

COMMUNICATIONS

NEW BUSINESS

2018-0033 Request for a Tree Removal Permit - City File No. 17-035 - for the removal and replacement of as many as 134 regulated trees associated with Woodland Crossing, a proposed 15-unit site condominium development on five acres on Auburn Rd., east of John R zoned R-4 One Family Residential, Parcel Nos. 15-25-352-017 and -018, MJC Woodland Crossing, LLC, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated February 16, 2018 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Andy Montelbano, MJC Woodland Crossing, LLC, 46600 Romeo Plank, Macomb, MI 48044; Ralph Nunez, Nunez Design, 249 Park St., Troy, MI 48083; and Shamik Tripathy, Land Development Consulting, 46600 Romeo Plank, Macomb, MI 48044.

Ms. Kapelanski stated that the proposal was for the north side of Auburn between Gravel Ridge and Frankson. It was zoned R-4 One Family Residential, and the project was for 15 units on five acres. Staff recommended approval, as the plan met the applicable regulations. The applicant was utilizing the lot size variation option, for which the standards had been met. Lot 8 would not be developed unless the proposed drive were to connect as a through road. It would currently be used as a T-turnaround. The applicants were required to preserve 37% of the trees and 37.5% were being preserved. 134 replacement trees would be planted on site. She said that she would be happy to answer any questions.

Mr. Nunez stated that Planning Dept. had done a great job preparing the review. The plan would preserve a buffer on the east and west property lines adjacent to residential. In order to meet the tree credits, they had increased the size of the trees. He noted that the developer had reached out to try and contact the nine individuals adjacent to the property to show them the plan, and three contacted him.

Chairperson Brnabic opened the Public Hearing at 7:08 p.m.

Ryan Smith, 1475 Dawes Ave., Rochester Hills, MI 48307 *Mr. Smith said that he lived just outside the 300-foot boundary for getting noticed*

about the meeting, and he cared deeply about his neighborhood. He said that preserving 37% of the trees was great, but it was Rochester Hills, and he wondered why they were shooting for just 37%. In high school, he claimed that would be failing. He said that the whole area was one of the oldest parts of the City, and he felt that they should preserve it. He indicated that condos, houses and development were great, but they would be putting a red jelly bean in a bowl full of yellow jelly beans. It was a well-established neighborhood; his house was over 60 years old. The new construction would not look anything like the rest of the neighborhood, and it would stick out like a sore thumb. He was not against development, but he thought that it should fit in with the community. There would be a one-way street in and out, which did not fit the community. If it got approved, he suggested that they should make it look like it had been there for 60 years. He was concerned about the wildlife. He thought that they were putting the horse before the cart, because he noticed a giant excavator on the property before it had been given the okay. That, to him, was a slap in the face of the residents. He ran in the neighborhood, and he reiterated that he cared about his neighborhood. He commented that the developer knocked on nine doors, but he had knocked on 1,200 doors over the summer asking for a vote for City Council, but no one knocked on his door.

Jolene Sternat, 2886 Frankson Ave., Rochester Hills, MI 48307 Ms. Sternat thanked her neighbor. She stated that she was a horticulturist and nature lover. She moved from Toronto, and she thought she had a bush lot to the west of her. There would now be 15 units on five acres with traffic and congestion. She said that she was very concerned. She felt that there was enough development in Rochester Hills. She asked when enough was enough. She asked why there could not be more evergreens planted. She asked what a single-family unit was. She stated that she loved Rochester Hills. She had fox and deer in her backyard that would be gone. She maintained that the traffic would be horrible for a lot of them. She could not get out of her driveway in Toronto, and she could not get from her driveway to Auburn unless she left an hour early. She asked how many families would move in. Her neighbor had five acres that he kept nice and neat, and it had been there since Roosevelt was in office. She thought that there was fencing along the back of the property. There was 33-foot buffer designated for nature and existing trees and then the fence. She wondered if there would be another fence put up. She claimed that there would be an issue with drainage. She said that all she could think about were all the houses, traffic and kids that would be there, and that she might as well go back to the city.

Chairperson Brnabic closed the Public Hearing at 7:14 p.m.

Mr. Hooper stated that the Tree Conservation Ordinance required 37% of the trees to be saved for residential developments, which the developer had met. The Ordinance was put in place in 1988. There was also a responsibility to balance the rights of property owners and the aesthetics of the City and tree preservation. There had to be a balance - someone would not be able to remove everything, and everything could not be preserved. That would be denying a person's property rights. A compromise was the 37% requirement, and it had been in place for 30 years. Some people believed that it had worked well, and some did not. Regarding the wildlife moving on, that situation always arose with new development. The same thing happened when homes were built in places all over the City, including his. Trees were removed to build his house, and he was sure the wildlife had moved on. He pointed out that single-family units were proposed, and the property was zoned for single-family. The City master planned what future development could look like, and the developer had proposed that development according to the Master Plan. The applicants were complying with all the laws and Ordinances of the City. He said that he did not see existing fencing on the site plan. Mr. Montalbano said that he was not aware of any fencing. Mr. Nunez said that the only fencing installed would be the tree protection fencing during construction. Hearing no further discussion, Mr. Hooper moved the following motion, seconded by Mr. Dettloff.

