



Rochester Hills

Minutes

Planning Commission

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Rochester Hills, MI
48309
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Home Page:
www.rochesterhills.org

Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, June 5, 2012

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 7 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, David Reece and C. Neall Schroeder

Absent 2 - Nicholas Kaltsounis and Emmet Yukon

Quorum Present

Also present: Ed Anzek, Director of Planning & Economic Development
James Breuckman, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2012-0187 April 17, 2012 Special Meeting

A motion was made by Schroeder, seconded by Dettloff, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Absent 2 - Kaltsounis and Yukon

COMMUNICATIONS

- A) Planning & Zoning News dated April 2012
- B) 2013-2018 CIP
- C) Letter from Charlotte Burckhardt, dated 5-16-12 re: Auburn Hills Master Plan
- D) Notice from Friends of the Clinton River Trail re: 9-29-12 Fall

- Classic Ride
E) Email from Bruce and Faye Zych, dated 6-5-12 re: Northbrooke East

NEW BUSINESS

- 2007-0221** Request for Recommendation of an Extension of the Tentative Preliminary Plat for Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, until April 20, 2013, Gwen Bismack, Applicant

(Reference: Memo prepared by Ed Anzek, dated June 1, 2012 and Approved Tentative Preliminary Plat had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Gwen Bismack, 2742 Powderhorn, Rochester Hills, MI 48309, property owner.

Mr. Anzek stated that Ms. Bismack has requested another Extension, which was her second request as owner. She had been working intermittently with an engineer to get the matter resolved. Staff had no issues with the Extension. Ms. Bismack submitted the required letter acknowledging the additional engineering standards; her account was in good standing and no back taxes were owed, so Staff recommended approval of the Extension.

Upon questioning by Chairperson Boswell, Ms. Bismack did not wish to add anything, and said that Mr. Anzek had explained it well.

Mr. Schroeder felt that the matter had been discussed several times and nothing had changed, so he moved the following motion:

MOTION by Schroeder, seconded by Brnabic, in the matter of City File No. 04-011 (Grace Parc Subdivision), the Planning Commission recommends that City Council approves an Extension of the Tentative Preliminary Plat until April 20, 2013.

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

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Absent 2 - Kaltsounis and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously, and wished Ms. Bismack good luck.

- 2007-0775** Request for Final Site Condominium Plan Recommendation - City File No. 02-009 - Grace Oaks, a two-unit site condominium development on 1.1 acres,

located on the north side of Hazelton, east of Livernois, zoned R-4, One Family Residential, Parcel No. 15-34-101-039, Joseph Lombardo, Applicant
(Reference: Staff Report prepared by Ed Anzek, dated June 1, 2012 and Final Site Condo Plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Joseph Lombardo, 3377 Hazelton, Rochester Hills, MI 48307, property owner.

Mr. Anzek stated that Mr. Lombardo filed several years ago to divide his 1.1-acre property into two lots. The process available for that was to do single-family detached condos because the land had been previously platted in 1939 and a re-plat or lot split was not available. Mr. Lombardo had been diligently working with the City Attorney on the Master Deed and Bylaws; he has met all the engineering requirements. Everything was filed that needed to be, and Staff was recommending that the Planning Commission Recommend Approval to City Council.

Chairperson Boswell asked Mr. Lombardo if he had anything to add, which he did not.

Hearing no further discussion, Mr. Schroeder moved the following:

MOTION by Schroeder, seconded by Brnabic, in the matter of City File No. 02-009 (Grace Oaks Site Condominiums), the Planning Commission ***recommends*** that City Council ***approves the Final Site Condominium Plan***, based on plans dated received by the Department of Planning and Development on January 6, 2012, with the following six (6) findings and subject to the following two (2) conditions.

Findings:

- 1. Upon compliance with the following conditions, the Final 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 Final Plan represents an acceptable comprehensive development that is harmonious with the surrounding development.*

4. *The Final Plan represents a reasonable lot orientation.*
5. *The development should have no substantially harmful effects on the environment.*
6. *The Final Plan is in conformance with the Preliminary Plan approved by City Council on September 29, 2006.*

Conditions:

1. *Provide a Notice of Wetland/Floodplain Designation in recordable format after City Council approval and prior to Plans being stamped "Approved" in accordance with Ordinance 469: One-family Residential Detached Condominium; Sec. 122-368 (d).*
2. *Eliminate Note #3 that references the need for a sidewalk waiver. The note is part of 3 notes placed near the bottom center of sheet 1. The City Council had already granted that with the Preliminary Plan approval in 2006.*

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

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Absent 2 - Kaltsounis and Yukon

Chairperson Boswell wished Mr. Lombardo good luck, and commented that it had been a while.

2005-0394 Request for a Tree Removal Permit - City File No. 00-037.2 - Northbrooke East Site Condominiums, a 12-unit site condo development on 3.7 acres, located south of Auburn between Crooks and Livernois, Parcel No. 15-33-128-009, zoned R-4, One Family Residential, Northbrooke East, LLC, Applicant

(Reference: Staff Report prepared by James Breuckman, dated May 31, 2012 and Preliminary/Final Site Condo Plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Andrew Milia, President, Franklin Property Corporation, 300 South Old Woodward Ave., Birmingham, MI 48009, development consultant, and Jim Jones, JJ Associates, Inc., 1055 S. Blvd. E., Rochester Hills, MI 48307, civil engineer.

Mr. Anzek advised that the proposal was for a single-family site condominium plan. He explained that this was a process used to subdivide land that had been previously platted. It was not attached condos on a common ground; it looked like, acted like and appeared just like a single-family development. He wanted to make that clear, because Staff had received a couple of phone calls questioning the homes.

