

There were no further Communications brought forward.

Chairperson Boswell announced that if anyone wished to speak on an agenda item, they should fill out a card and turn it in to the Secretary. He advised that all questions should be directed to the Chair, and that they would be answered after all speakers had finished.

NEW BUSINESS

2007-0383 Revised Natural Features Setback Modifications - City File No. 06-012.2 - Somerset Pines, a proposed 42-unit residential development on 19.2 acres, located on South Boulevard, between Adams and Crooks, zoned R-4, One-Family Residential, parcel Nos. 15-32-300-007, -008, -009, and -010, MJC Somerset Pines, LLC, Applicant

(Reference: Staff Report prepared by James Breuckman, dated September 13, 2013 and Site Condo Plans had been placed on file and by reference became part of the record thereof).

Present for the applicant were Stephen Neeper, MJC Somerset Pines, LLC, 46600 Romeo Plank Rd., Suite 5, Macomb, MI 48044 and Jeffrey Rizzo, Fenn & Associates, 14933 Commercial Dr., Shelby Township, MI 48315.

Mr. Breuckman advised that the application was for a Natural Features Setback Modification revision and Preliminary and Final Recommendation of the Site Condominium Plan. He recalled that the matter was before the Commissioners a little over a year ago for Preliminary Plan Recommendation. At that time, the project was under the control of a different developer, who subsequently sold it to the current applicant. The current applicant had incorporated one additional lot, which did not change the design of the development, but because of that, the Commission was required to re-recommend the Preliminary Plan for approval, and the request was for Preliminary and Final Recommendation.

Mr. Breuckman stated that the Plan was compliant for Final Recommendation to Council, and a notice was required to be sent to all adjacent property owners. He said that the reason for the revised Natural Features Setback Modification was because the lot numbers had changed. There had been no change to the wetland impacts or anything else from a year ago, but it had to be updated for the current lot numbers. He turned the discussion over to the applicant for an overview.

Mr. Rizzo agreed that they were approved for 41 units previously, and they found that they were able to do some creative engineering and work with the detention basin and forebay and still meet the City's requirements for stormwater management. There was quite a bit of open space, and they felt they could add another unit to make the development "even more appealing." He stated that nothing else had changed. They made sure that all the utilities were in place for the additional unit. He concluded that he would be happy to answer any questions.

Mr. Breuckman indicated that the Plan also met technical requirements for the zoning district. One thing of note was that the applicant had submitted a revised cost estimate for the landscaping, which Staff had received just prior to the meeting. The landscaping was bid out, and the new estimate was much lower. If the Commissioners were inclined to move forward, Mr. Breuckman noted the memo with a potential change to condition six in the Staff Report. He added that the City Attorney had reviewed the Master Deed, Bylaws and Exhibit Bs and had no issues or comments.

Mr. Kaltsounis asked which lot was being added, and Mr. Rizzo pointed out that it was number 14 at the north end. Mr. Neeper advised that it was in the open space, and they moved 14 over and the unit numbers from 14 through 42 had changed by one. Mr. Kaltsounis confirmed that Staff made sure the numbers for the reduction in open space and everything else pertaining was changed accordingly.

Chairperson Boswell asked Mr. Breuckman if the only difference in the Natural Features Setback Modifications were the lot numbers. Mr. Breuckman agreed, and said that the layout of the lots in the location of the wetlands had not changed.

Hearing no further discussion, Mr. Kaltsounis moved the motion for the Natural Features Setback Modification. He recognized that the Commission had previously reviewed the property several times, and that the matter was fairly straight forward.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 06-012.2 (Somerset Pines Site Condominiums), the Planning Commission **grants natural features setback modifications** for the rear of lots 22, 23, 24 and 25 for direct and permanent impacts as a result of a proposed rain garden/infiltration trench and for direct and permanent impacts as a result of the construction of the storm water energy

dissipater, with the following two (2) findings and subject to the following one (1) condition:

Findings

1. The wetland associated with the natural features setback area at the rear of lots 22-25 is of low quality.
2. The construction of the storm water energy dissipater qualifies for an exemption to the natural features setback according to the City's wetland consultant.

