

[2014-0323](#) Request for Approval of a Tree Removal Permit - City File No. 14-002 - for the removal and replacement of as many as 24 regulated trees associated with the construction of a 40,000 square-foot industrial trucking and storage facility at the northwest corner of Hamlin and Dequindre, JB Donaldson Co., Applicant

Postponed

[2014-0324](#) Request for Site Plan Approval - City File No. 14-002 - General Trucking industrial trucking and storage facility (see file nos. 2014-0322 and -0323)

Postponed

NEW BUSINESS

[2013-0302](#) Request for Final Site Condominium Plan Recommendation for Regal Estates - City File No. 13-001 - a proposed 9-unit, single-family development on 3.5 acres, located east of John R, north of Auburn, zoned R-4, One-Family Residential, Parcel No. 15-25-352-022, Roy E. Rathka, Applicant
(Reference: Staff Report prepared by Ed Anzek, dated September 12, 2014 and Final Site Condo Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Tim Rathka, 11684 Majestic Ct., Shelby Twp., MI 48315 and Jeff Rizzo, Fenn and Associates, 14933 Commercial, Shelby Twp., MI 48315.

Mr. Anzek stated that the Preliminary Plans were reviewed a little over a year ago, and they were approved by City Council. Since that time, the applicants had worked on the construction plans, and Engineering had signed off. The plans were virtually identical to what was initially approved, and Staff recommended approval.

Mr. Rizzo said that one of the items they were trying to accomplish, and he noted that it would have to go in front of City Council, was obtaining a Sidewalk Waiver. They were open to having sidewalks internally in the development along Jewell Dr., but they would like to request a Waiver for the sidewalk along DeMar. They felt that a sidewalk there would be useless, and there would be open ditches and other items to deal, with and the developer did not feel there would be a benefit to the community.

Mr. Schroeder asked if the Waiver would be permanent or if there would be a provision for the future, if the residents or the City had a program to install sidewalks on DeMar. He asked if there would be a provision in the Master Deed where the cost would be the responsibility of the homeowners.

Mr. Anzek thought that the Waiver was just the developer's justification to not have to put sidewalks in at this point in time. In the future, if the ownership petitioned the City for sidewalks, he was sure it could happen. Mr. Staran said that was correct and if a Waiver was granted, it would relieve the developer of the obligation.

Mr. Schroeder said that he would like to see a provision where the homeowners would be responsible for the cost and not the City. Mr. Anzek believed that the homeowners would be the ones to petition for it, so it would be a special assessment. Mr. Staran agreed that the City did not have a sidewalk program; it had a pathway program, and a special assessment would be the only way that sidewalk would be installed if a Waiver was granted. Mr. Schroeder clarified that the Waiver would simply be just so the developer did not have to put a sidewalk on DeMar, but that it would not be a final Waiver forever. Mr. Staran confirmed that it would not prevent the sidewalk from going in in the future if there was a funding mechanism. Mr. Rizzo reiterated that they would add sidewalks internally, which they felt would be beneficial to the residents.

Mr. Kaltsounis wanted to make sure that the developer would only ask for a Waiver for DeMar. Mr. Rizzo stated that was correct.

Hearing no further discussion, Mr. Schroeder moved the following motion, seconded by Mr. Hetrick:

MOTION by Schroeder, seconded by Hetrick, in the matter of City File No. 13-001 (Regal Estates), 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 August 13, 2014, with the following four (4) findings and subject to the following eight (8) 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 16, 2013.*

Conditions

- 1. Engineering approval of all permits and agreements prior to issuance of a land improvement permit.*
- 2. City Attorney approval of the condominium documents.*
- 3. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.*
- 4. Provide landscape and irrigation plans and cost estimates for staff review and to determine the bond amount that must be posted prior to issuance of a land improvement permit.*
- 5. Payment of \$1,800 into the 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 (RCOC), prior to issuance of a land improvement permit.*
- 7. Compliance with the Building Department memo dated August 19, 2014 and Engineering Department memo dated August 27, 2014.*
- 8. That the applicant obtains a Sidewalk Waiver for DeMar from City Council.*

Mr. Kaltsounis pointed out that the Planning Commission, by the book, was recognizing that what they approved previously was the same thing that was in front of them now.