Mr. Anzek recalled that the development was initially approved in 2005. At that point in time, it met all the City's requirements, and there were Extensions granted until they ultimately expired in 2009, when the owner at the time let the approvals lapse. There were now new developers who wished to reactivate the project. The City's Engineers had reviewed it and determined that the retention system designed in 2006 met or exceeded the City's current standards, so there were no changes required to what was approved in 2006. It still met all the zoning setback requirements and other Ordinance requirements. The Staff Report summarized that it was very straight forward. There had been some inquiries from the neighbors, and he asked Mr. Breuckman to address what had been communicated.

Mr. Breuckman advised that most of the inquiries were about the site condo question, and Mr. Anzek had addressed that. There was one comment from Mr. Larry Dropiewski, who lived in the adjacent Northbrook subdivision. He had some concerns about trees on the common property line between his lot and the proposed development and whether those could be protected during the construction process. He suggested some things that Mr. Breuckman felt would be good to explore with the City's and the project's engineers to see if it was feasible. Mr. Dropiewski had a large box elder on his property line, and he wanted to know if it would be possible to move the storm sewer in the rear of lot 3 within the easement. Mr. Breuckman felt that they could explore it. He would like to see some tree protective fencing along that property line. The Tree Survey did not show the trees on Mr. Dropiewski's property. Because the development did not have direct access onto Auburn Rd., construction traffic would be passing on public streets through adjacent neighborhoods. Mr. Dropiewski was concerned because there was already rutting that existed at some of the 90-degree corners from the construction traffic over the years. He wanted to make sure that was adequately addressed and repaired after construction was finished.

Mr. Jones suggested that they could meet with the neighbors, and there was some flexibility with regards to shifting the storm, if that would

preserve the tree. The easement was wide enough for that flexibility. Mr. Milia added that regarding tree protective fencing, they would be happy to work with Mr. Dropiewski and place additional fencing to minimize traffic in that area.

Mr. Schroeder asked about the rutting in the road. Mr. Breuckman believed that was inside the radius of the corners on the grass, and Mr. Schroeder asked Mr. Jones to address that. Mr. Jones said that typically, they suggested that the developer take pictures of pavement prior to development. If there was any rutting of the grass behind the pavement, that would definitely be repaired. If there was any damage to the pavement, it would be repaired. It was their common practice to record what was there before and after and make sure it got restored back to its original condition.

Mr. Hetrick asked if the condo units would be consistent with the housing that surrounded them. Mr. Milia agreed, and said that the adjacent subdivision, Meadow Creek II, consisted of about 2,500 square-foot homes, and the proposed homes would be about 2,500 to 2,800 square feet, with a price point that would meet or exceed the adjacent sub.

Chairperson Boswell opened the Public Hearing at 7:16 p.m. He instructed that there would be no dialogue until after the Public Hearing was closed. He asked the speakers to direct all comments and questions to the Chair.

Bill Gaw, 3305 Gilsam Ct., Rochester Hills, MI 48309. Mr. Gaw wished further clarification and detail about the construction traffic. His street came off of Crooks, and the construction traffic for the existing subdivision was required not to come in off of Crooks, but it constantly did and actually broke the water main directly across from his property due to the transition of the trucks from the old blacktop to the new 8" concrete, which was in front of his house. He had not seen the street complete plan for the condo site, and he would like to see its final stage to see how the traffic would flow. He was concerned how the plan would be finalized as far as where the homes would end up and how they would look relative to the other homes in the neighborhood. Having the property developed was bound to happen, and he said that he was not opposed to development, but making sure it fit in with the existing lots was important to him.

Larry Dropiewski, 3154 Davenport Lane, Rochester Hills, MI 48309. Mr. Dropiewski said that he appreciated the opportunity to talk with Mr. Breuckman earlier in the day. He lived in lot 13 behind Northbrooke

East's lot number 3. He believed the plans were older and were being reused. They indicated that the construction access would be off a temporary road to Auburn, which the neighbors would be very thrilled about, and they would like to see that. They had endured a lot of construction traffic for many years with Meadow Creek II. There had been quite a bit of damage to Newstead, Wilmington and Davenport, particularly at the corners. The road was rutted and held quite a bit of water in rain events, and it was getting cracked. They would like to see that addressed. The plans showed the streets to be constructed out of concrete. Both Northbrooke and Meadow Creek II were asphalt roads with concrete curb and gutters. The plans said there was an option to do either one, but it made sense to him to do the asphalt option to connect everything. They were a little sensitive because the name of Northbrooke East was similar to Northbrooke, and they considered their housing a notch up from those in Meadow Creek II; they were all brick as opposed to just brick front and vinyl-sided. They would prefer the same for the housing in Northbrooke East. He was glad to hear about the house sizes and the prices. On a personal note, Mr. Dropiewski related that he had a son graduating from high school, and they were having an open house on July 21st. He hoped that construction would start after July 21st, if possible. He would hate the thought of bulldozers and trucks in the area during an open house, and he would appreciate any help he could get with that. He noted that he had five trees along the lot line, and he would really like to see them retained. It looked like that would not be an issue; he looked at the profile for the storm drainage, and it drained down slightly to the north to the inlet at the northwest corner of site three. The only issue might be with his big box elder. It had a large canopy and a ten-foot pipe would be in the roots. He talked with the City Engineers, and asked if they would consider moving that to 15 feet, which would still be within the 20-foot easement and less likely to kill the tree. He would appreciate the willingness to provide some type of protection for those trees. He remembered when his lot was built, and the builder told him that the apple tree would still be on his site. He went there one day, and it was lying on its side, having been bulldozed when the site was graded. He was a little sensitive to trees disappearing when he was at work. He reiterated that if the construction traffic would, in fact, use their subdivision streets, it would be nice if at the conclusion, the ruts could be filled in or if the City could commit to some type of repair so down the line the residents of Northbrooke did not get stuck with a special assessment to fix the roads. They always felt that the traffic should have gone up and down Gilsam Rd. when they were building Meadow Creek II. He understood that the City Engineer felt they had a more engineered road in their subdivision, but through the course of time, the trucks did damage.