Condition

1. Provide silt fencing along the natural features setback line on lots 14, 15 and 16 and between wetland B and the infiltration trench on lots 22-25.

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis and Yukon

Absent 3 - Hetrick, Reece and Schroeder

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

2012-0208

Public Hearing and request for Recommendation of the Final Site Condominium Plan for Somerset Pines, City File No. 06-012.2, a proposed 42-unit residential development on 19.2 acres, located on South Boulevard, between Crooks and Adams, zoned R-4, One-Family Residential, Parcel Nos. 15-32-300-007, -008, -009 and -010, MJC Somerset Pines, LLC, Applicant

Chairperson Boswell clarified that there were no further comments before opening the Public Hearing at 7:12 p.m.

Okan Akin, 2661 South Blvd. W., Troy, MI 48098. *Mr. Akin stated that he lived right across the street from the proposed development. He said that he had been living in his house a little over two years, and they had not received any letters from the developer. A couple of weeks ago, he received a letter saying that they (did not specify they) wanted to cut trees down and wanted their permission. Mr. Akin said that he had no idea what they wanted to do. He indicated that there were four houses right across from the development, and they wanted to take about 6-12 feet from some of the neighbors' land. He reiterated that he had not received anything from the developers showing what they wanted to do. He got the Public Hearing notice two weeks ago about the Commission making a final decision, but he was never given an opportunity to come forward and express his feelings about the project. He maintained that they (he and his wife) were not opposed to the project, but they did not want to give up their land. He said that he was lucky enough to be 15-20 feet from the*

street, but if the developers took 6-8 feet, the first two or three houses would lose a lot. He said that they had several issues regarding the development, and reiterated that he had no idea what the developers were trying to do. He just knew that they wanted to cut their trees and take some land. He felt that the developers should have sent them a certified letter explaining what they were trying to do and see if they would agree to it.

Jerry White, 2711 W. South Blvd., Troy, MI 48098. Mr. White said that like the rest of his neighbors, he thought the project was dead. They had heard nothing about it. They knew that someone was trying to develop before, but they heard that the whole project went dead, and they did not know that anyone else was involved in redeveloping the property. He said that there were supposed to be homes, and he talked to the people involved, and the previous developer said they were going to put in million dollar homes. Three or four weeks ago, they got a notice in the mail that they (did not specify they) were going to take trees out, and they asked the neighbors if they wanted the wood. That was the first they had heard of the development. They all felt that it had not been handled correctly. He talked with the City of Troy and the Road Commission, and the neighbors felt that the way they were going about it was wrong. They were not against the development; they were against the way they were trying to do it. They were trying to put in a passing lane in front of all of their homes, which he did not feel was necessary. He talked with a gentleman on the phone and tried to explain that it would impact the value of their properties. His septic tank was in the front of his property. He wondered what would happen to that if they started tearing the trees out. He spent \$7,000.00 five years ago putting in the septic, and he wondered if it would be repaired. He said that he got no answer. The trees were a barrier from the busy road, and he had wondered if they would put anything up to protect them against the traffic. The answer he got was no. The neighbors were not getting any satisfaction at all. The Road Commission told him that the best route would be to have a center turn lane put in. He felt that would satisfy everybody, but the developer said that it was not in his budget. Yet, in his budget, there was enough money to develop the property and put in more condos. He felt that the developer was getting everything his way, and the neighbors were not getting any say so about it at all. He commented that it was not fair. He noted that there would be a drain added on their side of the road, and he questioned whether that was necessary. He claimed that the developer had plenty of property on his side to put in a drain, and Mr. White asked why it had to be added on the Troy side of the street and impact their properties. He also noted that his neighbor had septic in her front yard,

and no one seemed to be interested in their problems. He was hearing that everyone was okay with what the developer was doing. He talked with the City of Troy, the Road Commission and Mr. Davis of the City's Engineering Department, but he had heard nothing more about it. They would just like someone to help them out. He would like the developer to answer some questions. If they were going to damage his property and his septic, he would like to know if they were going to do anything about it. He asked if they would put in a barrier to protect them against the traffic. He maintained that the whole thing could be resolved if a center turn lane was put in rather than a passing lane, and the Road Commission agreed that was the best and safest route to go.