Chairperson Boswell called for a voice vote.

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

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously. He had received several cards and called the first speaker.

Angela Bucciarelli, 2707 Gravel Ridge Dr., Rochester Hills, MI 48307.

Ms. Bucciarelli noted that she and her brother had been at the meeting a little over a year ago when the Preliminary Plans were approved. They owned the property directly to the north. She said that she was not present to offend anyone - she wanted to just speak respectfully and give the Commission an update. She said that she and her brother have had their property up for sale for a year-and-a-half with a real estate agent. They have had numerous builders interested, but the thing she heard from them was "wetlands." She was very tired of hearing about wetlands on her property. She said that someone at the City had been scaring the builders, and she was not too happy about that. She knew the City had rules, and that they wanted things to look nice, which she did not blame. They had another person interested, and the City again brought up the wetlands. They found out that there was a little over an acre of wetland, and then someone said it was half of that. They did pay for a tree study in 2002, which was \$1,200.00, and she believed that more of the trees had died since then because of the ash borers. She thanked them for finalizing Mr. Rathka's property. One builder she talked with discussed building a cul-de-sac on her property, but she said that Rochester Hills did not like that; they wanted two ins and outs for safety. Mr. Rathka's development had a dead end street, which could be extended to Gravel Ridge through their property. She commented that it would be very nice if they could follow through with a development. If they were allowed to build ten homes, it would generate about \$40,000.00 a year in taxes. She again said that she was not present to disrespect anyone, but they were getting a little upset. Builders had come and gone, and she did not know what was going on with the wetlands. If Mr. Rathka's wetland crossed their property and got so much bigger, she thought that there was something wrong. She hoped that the City could be a little nicer to people asking about their property. She mentioned that there were hunters and people dumping in the back of her property. She thanked the Commissioners for their time, and asked them to show a little "mercy."

Margaret Goethe, 2743 Gravel Ridge, Rochester Hills, MI 48307 *Ms. Goethe said that she was a birder, and that she loved birds. At the last meeting, she talked about the trees and the developer putting up orange*

snow fencing around some of the trees. She said that as of now, there was nothing put up. She had not seen anyone taking down any trees, but she would feel more secure knowing that the trees were protected so none were accidentally cut down. She understood they would be working on the homes, but there were numerous trees to be marked as saved. She concluded that she “spoke for the trees.”

Mr. Anzek explained that tree protective fencing would be installed once Mr. Rathka pursued a Land Improvement Permit. Before an LIP could be issued, the tree protective fencing had to be installed and verified by Staff. Typically, it would not go up until after City Council approval of the Final Plans, which would green light the project to move forward. He was sure they would get a call to inspect the fencing once it was up. Regarding the wetlands to the north of the site, Mr. Anzek advised that the City maintained a wetland database, and anyone who came to the counter was entitled to view it. If there were past delineations of the wetlands, there would be a file to view. He agreed that there were wetlands to the north of Mr. Rathka’s site, and he noted that wetlands were dynamic and could change. If Ms. Bucciarelli wished to dispute the wetlands shown on her property, she was welcome to have a delineation done. The City was open to the fact that wetlands could dry or shrink.

Chairperson Boswell thanked the applicants and wished them good luck.

DISCUSSION

2014-0378

Request for discussion and input - for a proposed residential Planned Unit Development consisting of townhomes on 15.5 acres, located at the northeast corner of Auburn and Barclay, zoned O-1, Office Business, Parcel No. 15-26-376-007, Gary Shapiro, The Ivanhoe Companies, Applicant

(Reference: Memo prepared by Ed Anzek, dated September 12, 2014 and concept plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Bradley Strader of LSL Planning, 306 S. Washington, Ste. 400, Royal Oak, MI 48067 and Gary Shapiro, Ivanhoe Companies, 6689 Orchard Lake Rd., Suite 314, W. Bloomfield, MI 48322.

Mr. Anzek outlined that in the spirit of the past evolution that the Planning Commission had gone through, working with new, innovative, or complicated projects needed to be discussed before an applicant spent a lot of money on expensive drawings. He and Mr. Breuckman had met with Mr. Shapiro many times over the past 8-9 months. He related that