Kim Lavalley, 1632 Newstead Lane, Rochester Hills, MI 48309. Ms. Lavalley said that she lived at the end of Newstead Lane, which would border the construction of the new sites. She wanted to get a little more information about the water retention site proposed. She understood that the plans were established in 2006 and were being re-activated, but she would like to find out more because she had three small children, and she had concerns about having water right there. She was also concerned about construction traffic and echoed Mr. Dropiewski's comments.

Jim Zych, 3139 Davenport, Rochester Hills, MI 48309. Mr. Zych stated that he lived on the corner of Newstead and Davenport. He had written in with some questions about the proposed subdivision, partially because he just learned about the meeting yesterday. He was happy to say that his nephew bought the last lot in the annex to Northbrooke, so that should complete the construction there. He wanted to make the Commissioners aware that the residents of Northbrook had gone through eight constant years of construction traffic through that subdivision. The other speakers had talked about the roads being chewed up quite a bit. His understanding was that there would be an annex out to Auburn Rd. When he looked at the plans, they indicated that the church had not given them the right-of-way to go out to Auburn, so he questioned how that would be addressed. He stated that it would be great if the subdivisions could be avoided altogether. He had a concern about Northbrooke East being landlocked by Northbrooke, and he said that he appreciated the single-family homes, but he would like to see them developed within the spirit of Northbrooke. They had lot size and building material restrictions, and in the annex, they had not kept the same standards as they had in Northbrooke. He would like that to be enforced, if possible.

Eric Hartfiel, 3071 Wilmington, Rochester Hills, MI 48309. Mr. Hartfiel said that he lived around the corner from the proposed development. He was against the construction of the condo complex, and said that it did not conform to the subdivision. He saw it as a landlocked property that would increase traffic. They had already seen traffic increase with all of the new homes in Meadow Creek II, which were not built to the standards of the homes already there. To him, the homes were done more cheaply and not as rich and classy looking as the original homes in the subdivision. He thought that a condo complex would completely drive the values of the other homes in the area even further down and increase traffic. On Wilmington, there was always someone getting mad when he tried to get in and out of his driveway, because there were so many people coming down Wilmington because there was a cul-de-sac instead of an exit to

Auburn. The people in Meadow Creek II were not allowed to exit onto Auburn because of the school next door. He had tried to get a petition to have the cul-de-sac turned into an exit and entrance. He felt that the proposal was a bad idea, and he hoped that the developer would reconsider and put up homes that were more representative of the subdivision rather than condominiums.

Chairperson Boswell interjected at this point, and said that he would break precedent a bit and address the issue of the homes. He stated that they would be single-family homes, and there would not be one, big building of condominiums. He assured that the lot sizes were very similar to those in Northbrooke.

Kathy Lam, 1674 Newstead Lane, Rochester Hills, MI 48309. *Ms. Lam stated that she lived on the corner of Wilmington and Newstead and in the eight years that she had lived there, she had to deal with corner traffic all the time. She could reiterate everything everyone had stated, because she agreed 100%. She commented that she loved having the nice, vacant land there and the trees, but if they were going to do construction, she agreed about traffic going out to Auburn. She stated that the construction traffic they had endured had killed their roads. She could not count how many construction trucks had driven over her lawn. There were small children in her neighborhood - over ten kids under the age of eight - and there were many times that a construction vehicle zoomed through without looking. She truly believed that they had to have a better plan for construction traffic for the kids, for the road, etc., and she agreed with everything that had been said.*

Chairperson Boswell closed the Public Hearing at 7:32 p.m. He noted that the biggest question regarded construction traffic. He asked Mr. Jones about the temporary drive to Auburn.

Mr. Jones responded that there were some comments about the church not dedicating access for the property. He clarified that the note on the drawing indicated that the church was not willing to dedicate the right-of-way for the future Auburn Rd. The City was looking for the church to give up 60 feet of their property along their frontage for the ultimate Auburn Rd. right-of-way, and they were not willing to do that at this time. It was a separate issue from construction access. They were getting a 20-foot easement along the church's west property line, which would provide access back to the detention area and also for the storm sewer that needed to be installed to the detention basin. There would be some construction access utilizing that easement, but they also needed a

secondary access because when the detention basin was being constructed, they could not physically get across from one side to the other. They also showed, on the Soil Erosion Plan, that they would provide a mud tracking mat just to the east of the stub street of Newstead Lane. Some of the construction traffic would need to utilize that when the detention basin was being constructed. They were willing to work with the residents to try to minimize how much traffic would use the public right-of-ways.

Chairperson Boswell asked about the detention basin. Mr. Jones said that the City had requirements for detaining storm water and for treating the water for water quality. They had been in contact with the Drain Commission, to make sure that the size of the pond met their standards. They exceeded the Drain Commission standards and met the City's standards. Regarding the safety of the basin, he advised that it would have a six-foot high fence around the perimeter, which should alleviate the safety concerns for the kids in the area. Chairperson Boswell asked what type of fence, and Mr. Jones said that it would be chain link. Mr. Schroeder asked if it would be a dry pond, and Mr. Jones said that the bottom of the pond would be wet for sedimentation purposes.

Chairperson Boswell questioned which option would be used for the streets. Mr. Jones said that they were showing concrete on the drawings, but the City did allow an asphalt alternative. Typically, when it was bid, they got prices for both. In the past, asphalt had been a better price than concrete. It was up to the developer, but there was a good possibility it could be asphalt.