MOTION by Hooper, seconded by Dettloff, in the matter of City File No. 17-035 (Woodland Crossing), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on January 9, 2018, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove 134 regulated trees and replace with 136 tree credits on site.

Conditions

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.

Chairperson Brnabic noted that there was also a concern raised about drainage.

Mr. Nunez said that their engineer had met with the City's engineers. The City required a rear yard drain. They would leave those areas naturalized, and there would be 30 feet where water would flow. The drainage system would be beyond the homes and in between the preservation to pick up drainage from the various areas.

Ms. Morita asked if the property was unplatted, which was confirmed. She noted that there was an alleyway that appeared to head towards the property, and she asked if they had confirmed that the alley did not continue through the property.

Mr. Tripathy explained that there was a platted subdivision on the east side of the project. The two subject parcels were never platted. They were not doing anything with the alley. The alley was provided with a storm sewer outlet for their property that had been designed by the Oakland County Drain Commissioner's Office. There was a storm sewer outlet by the Fire Station to the east, where they would connect through their detention basin. The alley had nothing to do with their project, and they were not doing anything along the alley. Ms. Morita asked if they were going to connect their storm sewer through the alley or not. Mr. Tripathy said that they would connect to the alley, which also abutted the Fire Station. It was a public alley provided with a storm sewer outlet for the subject property, but they were only connecting the storm sewer to the catch basin.

Ms. Morita asked if it would connect just east of the alley and eventually head towards the manhole in the alleyway, which Mr. Tripathy confirmed. Ms. Morita asked if the properties were formerly historic. Ms. Roediger noted that they were on the potential list. The matter went before Council a year ago, and Council removed them from the list. Ms. Morita asked if the site had archeological finds, but Ms. Roediger did not recall that.

Mr. Schroeder pointed out that they would be adding trees to the site. He suggested to the residents who spoke that Mr. Nunez could show them the plan and where the trees would be added. Mr. Nunez advised that 22 evergreen trees would be added to buffer the areas on the east and west sides in addition to deciduous trees. Mr. Schroeder indicated that he had lived in Rochester Hills for 55 years and was totally surrounded by subdivisions. He had deer, rabbits, squirrels, birds and skunks in his yard, and they all survived. He added that there was an enclosed County drain where the site would drain.

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

Aye 7 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Schultz

Excused 2 - Anzek and Kaltsounis

2018-0034

Public Hearing and request for Preliminary Site Condominium Plan Recommendation - City File No. 17-035 - Woodland Crossing, a proposed 15-unit site condo development on five acres, located on Auburn Rd., east of John R, zoned R-4 One Family Residential, Parcel Nos. 15-25-352-017 and -018, MJC Woodland Crossing, LLC, Applicant

MOTION by Hooper, seconded by Reece, in the matter of City File No. 17-035 (Woodland Crossing, the Planning Commission **recommends approval of the Preliminary Site Condominium Plan**, based on plans dated received by the Planning Department on January 9, 2018, with the following six (6) findings and subject to the following five (5) conditions.

Findings

1. The site plan and supporting documents demonstrate that all 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 project will be accessed from Auburn, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Sidewalks have been incorporated to promote safety and convenience of pedestrian traffic.
3. Adequate utilities are available to the site.
4. The preliminary plan represents a reasonable street and lot layout and orientation.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
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. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape performance bond for replacement trees and landscaping in the amount of \$47,213, plus inspection fees, as adjusted as necessary by staff, prior to issuance of a Land Improvement Permit by Engineering.

3. *Provide an irrigation plan plus cost estimate with Final Plan submittal.*
4. *Payment of \$3,000 into the City's Tree Fund for one street tree per unit, prior to the issuance of a Land Improvement Permit by Engineering*
5. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*

A motion was made by Hooper, 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 - Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Schultz
- Excused** 2 - Anzek and Kaltsounis

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

2018-0035

Request for a Tree Removal Permit - City File No. 17-048 - for the removal and replacement of as many as 157 regulated trees for a proposed 24,542 s.f. office building on 1.4 acres located at the northwest corner of John R and South Boulevard, zoned O-1 Office Business, Parcel No. 15-35-477-007, CP Ventures, LP, Applicant

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

- Aye** 6 - Dettloff, Hooper, Morita, Reece, Schroeder and Schultz
- Nay** 1 - Brnabic
- Excused** 2 - Anzek and Kaltsounis

2018-0036

Request for Site Plan Approval - City File No. 17-048 - for a proposed 24,542 s.f. office building on 1.4 acres located at the northwest corner of John R and South Boulevard, zoned O-1 Office Business, Parcel No. 15-35-477-007, CP Ventures, LP, Applicant

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

- Aye** 6 - Dettloff, Hooper, Morita, Reece, Schroeder and Schultz
- Nay** 1 - Brnabic