Deanna Cueny, 2677 South Blvd., Troy, MI 48098. Ms. Cueny said that she was also a homeowner in one of the houses across from the proposed development. She stated that she never received any notice, either two years ago or recently about the development, despite the fact that all adjacent homeowners were supposed to receive that. Her first notification was when she received the letter regarding the removal of trees, which she stated had expired provisions. The Code said that the wood should be left in 8 to 10-foot lengths, and the current guidelines required them to be a 24-36" fireplace length. She noted that she confirmed that through research. One of her concerns was for the removal of the trees, for which there was no proposal for replacement. The trees were within the right-of-way, however, just beyond that was a storm drain. She wondered what would happen when that was impeded. Her septic was on the north side of her property, and she did not know how far any modifications would go and she did not know what the impact would be. Her second concern was that in the plans that were provided from the City, it indicated that some of the driveways were gravel, but she emphasized that they were all asphalt. It also indicated that the current road on the southbound side had a shoulder and five feet of gravel existing, but she stated that was not true. She said that there was 12" of asphalt beyond the yellow line, and that was it. There was no gravel there currently. Her main concern regarded safety. If someone was traveling west on South Blvd., there was not a passing lane and there was a hill, so that person could not see oncoming traffic. The proposal was to put in a passing lane on the south side. If that happened, if she was coming from the west and her driveway was up the hill, she would have to put on her turn signal well before she got to her driveway, because she has had people almost rear end her as she turned right into her driveway. If there was a passing lane, she did not believe anyone would travel in it unless they saw a car ready to turn left into the proposed development, but that could not be seen until the traveler got right up to the turning car. Unless

the whole road was regraded, someone was going to get rear-ended before someone got into the passing lane. She did not think a passing lane on the south side would be a safe option. Currently, there was no left turn lane or passing lane. She was recently heading west trying to turn into her drive, and two people flew by her on the shoulder. She stated that it was already a busy road, and she felt that there should be a left turn lane. If the project had only a few houses, there might not be much traffic in and out to complicate things, but with 42 proposed units, there would be quite a lot of people coming and going and from her experience, it was already a little dicey. She reiterated that her concern was mainly for safety. If someone could not see, a passing lane would not help someone traveling eastbound, and if there was a lane to turn into the subdivision, it might help, but if she was turning left into her drive, which would be directly across from the proposed boulevard, someone would try to fly around her using the entrance. She again said that she was not notified, and that what they provided about the removal of the wood did not include any mention of replacement of trees. She saw a document that said that whatever was removed would be replaced with an equivalent landscape feature. She read that it was up to the developer to negotiate terms with the homeowners in order for the Road Commission to proceed.

Matthew Otto, 2695 South Blvd., Troy, MI 48098. *Mr. Otto stated that he was present to voice his concerns about the Somerset Pines development and the impact it would have on Troy residents. He indicated that the complex would require road work to accommodate the traffic coming in and out, and the solution would most likely bring the road much closer to his home. In doing so, some of the trees would have to be removed from the front of his property, taking away the barrier between his home and the road. It would make him and his wife feel unsafe, because they had three kids that liked to play outside. He was also concerned about the affect that the road widening project would have on the value of his home and the potential to resell. The school bus would pick up kids where the entrance was planned, and that was also a concern.*

Greg Stevens, 3872 Walnut Brook, Rochester Hills, MI 48309. *Mr. Stevens asked about the screening requirements on the east side. He said that he had not seen the plan in a long time. Mr. Neeper pointed out what they planned for the east property line, and Mr. Stevens had no further questions or comments.*

Rebecca Akin, 2661 S. Blvd. W, Troy, MI 48098. *Ms. Akin mentioned school bus pickup. She said that she also had three children, and as Ms. Cueny mentioned, there was a hill, and if there was a passing lane where*

the kids were dropped off, which she mentioned was right in front of their homes and very convenient, she feared that, because cars already tried to zoom by the school bus. She felt that it would be a lot less likely that people would pass by the bus if there was a center turn lane. It was hard to see a stopped bus because of the hill. She felt that if there was a second lane, people might be tempted not to wait for the bus to finish.