Chairperson Boswell indicated that given that the surrounding subs had asphalt, he thought it would make sense to install the same. He asked about the type of houses. Mr. Melia brought up that someone mentioned condominiums, and he explained that it was just a legal form of ownership. He felt that the Commissioners had done a good job of explaining that. They would be true single-family homes, similar to the adjacent homes. The word condominium was just a legal form of ownership, and the homes would range from 2,500 to 2,800 square feet with a price range of \$265,000 to \$300,000.00. He pointed out that there would only be 12 homes built, and they felt that the economic climate was different from the past three years. It was the goal of the developer to complete the homes in a quick fashion - 12 to 18 months - whereas in the past, the subdivisions had languished. It was the goal of the developer to get in and out very quickly and complete the whole development.

Chairperson Boswell asked for clarification of whether construction would begin after July 21st. Mr. Melia stated that if they received all their permits, it could start prior. The plan was to start sometime in July, but they would meet with Mr. Dropiewski and if the open house was on a Saturday, they could work with him.

Mr. Anzek advised that the matter could probably not get to City Council until July 16th, so they would not have final approval, and the applicants would still have to work on engineering drawings in between. He thanked them for offering to work with Mr. Dropiewski.

Mr. Schroeder said that as far as the roads, concrete was a better product that lasted longer. If the developer put in concrete, it would be better for the subdivision and would last for 20-25 years and be relatively maintenance free, versus 10-15 years for asphalt. He recommended using concrete, but it would be a collective decision. He asked the applicants if they could give a better description of the homes, for example, if they would have brick fronts and how much siding there would be.

Mr. Melia said that he did not have the exact details, but they would not be brick on all four sides. There would be some brick on the fronts, and they would be comparable to the homes in Meadow Creek II.

Mr. Hetrick suggested that the applicant consider allowing options so that there was more of a harmonious architectural feel between the proposed development and the adjacent subdivision. Mr. Melia agreed.

Ms. Brnabic said that most of her questions had been answered, but she wanted clarification as to whether the homes would be partial brick or full brick on the fronts. Mr. Melia answered that they would be partial brick. Ms. Brnabic asked where the brick would be, and Mr. Melia said that it would be generally on the first floor level. There could be brick and stone accents. Ms. Brnabic also recommended that they try to do something more in keeping with the surrounding neighborhood - not necessarily brick on the entire home, but she considered that full brick on the front would be nice.

Chairperson Boswell confirmed that the applicants would be able to add tree fencing on the property lines where there were trees close. If they were going to be bulldozing and they were under a tree, that tree would not make it. Mr. Jones said that if the trees were on the neighboring properties and the overhang of a tree was on the proposed property, when

they staked for the snow fencing location, they tried to measure by the drip line of the trees. If the overhang of the box elder mentioned was encroaching and they could move the storm about four to five feet to help save it, they would be more than willing to move the protection.

Mr. Anzek advised that when the City did tree inspections prior to a Building Permit being issued, they confirmed that the tree protective fencing lined up with the drip line of all trees proposed to be preserved or those of adjacent trees that hung over. They basically stood underneath the drip line and made sure the fencing was there. It was a general rule of thumb that the drip line matched the root line below the grade, and he offered that they would work to shift the storm line to preserve the box elder.

Mr. Dettloff felt that the applicants had adequately addressed a lot of the concerns expressed. Given the nature of some of the concerns, for example, construction traffic and children in the area, he suggested that it might be beneficial to coordinate some type of communication effort among the neighbors. He thought that keeping them informed would help the relationship and be appreciated by the people living in the area. He did think the proposal would be an enhancement to the area, but communicating with the surrounding people would be very important, and he encouraged that.

Mr. Melia felt that was a very good suggestion, and prior to construction, if they could get addresses and emails for the neighbors, they would send out a more formal communication before and during the process.

Another card was turned in, and Chairperson Boswell called the speaker forward.

Fariba Sadeghr Hartfiel, 3071 Wilmington Blvd, Rochester Hills, MI 48309. *Ms. Hartfiel agreed with her husband (who spoke previously) that when they tried to come out of their driveway, they had a really hard time. The traffic was very heavy, and it would not help them to have more traffic. She stated that it was not good or safe for the children, and she hoped that would not happen.*

Chairperson Boswell said that ordinarily, the Planning Commission would very strongly suggest that the applicants meet with all of the neighbors. Mr. Dettloff had mentioned it, and the Commission had, in the past, delayed voting on applications until that occurred. He acknowledged that the current application had been around for a long time.

Hearing no further discussion, Ms. Brnabic moved the following motion, seconded by Mr. Dettloff:

MOTION by Brnabic, seconded by Dettloff, in the matter of City File No. 00-037.2 (Northbrooke East Site Condominium), the Planning Commission **approves the Tree Removal Permit** based on plans dated received by the Planning Department on May 16, 2012, 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 41.6% of the regulated trees on-site.
3. The applicant is proposing to replace seven regulated trees with four replacement trees with a value of eight replacement credits on-site.

Conditions

1. Installation of tree protection fences and City inspection and approval prior to the issuance of a Land Improvement Permit.
2. Posting of a performance guarantee in the amount of \$2,826, as adjusted by the City if necessary, to ensure the proper installation of replacement trees and landscape plantings. Such guarantee is to be provided prior to issuance of a Land Improvement Permit.

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

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Absent 2 - Kaltsounis and Yukon

2012-0190 Request for Recommendation of the Preliminary and Final Site Condominium Plans - City File No. 00-037.2 - Northbrooke East

MOTION by Schroeder, seconded by Hetrick, in the matter of City File No. 00-037.2 (Northbrooke East Site Condominium), the Planning Commission **recommends that City Council approve the preliminary and final one-family residential detached condominium plan** based on plans dated received by the Planning Department on May 16, 2012, with the following four (4) findings and subject to the following conditions.

