperson Brnabic stated for the record that the motion had passed unanimously, and she thanked the applicants. Ms. Roediger advised that the matter would be forwarded for the next available City Council meeting in May. Mr. Anzek also advised that those that spoke would be notified of the meeting.

2016-0125 Public Hearing and request for Approval of the 2017-2022 Capital Improvement Plan

(Reference Memo prepared by Keith Sawdon, dated April 19, 2016 and draft CIP Document had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Keith Sawdon, Director of Fiscal, Ed Anzek, Director of Planning and Economic Development, Paul Davis, Deputy Director, DPS/Engineering, Alan Buckenmeyer, Manager of Parks, Ken Elwert, Director of Parks and Forestry, Scott Cope, Director of Building, and Joe Snyder, Senior Fiscal Analyst, City of Rochester Hills.

Mr. Sawdon thanked the Commissioners for looking at the draft Capital Improvement Plan (CIP) for 2017-2022. He explained that it was based on the City's adopted policies, procedures and goals and objectives, which stemmed from Council's Strategic Plan. Projects contained within the document were identified as being desired in the community for the next six years. They did not necessarily make it into the budget, but it made the City aware of them moving forward. There were 19 new projects submitted in the plan totaling \$8.3 million. In total, the City's share of all the projects within the CIP totaled \$85.3 million. He stated that roads dominated the CIP, making up about 47% of all activity identified. There were 17 projects removed from the Plan; 12 were completed; three were in the process of being completed; and two were deleted. Of the 19 new projects, there were eight major road projects, three pathway projects, five water and sewer projects, one storm water drain project, one Park project and one Facilities project.

Mr. Anzek noted that this was the 20th year the CIP was presented. He added that it was always a compliment to the City when they were at State training courses for planning, and Rochester Hills' was mentioned as the model to follow for developing a CIP. He went through the new projects in a little more detail, and pointed out that the sponsors of the projects were present to answer any questions.