Deanna Cueny, 2677 South Blvd., Troy, Mi 48098. *Ms. Cueny came back to the mike. She said that when she looked up some of the guidelines for doing road work, it did not seem like the submitted plans met the criteria of the Road Commission for things such as depth of the asphalt. She had previously stated that the drawings did not correctly represent what was currently there for the driveways (asphalt). She wondered what the impact on the water flow would be if a road was moved further south. She noted that there were certain criteria for site distances. If turn lanes or passing lanes were put in, a requirement was that there had to be a 420-foot site distance because it was a 45 m.p.h. road. If she applied for a permit to put in a driveway, she could not get one because she could not see that distance, and putting in a passing lane would shorten that distance. She did not know if the City of Troy and the City of Rochester Hills had different regulations, or if it was part of the Road Commission's criteria. She recalled that there had been a question about the center of the road and differing positions about where it actually was from one plan to the next. The original development she saw, which was from about ten years ago, showed it on the north and south side of South Boulevard. When that was presented, a lot of the questions regarding the road would have probably been moot. She had been living there since there were homes on the proposed site, and she thought there might have been some miscommunication or confusion due to the difference in the original plans versus the resubmission of plans.*

Chairperson Boswell closed the public hearing at 7:33 p.m. He asked Mr. Breuckman what he could tell them about passing lanes. Mr. Breuckman said that personally, not much, and the reason for that was because the City had no jurisdiction. The Road Commission reviewed the plans for sight lines and geometry requirements for visibility, and the Road Commission had the final approval. During the development process, the City would approve the development on the private property. It was a by-right development which complied with the basic zoning and was identical to doing a plat. The Road Commission had to approve anything that happened within the roadway, and South Boulevard was an Oakland County road. He understood the neighbors had gotten letters about the trees, and he believed that the trees were in the right-of-way,

which meant that the Road Commission had jurisdiction over the trees. There was nothing the City could do about them. He knew that Rochester Hills' and Troy's Engineering Departments, the applicant and the Road Commission had met about the issue of a center turn lane, but ultimately, that decision would be up to the Road Commission.

Mr. Breuckman said that one gentleman mentioned that the development would consist of condos. Mr. Breuckman clarified that it was a site condominium development, but that the homes would not be attached. The homes would look exactly the same as single-family homes in a plat. The only difference between a site condo and a plat was in the legal distinction. They were both developed under the same standards. Mr. Breuckman said that he could not really comment on the septic tank issues; it would depend on where they fell with respect to the right-of-way, and that was a Road Commission answer also.

Mr. Neeper apologized to the residents about notification, but he said that he did not have any control over that. He advised that he had discussed a center turn lane on September 16, 2013 with the Road Commission, the City of Rochester Hills and the City of Troy, and most likely, that would be built. With a center turn lane, the road would get six feet wider on the south and the north, but it would not be 14 feet closer to the south properties, so the neighbors would gain eight feet by adding a center turn lane. He was not sure whether that would impact trees - that would be up to the Road Commission. He added that there would not be a curb needed with a center turn lane.

Regarding the price point, Mr. Neeper agreed that the homes would be single-family, detached site condos, which would start at \$400,000.00, not \$1 million. Regarding the site distance concern, their engineering showed that at 500 feet from the centerline of the entrance looking west, someone could see three-and-a-half feet above the road, and he indicated that a car was higher than three-and-a-half feet. All the geometrics with the Road Commission were good, and the Road Commission could pass exactly what was proposed, but because of the safety issue the City of Troy raised, they were probably going to do a center turn lane and not a bypass lane on the south side. Regarding the budget for that, he was not sure if it would cost more or less, but he believed that it would be close to a wash. The center turn lane would be 800 feet, and the Somerset Pines property was 650 feet wide.

Mr. Kaltosunis clarified that if there was a center lane, the neighbors would have less property taken away. Mr. Neeper agreed. Mr. Kaltsounis

noted that other developments in that area had by pass lanes, and the only center turn lane was at Coolidge and by Pine Trace. He asked why someone would add a bypass rather than a center turn lane.