Findings

1. The proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium ordinance for both preliminary and final approval.

2. *Adequate utilities are available to properly serve the proposed development.*
3. *The proposed development will connect three current dead-end streets, providing an area-wide benefit.*
4. *The Environmental Impact Statement indicates that the 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.*
2. *City Attorney and Staff approval of the proposed condominium documents.*
3. *Payment of \$2,400 into the tree fund for street trees prior to issuance of a Land Improvement Permit.*
4. *Developer shall make every effort to meet with neighboring homeowners, adjacent to the road access and adjacent to the development, prior to start of any construction and continuing throughout the construction process.*
5. *Relocate the storm at the back of lot three to save the box elder on the adjacent property.*
6. *The homes shall be a minimum of 2,350 square feet, and the front façade shall consist of brick and/or stone on the first story at a minimum.*

Prior to formalizing the above conditions, the following discussion took place.

Mr. Hooper suggested a condition that the storm in the rear yard of lot three be relocated to accommodate preservation of the box elder of the homeowner in lot 13 of Northbrooke. Also, regarding the architectural design of the homes, he suggested that a condition be added that the homes resembled at least the look of the Meadow Creek II development in regards to the quantity of brick siding. He wanted the proposed development to look like the adjacent development or better.

Mr. Anzek believed that the applicant was the same developer that built the homes to the east. He believed it was the same style of homes they wanted to build in Northbrooke East. They were not the same style as in Northbrook, which had more brick. He was not sure if they were 90 or 100% brick, and he wondered if they should look for a balance between the two or look for it to be reflective of Northbrooke, which was primarily all brick.

Mr. Hooper wished to see what the developer was proposing. Chairperson Boswell noted that earlier, the applicant had said that the front would have brick on the first story and the rest would be siding. Mr. Melia said that there was a brick option homeowners could elect to have, but it would not be mandatory.

Mr. Hooper said that he was looking for a happy medium; not the one to the east or possibly the west, but he wanted to make sure the home values were maintained for the surrounding neighborhood. He would like to see a quantity of brick that would assure the home values were maintained.

Mr. Reece reiterated that there would be single-family homes, 2,500 to 2,800 square feet, and the sales price point would be between \$265,000 and \$300,000. He asked Staff if they had an idea of the average square-footage of the homes to the east and west. He observed that someone could have brick all around or a home could have similar accents and still maintain a price point. Just because a house was all brick, it did not necessarily mean it would not have a lower price point. It could depend on the siding, trim or other aspects. He would be curious, if they could make a comparative analysis, about the sizes and prices of the homes to the east and west.

Mr. Anzek said that they did not have the answer currently. He did not anticipate that question and did not look at Northbrooke to determine the size or materials used in construction. He asked the applicant if the proposal would be associated with Meadow Creek II. Mr. Melia said that was correct; those homes were all about 2,500 square feet, and the proposed homes would be 2,500 square feet and larger, up to 2,800 square feet, so they should meet or exceed those in Meadow Creek II. Mr. Anzek clarified that those homes were built with first level brick and that the rest had a siding wrap. Mr. Melia believed that was correct. Mr. Anzek said that to find a happy medium, he and Mr. Breuckman would have to go back and look at the adjacent subs and report back to the Planning Commission or to the City Council.

Mr. Hooper asked if they could add a condition that the homes would be at least 2,500 square feet and have brick siding at least on the first floor of the street side.

Mr. Reece thought that there was still some confusion that the homes would be attached condos. He stressed that they would be single-family

homes just like in Northbrooke, at 2,500 to 2,800 square feet. They were good size homes on individual lots, and there would only be 12 going in. He reiterated that the term condominium referred legally to how the property was being developed, and that was all it meant. There would be no attached condos going in, and he wanted people to be comfortable with that. He thought, as Mr. Hooper had mentioned, that averaging was a good solution.

Mr. Schroeder concurred with amending the motion, and Chairperson re-read the two additional conditions.

Mr. Breuckman was not sure if they should add a 2,500 square-foot minimum requirement. He commented that someone might want to build a really nice 2,000 square-foot home, but they would be prohibited. That would be the trap they would get into with area limitation. He felt that the exterior treatment was valid. He suggested that a possible way to address it would be to request the developer to put the conditions in the Master Deed. He did not want to confuse the issue, but he had slight concerns about it. Mr. Schroeder asked the developer if a 2,500 square-foot minimum would be a problem.

Mr. Milia reminded that he was a development consultant, and he was advised by the developer that it was what he intended to build. He agreed that it was appropriate to put conditions in the Master Deed, but suggested that they could take a short recess, and he could make a phone call to confirm the home sizes.

Chairperson Boswell agreed with Mr. Breuckman that someone could build a home that was a little less than 2,500 square feet, but it could be really nice. They would have to add a shed to bring it to 2,500 square feet. He called a recess at 8:02 p.m., stating that they would resume the meeting at 8:10 p.m.

Chairperson Boswell called the meeting back to order at 8:10 p.m. Mr. Melia advised that he spoke with the developer, who informed him that the most popular model he had was 2,486 square feet. The next most popular was 2,350 square feet, and the third was about 2,700 square feet. He would like the flexibility to do all, and he would like to propose a 2,350 square-foot minimum, if possible. They did not want to sacrifice quality if someone could not really afford the biggest home. They wanted to cooperate in the spirit of the suggestion.

Mr. Hooper asked Mr. Melia if he had asked about the amount of brick.

Mr. Melia said that it would be acceptable to require brick for the first floor of the fronts of the homes.

Chairperson Boswell spoke to the audience members and asked them to make sure they gave Mr. Melia contact information. Also, he wanted the developers to be aware that the Planning Commission expects them to do everything possible to meet with as many of the adjacent neighbors, and the Homeowner's Association would be a good place to start. Mr. Melia agreed to that.

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 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Absent 2 - Kaltsounis and Yukon

Chairperson Boswell stated for the record that both motions had passed unanimously, and he thanked the applicants.

2012-0210

Request for Sketch Plan Approval - City File No. 93-382.3 - Rochester Hills Automotive Addition, a 900 square-foot addition to the existing 2,370 square-foot auto service station at 1015 E. Auburn (northeast corner of Auburn and John R), on 1.26 acres, Parcel No. 15-25-351-041, zoned B-5, Automotive Service, Rochester Hills Automotive, LLC, Applicant

(Reference: Staff Report prepared by James Breuckman, May 31, 2012 and Sketch Plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Gary Kwapis, Heins & Kwapis Architects, P.C., 126 E. Third St., Rochester, MI 48307.

Mr. Breuckman stated that the plans were to construct a 900 square-foot addition to house a walk-in cooler. He noted that the site was at the northeast corner of Auburn and John R at the Marathon Gas Station. The application was an existing building and qualified for Sketch Plan review, which was why the plans were basic in detail, and the project did not trigger an Engineering review. The setbacks were in compliance because of the recent amendment passed to the B-5 district. Without that amendment, the project would have required a Variance. The site was well landscaped, and there was no landscaping in the area and no additional landscaping or buffer was required. The building was fairly utilitarian in design at 30 x 30 feet and would incorporate materials from the existing building. The Fire Department reviewed the plans and had three notes that had to be added. The applicant added those, but with the re-submittal, the Fire Department did not have a chance to look at the

revisions. There was a condition of approval regarding sign-off by the Fire Department. Mr. Breuckman concluded that a motion recommending approval was included in the Staff Report, and he said he would be happy to answer any questions.

Chairperson Boswell asked Mr. Kwapis if he had anything to add, noting that Mr. Breuckman's statements had been fairly comprehensive. Mr. Kwapis agreed, and said that he did not.

Chairperson Boswell asked Mr. Breuckman if the Commissioners had reviewed Sketch Plans before. Mr. Breuckman cited the addition at a party store on west Auburn as one they had done before. He commented that it was another "beer cave." He added that in the last Zoning Ordinance amendment, the amount of administrative review by Staff was actually reduced, and Sketch Plans were included at that time to balance the submittal requirements for smaller additions.

Mr. Hetrick asked if the existing building was a party store and/or what was sold. Mr. Breuckman replied that it was a gas station. Mr. Kwapis noted that party store amenities were sold, such as beer, wine, food and pop. They also serviced vehicles.

Ms. Brnabic referred to the reduced setback requirements in B-5, and she asked Mr. Breuckman to go over that part of the amendment. She recalled that there was a car wash behind the gas station. Mr. Breuckman said that the Ordinance read that on a corner lot, either side could be designated as the front yard. If John R was the front yard, a side yard became the front yard. The rear yard setback was in compliance. Ms. Brnabic noted that the side yard setback was 9.6 feet, and she asked about the minimum for the side yard. Chairperson Boswell clarified that the minimum could be zero feet on one side, as long as the other side was 50 feet. Mr. Breuckman agreed that the requirement for each side was zero, but the total had to be 50 feet.

Mr. Reece mentioned that along the north property line, it showed a cross hatch space, and he asked if that would go away or if it was for handicap parking. Mr. Kwapis explained that it was just a vacant space that would not be sizeable for parking, but they wanted to make sure no one parked there, and that was why it was delineated. Mr. Reece asked if the Fire Department was o.k. with a nine-foot setback, which was confirmed. He asked if there was a wall between the station and the car wash. Chairperson Boswell responded that there was no wall.

Hearing no further discussion by the Planning Commission, Mr. Dettloff moved the following motion, seconded by Mr. Schroeder:

MOTION by Dettloff, seconded by Schroeder, in the matter of City File No. 93-382.3 (1015 East Auburn Road), the Planning Commission **approves the Sketch Plan**, based on plans dated received by the Planning Department on May 30, 2012, with the following four (4) findings and subject to the following one (1) condition.

Findings

1. The sketch plan and supporting documents demonstrate that applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed addition will be accessed by existing driveways, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements will have a satisfactory and harmonious relationship with existing development in the area relative to alternative site designs.
4. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Fire Department approval of the final site plan including revisions noted in the memo dated May 15, 2012 prior to building permit approval.

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

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Absent 2 - Kaltsounis and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously.

2012-0209

Request for Sketch Plan Approval - City File No. 12-007 - DeYonker Window & Door, a 2,911 square-foot addition to the existing 3,083 square-foot building (previously a day care) at 1875 W. Auburn, located on the south side of Auburn, east of Crooks, Parcel No. 15-33-101-041, zoned B-1, Local Business, William DeYonker, Applicant

(Reference: Staff Report prepared by James Breuckman, May 31, 2012 and Sketch Plan had been placed on file and by reference became part

of the record thereof.)

Present for the applicant was Gary Kwapis, Heins & Kwapis Architects, P.C., 126 E. Third St., Rochester, MI 48307 and William DeYonker, President, DeYonker Window & Door, 3911 South Rochester Rd., Rochester Hills, MI 48307.

Mr. Breuckman advised that the applicant had a purchase agreement for the building, and wished to expand the existing building to accommodate his business. The building was formerly a bank and then a day care. It was on the south side of Auburn, east of Crooks. The land to the east and south of the subject site was zoned R-4, One Family Residential and had homes. The land to the west was zoned B-1 and to the north, there was a retail and office complex zoned B-2. He noted the setback table and said that the east and rear yard setbacks were existing, and those sides of the building were not changing. The rear yard setback was 52 feet. The building was located far back on the site, with a large front yard. That was driving some of the site plan proposals. Regarding site plan review considerations, the Engineering Department had reviewed the proposal, as the applicant was were reducing a significant amount of impervious space. There was currently a playground on the west side of the building. Engineering was recommending approval, subject to a few detail items that could be addressed at construction plan review. There was a double loaded bay of parking in front of the site that would be converted to a bio-swale detention pond, so the stormwater would run into that area, which currently sheet-drained out to Auburn Rd., which would be an improvement. The biggest issue from a site design perspective was the fact that there was an overhead loading door on the front of the building of the addition. It was being driven by the location of the existing building at the rear yard setback line. The Zoning Ordinance required all loading areas to be located in the side or rear yard, but Section 138-11.304 (e) gave the Planning Commission the ability to modify loading area design. Given some of the limitations on the site, as well as the fact that there was existing residential to the east and south, locating the loading door on the front of the building would help mitigate the impact of loading to a residential neighborhood. The building design also helped mitigate part of the loading bay, because the addition was designed to be consistent with the existing building. He offered that the applicant could explain more about the loading operations, scheduling and what type of trucks would be coming in and out. He did not believe there would be an intensive delivery operation. There were a few comments regarding landscaping and tree removal. The applicant was proposing two hybrid elm trees along the site's frontage, on the east and west corners of the