Mr. Neeper explained that when someone was coming up the hill from the west, he or she would continue in one lane going east. If there was a bypass lane, people turning left into the development would still be in the fast lane and people behind them would go around on the right via the bypass lane. Coming up the hill, someone could not see a car turning left. With a center lane, a car would get out of the fast lane of traffic. It would be the same for people traveling east. The homeowners would be able to turn into their properties without someone coming up fast and riding around on the shoulder. He commented that if someone passed a stopped bus, it was illegal.

Mr. Kaltsounis summarized that the Planning Commission had seen the development in several forms for many years. They had gone over the details over the years. They had seen different developers and designers. The last development proposed was Lorna on the Green, and now MJC was the developer. The Commission's task was not to review the road, but to look at the development, and matters with the road had to be settled through the County. The Planning Commission only dealt with curb cuts, and how many the road agencies required, and the Commission had to abide by that. Hearing no further comments, he moved the following motion, seconded by Mr. Yukon:

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File No. 06-012.2 (Somerset Pines 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 August 6, 2013, with the following four (4) findings and subject to the following nine (9) 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 and final plan represents a reasonable and*

acceptable plan for developing the property.

- 4. The preliminary and final plan are in conformance with the preliminary plan approved by City Council on July 16, 2012, with the difference being the addition of one lot. The street and development layout have not otherwise changed.*

Conditions

- 1. City approval of all easements and agreements and recording of such easements with the Register of Deeds 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 cost estimate and irrigation plan for staff review prior to final site plan approval.*
- 5. Payment of \$8,400 into the tree fund for street trees prior to issuance of a land improvement permit.*
- 6. Submit a landscape bond in an amount to be approved by staff for landscaping, irrigation and replacement trees, as adjusted as necessary, with the inclusion of the irrigation plan, prior to issuance of a land improvement permit.*
- 7. Filing of conservation easements for all wetland, infiltration trench, and natural features setback areas prior to the issuance of a land improvement permit.*
- 8. Approval of required soil erosion permit and approval from outside agencies (RCOC).*
- 9. Compliance with the Fire Department memo dated August 14, 2013 and Engineering Department memo dated September 12, 2013.*

Mr. Kaltsounis asked about recommending both the Preliminary and Final Site Condo Plan. He thought it should just be the Preliminary.

Mr. Breuckman explained that it was essentially a Final Site Condo Plan, but because they added one lot, the Commission had to, by process, re-approve the Preliminary Plan, and they could do both at the same time.

Chairperson Boswell reminded the applicants that when people come before the Planning Commission with a proposal, the Commissioners always insisted that they talk with their neighbors - for the very reasons raised by the neighbors. If they were not talked to, people felt as if they had been treated rather shabbily, and he emphasized that the

Commission did not like that.

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 6 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis and Yukon

Absent 3 - Hetrick, Reece and Schroeder

Chairperson Boswell stated for the record that the motion had passed unanimously, and that the applicants had a Recommendation. He strongly urged that they speak to their neighbors. Mr. Neeper thought they would before they even got out the door. Chairperson Boswell said that if he were in Mr. Neeper’s shoes, he would push for the center turn lane as much as possible.

Mr. Rizzo indicated that they were working on that, and they should have an answer in about a week. He asked them to keep in mind that a 14-foot bypass lane was not something that he or the developer wanted.

Mr. Kaltsounis asked if the Lorna Stone development on South Boulevard and Adams was non-existent. Mr. Breuckman said that it was lost to the bank in foreclosure, and it had been piecemealed at this point. From the City’s property records, a Lorna Stone, LLC had re-acquired some of the property, but some pieces were picked up by others. The PUD Agreement was never recorded with the County. Mr. Kaltsounis commented that there was a good chance the Commissioners would not see that for awhile.

DISCUSSION

2008-0053 Architectural Design Standards - James Breuckman, Manager of Planning

Postponed

2013-0342 Introduction of Zoning Ordinance Amendments - Jim Breuckman, Manager of Planning

(Reference: Memo and Zoning Ordinance Amendments prepared by James Breuckman, dated September 12, 2013 had been placed on file and by reference became part of the record thereof).

Mr. Breuckman commented that he would be brief, because the proposed amendments were really standard housekeeping items. It had been a year-and-a-half since the City had done a zoning amendment. As he