site. It was quite narrow there, and the trees could survive there, but he recommended in the Staff Report that they be moved to the middle of the site. However, the applicant was concerned about site visibility, so Mr. Breuckman would like to ask the City's Forestry Department about the survivability of the trees and the proposed locations at the corners of the site. Staff was also recommending that the applicant plant three additional trees in the grass area at the rear of the site to meet the Type B buffer requirement between a B and an R district. The site had chain link fencing with slats inserted for screening. That was not a standard the City typically approved, but it was existing. The applicant was proposing some new fencing, and Staff recommended that any new fencing be opaque, preferably a vinyl fence. The building design was sympathetic with the existing structure on the site. The Fire Department had reviewed the plans, and they had a number of comments that would not impact the site's layout. They required a fire hydrant to be added or a fire wall in between the addition and the building. The Fire Department review came late last week, and the applicant had not had a chance to definitively address how they would answer those comments. Mr. Breuckman said that he was comfortable bringing the proposal forward because they could address the Fire Department comments without impacting the site layout. He suggested that any approval be conditioned with Fire Department approval of the ultimate plan and if anything changed with the site layout, it would have to be brought back before the Planning Commission for re-approval. He was confident they could work with the applicant to arrive at a conclusion with the Fire Department that met everyone's needs. He noted that there was a motion for consideration, and said he would be happy to answer any questions.

Chairperson Boswell asked Mr. DeYonker if he had anything to add. Mr. DeYonker advised that he was currently leasing his building in Rochester Hills, and he would like to stay in Rochester Hills. He hoped that what they were presenting was o.k. with the Commissioners.

Chairperson Boswell asked about the delivery operations and what type of trucks would be coming in and out. Mr. DeYonker said that at busy times, there would be one semi-truck a week and two or three box vans. They had crews that would go out every day and come back at the end of the day. Chairperson Boswell asked what the crews drove. Mr. DeYonker said that they had a cube van and pick-up trucks.

Mr. Schroeder thanked Mr. DeYonker for keeping his business in Rochester Hills, and he appreciated that he was developing and improving his property. He moved the following motion, seconded by Mr.

Hetrick.

MOTION by Schroeder, seconded by Hetrick, in the matter of City File No. 12-007 (1875 West Auburn Road), the Planning Commission **approves the Sketch Plan**, based on plans dated received by the Planning Department on May 16, 2012, with the following six (6) findings and subject to the following four (4) conditions.

Findings

- 1. The sketch plan and supporting documents demonstrate that applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.*
- 2. The proposed addition will be accessed by existing driveways, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
- 3. Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
- 4. The improvements will create on-site stormwater infiltration and will reduce the overall amount of impervious surface.*
- 5. The proposed improvements will have a satisfactory and harmonious relationship with existing development in the area relative to alternative site designs.*
- 6. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Conditions

- 1. Provide a landscape bond for trees to be planted in the amount of \$2,000, prior to issuance of a Land Improvement Permit for this development.*
- 2. Incorporate three additional trees in the buffer area behind the building and move the two elm trees to the grass area in the middle of the site, unless approved in present location by the City's Forestry Department, prior to Final Approval by Staff. .*
- 3. All new fencing is to be opaque decorative fencing.*
- 4. Address comments from Fire Department memo dated May 31, 2012 and DPS/Engineering memo dated May 31, 2012 prior to construction plan approval.*

Mr. Reese said that he was not really wild about having the garage door on the front of the building. There was residential to the east, and he was struggling with that aspect. He was excited about the fact that the

applicant wanted to relocate the business, but he observed that it was an industrial use. He asked if there would be 52-foot semis coming in. Mr. DeYonker agreed. Mr. Reese acknowledged that they could not make the turning movement in the rear. Mr. Reese asked about the unshaded area behind the existing building and whether it was all concrete or asphalt. Mr. DeYonker said there was an asphalt area, but part of it was grass. Mr. Reese asked Mr. Breuckman if that was where he had asked for additional trees to be planted. Mr. Breuckman said that was correct; there was a five-inch locust that existed. The white square area was grass. The buffer requirement was for four trees along there. Mr. Reese asked if the cube van and trucks would be parked inside the addition during the evening. Mr. DeYonker said the cube van would be, but the pick-ups would not. Mr. Reese clarified that the addition would primarily be warehouse space, which Mr. DeYonker confirmed. Mr. Reese asked if the intent would be for the semi-truck to drive in, unload and back out. Mr. DeYonker confirmed that, and said they would not be there more than an hour.

Chairperson Boswell noted that to the west, there was a coney island and a party store. He asked how far back they were from Auburn. Mr. DeYonker believed they were father back than he was. Chairperson Boswell asked how far back their front door was from his. Mr. DeYonker said 15-20 feet - their building went to the rear of the property. Mr. Breuckman said it was about half a parking space or ten feet further back than the existing building. Chairperson Boswell asked if there were any further comments.

Mr. Hooper said that he wished there was way a semi could pull around to the back, but he recognized that it was a function of the building being so far back. If they did pull around to the back, he wondered if the rear yard setback could be encroached. Mr. Breuckman stated that the setback requirement was 50 feet, so they could not go any further back. Mr. Hooper acknowledged that it was what it was.

Chairperson Boswell called for a voice vote and afterwards, said that the motion had passed six to one.

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

Aye 6 - Boswell, Brnabic, Dettloff, Hetrick, Hooper and Schroeder

Nay 1 - Reece

Absent 2 - Kaltsounis and Yukon

2010-0297 Request for a Recommendation to City Council for a twelve-month Extension of the Moratorium regarding Medical Marihuana, until June 19, 2013.

(Reference: Memo prepared by Ed Anzek, dated June 1, 2012 and letter from John Staran, dated May 24, 2012 had been placed on file and by reference became part of the record thereof.)

Mr. Anzek indicated that he did not want to belabor the point, which they had discussed at the joint meeting on May 29, 2012. There was a Motion for consideration in endorsing a Recommendation to City Council to extend the Moratorium regarding Medical Marihuana for an additional one year. Also included in the packet was an article that he and Mr. Staran discussed they felt was pertinent and supported everything he had discussed in his letter and advised Staff about. He asked the Planning Commissioners for their support.

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

MOTION by Schroeder, seconded by Reece, that in the interest of promoting and protecting the health, safety and welfare of the public, and in view of the need for clarification of the Medical Marihuana Act and the resulting need for further study and analysis, the Rochester Hills Planning Commission hereby recommends that City Council extends the Moratorium for Medical Marihuana uses an additional twelve months, until June 19, 2013 with the following five findings:

Findings:

- 1. There is uncertainty with cases currently in court.*
- 2. There is concern about Federal involvement in the enforcement of drug laws.*
- 3. There is great disparity and an untested nature of regulatory ordinances.*
- 4. There is current and on-going discussions in the State legislature and the State Attorney General's Office involving regulations for Medical Marihuana.*
- 5. There is a lack of Best Management Practices for regulating medical marihuana uses.*

Mr. Schroeder noted that K-2 was really heating up. Mr. Anzek reminded that K-2 was just one brand name; there were about 50 varieties.

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

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece and Schroeder

Absent 2 - Kaltsounis and Yukon

Chairperson Boswell stated for the record that the motion was accepted.

Mr. Hooper said that in regards to K-2, Mr. Staran was working on an Ordinance for Rochester Hills, and they would move on that in the near future. He felt that they all realized it was necessary. Chairperson Boswell commented that there were a lot of angry mothers out there who seemed to be doing the job for everyone else. Mr. Hooper added that a lot of communities were doing the same thing.

ANY OTHER BUSINESS

Mr. Reece asked Mr. Breuckman if he could refresh them on Sketch Plan Approvals. He did not remember seeing others, other than the party store that came before them recently. He felt that the quality of the plans indicated a really poor set of drawings. He questioned what they asked for in a submittal, commenting that he did not want to burden an owner who had to spend a lot of money, but he would expect more from the architectural plans.

Mr. Breuckman responded that the lower standard for submittals was because in the past, those types of projects would just have required Building Permits, not Site Plan Approval. They now had to be brought to the Planning Commission, and they did not want to burden applicants with full Site Plan drawings. Mr. Reece asked the line of delineation. Mr. Anzek said that prior to the 2009 Zoning Ordinance update, there was no minimum or maximum threshold that would trigger something going to the Planning Commission. Any addition, alteration or enlargement of an existing structure was done administratively. In 2009, the Technical Committee for the Zoning Ordinance Update came up with the number of 15% for any building; that is, if a building was going to be 15% larger or more, it had to go before the Commission. He noted the recent industrial building expansion, which was more than 15%, and he said that was appropriate to go before them. When Staff reviewed a 900 square-foot beer cave off the back of a gas station, it took time, and it seemed as if it

should be something they should easily approve and send to the Building Department for permits.

Mr. Reece said that maybe that was why he had not seen a lot of Sketch Plans, or perhaps there were not many submitted. Mr. Anzek agreed that there had not been, but he said they were picking up. He was glad to see that something was being done with 1875 Auburn, because that building had been vacant for quite awhile. He explained that the Sketch Plan process was put in play to deal with the small, low budget additions, and it was a way to get a project through the process without the applicant spending \$25,000 on drawings when they only had a \$5-10,000 addition. That was why the quality might be a little less.

Ms. Brnabic asked if the Commissioners could get updated pages of the amendments to the Ordinances that were recently revised. She wondered if they would be able to take out the old and add the new pages. Mr. Breuckman said that because of the amendments, however, everything would change on every page. If something was replaced page for page, some sections would be missing. Handicap standards, with additional graphics, had changed in length. He suggested that Staff could provide a CD, and short of printing an entire new Ordinance, that would probably be the best way. Mr. Anzek reminded that they still had to have a discussion about gas stations as an accessory use, and once they completed that, they might be good on Ordinances for awhile, at least until the Master Land Use Plan update. Mr. Breuckman reminded that the REC district still needed to be completed. He suggested that would be a big one, but after that, they could reprint the Ordinance.

Mr. Reece asked whether they could have the Ordinance or CD available to reference during a meeting. Mr. Anzek said they could set the computers up that way. Mr. Breuckman advised that the Zoning Ordinance could be viewed through the Planning and Development Department's page on the City's web site.

Mr. Schroeder referred to the Auburn Hills Master Plan update that was passed out under Communications, and asked if the plan affected Rochester Hills. Mr. Anzek said that it was west of Adams and that it did not affect the City. He assured that if something were to affect the City, Staff would bring it to the Commissioners' attention.

NEXT MEETING DATE

Chairperson Boswell reminded Commissioners that the next Special Meeting was scheduled for June 26, 2012.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Reece, Chairperson Boswell adjourned the Regular Meeting at 8:50 p.m., Michigan time.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary