



# Rochester Hills

## Minutes

### Planning Commission

1000 Rochester Hills Dr.  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://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*

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Tuesday, August 21, 2012

7:00 PM

1000 Rochester Hills Drive

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#### CALL TO ORDER

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

#### ROLL CALL

**Present** 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum present

Also present: Ed Anzek, Director of Planning and Economic Development  
James Breuckman, Manager of Planning  
John Staran, City Attorney  
Maureen Gentry, Recording Secretary

#### APPROVAL OF MINUTES

2012-0291 July 31, 2012 Special Meeting

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

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

#### COMMUNICATIONS

A) *Letter from Maya Smith, dated 8/16/12 re: Harvard Place PUD*

*Chairperson Boswell noted that the above letter would be made part of the record.*

*Chairperson Boswell advised that the next item was a Public Hearing and that if anyone wished to speak, he or she should fill out a card at the back of the Auditorium and bring it to the Secretary.*

## **NEW BUSINESS**

**2010-0106** Public Hearing and Request for Revised Preliminary Planned Unit Development (PUD) Plan Recommendation - City File No. 04-037.2 - Harvard Place PUD, a 168-unit housing development, located east of John R, north of School Rd., Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038, and -040, zoned R-4 with a PUD overlay, One Family Residential, MJC Harvard Place, LLC, Applicant. *(The site was formerly approved as Oakville Estates PUD)*  
*(Reference: Staff Report prepared by James Breuckman, dated August 10, 2012, Preliminary PUD plans and letter from M. Smith, dated August 16, 2012 had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Lou Chirco, MJC Harvard Place, LLC, and Shamik Tripathy, Land Development Consulting Services, 46600 Romeo Plank Rd., Suite 5, Macomb, MI 48044.*

*Mr. Breuckman referred to the existing Oakville Estates PUD for the subject location, and said that the applicants were now proposing to amend that PUD with a different development plan. The current proposal would increase the number of units from 122, one-story condominiums in two to four-unit buildings to 168 units in 14, 12-unit, stacked flat buildings. The units would be approximately 1,450 square feet in area with attached two-car garages. It was the intent in the near term to lease them, with future plans to potentially sell them as condo units when market conditions improved. He also related that the applicant had developed other similar projects in the area, notably one in Rochester at Dequindre and Parkdale.*

*Mr. Breuckman advised that the process for amending a PUD was the same as the process for adopting a new PUD. They were at the first step, which was reviewing a PUD concept plan. At this point, the Planning Commission and City Council would review the layout, the number of units and other major site layout factors to determine if the site met the requirements to use the PUD option. If the layout was acceptable to the City and the applicant received Preliminary Approval, he would proceed to the next step, which was to develop a detailed PUD Agreement as well as detailed Site Plans with full engineering and other required information. The applicant was planning to update the existing Oakville*

*Estates PUD, and would keep conditions that were part of that proposal, for example, building a pathway along John R and contributing to pave School Rd. in the future.*

*Mr. Breuckman said that while the layout of the concept plan did have more units than the existing PUD, it made a lot more efficient use of the land. The buildings would be stacked, so the building footprint was less on the land, and it created the opportunity to preserve more trees. There would be much larger setbacks - 100+ feet from the north and west property lines where there were significant stands of trees. The units would be 60+ feet from the east property line and 40 feet from the south property line. Because of the flexibility in layout, the natural features could be better preserved. In the Oakville Estates PUD, all of the buildings were 30-35 feet from the property line.*

*Mr. Breuckman noted that a few sanitary items were identified, but Engineering was comfortable with the plan at the concept level, understanding that there was a possibility that a reduction in units might be necessary during Construction Plan review. He maintained that tree preservation was one of the bigger benefits for the new layout. The applicant proposed to preserve 707 trees, which was 54% of the on-site regulated trees. The previous PUD preserved 202 trees or 15%. The applicant was requesting a wetland setback modification for the wetland adjacent to the detention pond, as proposed in the original PUD, and he noted that it was not a high quality wetland. He suggested that the entrance sign could be improved with more durable materials. Advising that there was a motion for approval or denial before the Commissioners, he said he would be happy to answer any questions.*

*Chairperson Boswell asked Mr. Chirco if he had anything to add. Mr. Chirco believed that Mr. Breuckman had summed it up quite well. He mentioned that he had been in front of the Commission about nine months ago with a concept, and they had tweaked it some after reviews with Staff. Their Landscape Architect did an entire plan for the project, and they were respectfully awaiting the Commissioners' concerns, thoughts and questions.*

*Chairperson Boswell reminded the audience again that if anyone wished to speak, a card should be filled out and brought up to the Secretary.*

*Mr. Schroeder asked Mr. Chirco if he had an idea of how many on-street parking spaces there were. Mr. Tripathy said that in front of each building there would be four spaces. Mr. Schroeder asked if there would be*

*parking on both sides of the street and enough room to do that. Mr. Tripathy said they had designed the road to accommodate parking on one side, and Mr. Schroeder thought that was good because the last plan was short on parking.*

*Ms. Brnabic asked Mr. Chirco's plans regarding paving School Rd. Mr. Chirco stated that the original PUD agreed to contribute towards paving when the paving took place, and they were considering doing the exact same thing. Ms Brnabic questioned whether they would contribute funding, which Mr. Chirco confirmed.*

*Mr. Dettloff recalled that nine months ago, he felt that what the applicants had presented looked pretty good. He knew that Mr. Chirco had a great track record and had continued involvement in the City. Since the size was being increased, he wondered if Mr. Chirco could comment about an increased demand in the housing market. Mr. Dettloff realized that things were much more favorable than two years ago.*

*Mr. Chirco agreed that they were more favorable, but he was not sure just how much. There was an increase in demand out there, and they saw it mainly due to the fact that a lot of banks had projects in their portfolios that went for less money. Consequently, the price of housing fell. He agreed that the economy had picked up in Michigan. In the lower-end market for condos, they had not seen as much of an increase as for single-family homes in all the areas they built. He asked Mr. Dettloff if he was talking about the idea of selling as opposed to renting, which was confirmed, and Mr. Chirco said it was in the back of their minds. They did not see as much demand in the lower end. The banks were not very open to condo financing, and he felt that it would take some time before banks wanted to go all out and start lending to condo buyers, since they were stuck with a lot of condo projects.*

*Mr. Dettloff asked if all the "ducks were in a row" for the project from a bank perspective. Mr. Chirco said they were o.k., and Mr. Dettloff wished him good luck.*

*Mr. Hetrick pointed out that a PUD was a contract. One of the conditions in the motion said that a potential reduction in units might be necessary. He asked at what point the project would become uneconomical if units were reduced.*

*Mr. Tripathy said that they talked with Engineering about the per-household requirement and the Engineering standards. They also*

*spoke with the DEQ, which was the final authority regarding the sanitary permit. They would be close; they might lose one building at the most. He was positive that if they made the improvements required by Engineering, they could probably build all the units. Mr. Hetrick said that was fine, but the contract was written to say that if Engineering chose to reduce the number of units, the applicants agreed to that number. Mr. Tripathy was in contact with the City Engineer, and they would not be too far off. They were not talking about taking out four buildings. They might lose one building, as he mentioned. Mr. Hetrick wondered if there should be a range listed in the condition, which he felt would be better for the applicants to place in the Agreement.*

*Mr. Hetrick asked if there would be a front and a back entrance for each unit. Mr. Chirco advised that there would be a front entrance to each unit to the front door and there would be an entrance through the garage. He stated that the units would reciprocate themselves. He pointed out the entrances to the top level stairs, and said that there would be frontyards, but not backyards.*

*Chairperson Boswell opened the Public Hearing at 7:20 p.m. He instructed that all comments be made to the Chair, and that questions would be answered after the Public Hearing was closed.*

**Steve Smith, 1115 School Rd., Rochester Hills, MI 48307** *Mr. Smith stated that he lived on the property adjacent to the southwest border of the subject site, and that he had a few concerns. He currently had a high water table on his 2.3-acre property. He wanted to make sure that no extra water from the development would be drained onto his property. He referred to the proposed detention pond, and he said that he had not seen any grades or elevations comparative to his property. He had a septic tank, and whenever there were three or four inches of rain, he continuously had problems. The septic field cost him over \$19,000 just so he could flush the toilet. Any additional water dumped on the property would cause more of a headache, and getting an answer to that was his biggest concern.*

**Margaret Metcalf, 983 Beryl Ct., Rochester Hills, MI 48307** *Ms. Metcalf advised that her property was the first house off of John R on Beryl. She was concerned about the amount of traffic, as the main entrance to the complex would be right across from Beryl. She asked how they proposed to control traffic. They already had an issue with cars going into Bloomer State Park. It was a main thoroughfare for ambulances and fire trucks coming down Avon and turning onto John R.*

*They had a small child, and she was very concerned about congestion the development would cause and how it would be handled for the residents who bought property thinking that they were in the country. They liked the serenity, and to have a two-story complex with 168 units added was not to their liking. They were also in a high water table. She asked if the proposed development would affect their property. She was concerned about being able to get out of their street onto John R, and she asked how far back the complex would be from John R.*

**Elaine Walpole, 912 Pine Trail, Rochester Hills, MI 48307** *Ms. Walpole stated that she represented the residents that lived off of Pine Trail. They wondered if there would be a lot of cut-through traffic from 168 units with additional cars not going to the corner of John R and Avon but going through their sub. They had quite a bit of that now. They wondered what the price range of the condos would be. She said that they had a large retention pond that backed up to Beryl for their 23 homes. The water drained from the north into the same water table, and she questioned if it would have an impact on the Pine Trail residents and their retention pond.*

**Joe Geibel, 1219 School Rd., Rochester Hills, MI 48307** *Mr. Geibel stated that he lived at the property just east of the development. He also had wondered how much the condos would cost, but then heard that they would be rentals first. He wanted to know how much they would charge for rent. He pointed out that 168 units seemed to be more than every house up and down School, down Gravel Ridge and down Parke combined. He did not count every one, but it seemed to him that in the little cluster (development), there would be more units than in the entire surrounding area.*

**Stephen Aulph, 1247 John R, Rochester Hills, MI 48307** *Mr. Aulph noted that his house was adjacent to the south end of the western part of the proposed development. He was also concerned about the high water table that he said went up and down like a rubber ball from spring to summer to winter. He felt that the number of units seemed quite large for the area. He had concerns about potential traffic. He asked if there would be a privacy barrier along the west and south edges of the development. He said that he talked with Mr. Chirco about the fact that he had a lot of trees hanging over his property and he hoped they would be taken care of. He noted that he still was on well water, which was his major concern. There was an underground creek bed that ran through the area. It would be an advantage to Mr. Chirco that there would be no basements, but he wondered if sewers would be lower or higher when development went in. If*

*the underground creek was disrupted, and he had asked about it four or five years ago and no one responded, he wondered if he would have to hook up to City water. He did not feel he should have to pay for that - he maintained that he had a good well with good water. He thought that the elevations were fine. He concluded that he had four major concerns.*

*Someone from the audience complained that they could not hear anything. Chairperson Boswell apologized, and concurred that he sometimes had trouble hearing when was in the audience. He advised that upgrades were proposed in the Capital Improvement Plan, and that the Commissioners would try to be heard.*

*Seeing that no one else wished to speak, Chairperson Boswell closed the Public Hearing at 7:31 p.m.*

*Chairperson Boswell observed that one of the biggest concerns was about the water table and underground creek. He asked Mr. Breuckman if there was anything he could say about the effects of the development on the water level, assuring that it was the Engineer's job to prevent that from being affected.*

*Mr. Breuckman said that he really was not qualified to speak about water tables. Chairperson Boswell asked Mr. Chirco if he could address it. Mr. Chirco said that unless someone was pumping water out on a constant basis, the water table would ebb and flow and adjust to the climate. There were no plans to pump the detention basin. They would not use that water for sprinkling if there was a water table issue. Everything that they would build would be above the water table. It would be temporary, but when they put in the sewer lines, it would be the only time they would pump the water out (in order to get the pipes in the ground). They would talk to the neighbors first and tell them they were pumping and that areas could be drying up. He was not sure if it would affect the other property owners, because it would be a very temporary condition. Without having the engineering done, it was hard to know, but he thought it was highly doubtful that they would cause Mr. Aulph's well to dry up unless it was a very shallow well. Mr. Aulph said that it was a shallow point well. Mr. Chirco said they would have to keep in contact with Mr. Aulph.*

*Chairperson Boswell mentioned the traffic concern and asked if a traffic study had been done. Mr. Tripathy said that there was a traffic study done with the original PUD. They were proposing a center lane to widen John R by the entrance, which was required by the City's Traffic Department. There were certain criteria they had to meet in order to make sure the*

radius was big enough. Regarding dumping water, he reminded that they would have to take care of any drainage within their property. When they drew a storm sewer design, they could not drain onto neighboring lots, as was required by the City. Their detention pond would collect all the water from the development. There was a County drain in School Rd. and they would outlet to that drain via the detention basin. There would be no adverse impact to the neighbors from grading. He noted that they had proposed new landscaping by the pond, and they could not grade in that area. They would probably enhance it with more trees. He stated that there would be good screening. Mr. Chirco said that Mr. Smith was concerned about drainage, but he reminded that the building would be over 100 feet away from the lot line, and a lot of the green space would remain untouched. There would not be any rear yard drains closer than 50 feet away from the lot line. Any water from the building would find its way to the pond. On the south, the building would be 40 feet away and remain untouched along the lot line except for a couple of trees. Mr. Tripathy brought up the question about the setback from John R and said there was one building about 90 feet from the John R right-of-way, and the other building would be about 95 feet away.

Mr. Chirco confirmed that the units would be rentals, and they would rent for about \$1,300 to \$1,400. The square footage ranged from 1,450 to 1,640 square feet, so they were big units with two-car garages each, and he believed that the size warranted the rent. He mentioned that although they proposed 168 units, the previous PUD showed buildings 30 feet from the lot lines and with decks, they would be even closer. The previous layout took out practically all of the trees. They would be saving over 700 trees that surrounded the outer perimeter of the site. He felt that would enhance the site and keep the view separated from a lot of the existing homes and from a lot of the industrial to the north. He thought there was a well-enhanced landscape plan that took into consideration proximity to the surrounding homeowners' homes.

Chairperson Boswell mentioned Ms. Walpole's concern about cut-through traffic. He realized there was nothing the applicant could do about that. Mr. Chirco stated that he really could not address it. He thought that more people would go south to work, depending on what they did for a living. Chairperson Boswell presumed that most of the cut-through traffic was from Avon cutting through Pine Trail. Someone from the audience said it was from the Eddington Woods subdivision, and that it was hard to get onto John R now. Chairperson Boswell assured that in the morning, Staff would speak with the Traffic Engineer about it. Ms. Walpole said that they had asked the City for speedbumps like they had in the Pulte



*subdivision, but it was denied.*

*Ms. Brnabic said that with the original PUD, there was discussion about an entry designed for emergency vehicles and fire trucks on School Rd. She asked if there would be anything like that included in the plans.*

*Mr. Breuckman responded that the original PUD called for the entrance on School Rd. to be gated until School was paved, and it would have had a Knox box. The proposed development would have the same.*

*Ms. Brnabic spoke for the benefit of the residents and mentioned Mr. Chirco's development on Dequindre and Parkdale. She offered that the proposed development would be basically identical, except that it would have two-car garages. She did not know if any of the residents had seen the first, but she had viewed it, and she felt that the architecture and layout were done very well and she felt that it was very appealing. She realized there was a concern about a concept with more units, but she clarified that the proposed layout would actually provide a lot more open space than the previous PUD, and it would save a lot more trees. If she had to pick one, she preferred the new layout. She felt that if people viewed Mr. Chirco's other development, it might give them an idea of what to expect, with the exception of minor differences.*

*Mr. Reece followed up with some of Ms. Brnabic's points. He thought that they would all like to see a couple less units, but in retrospect, he reminded that the project would save over 700 trees on site. Had they gone back to the original PUD, they would lose a significant portion of those trees. The area would retain a great deal of the character by keeping 700 trees. He thought that Ms. Brnabic's comments about Mr. Chirco's track record in this area was very important to the residents. \$1,300 to \$1,400 a month in rent was a significant amount of money. If they were concerned that the units would rent for \$500 to \$600 a month and that they would get a different type of resident, he felt that those concerns should be rested. He indicated that was a fair amount of money in today's economy. As low as interest rates were, people could buy homes for that kind of payment. He thought that the price point was a little more comfortable to hear. They would get people who could afford the rent; renting had become almost a new norm from the time when people bought property knowing it would appreciate. Those days might never come back. Younger, professional people today were who they wanted to attract to the City, to develop families and to participate in the City, and they did not want to buy until prices stabilized. He felt that the project was a good alternative for attracting the right kind of people to the City. Even*

though he might want to see a unit or two less, he said that he would take those units and take 700 more trees and the quality of the development over what they could have gotten. He believed that at the end of the day, it was a good deal for everybody concerned. They did not like to see vacant spaces go away, but the reality was that people bought property to develop - they rarely bought property to sit and stay as green spaces. He reminded that all the properties they lived on today were green spaces at one time. He concluded that there was a good developer and a good project at a good price point, and he felt that under the circumstances, it was a win situation.

Mr. Kaltsounis explained that a PUD was a contract with the City as to what could be built, based upon different requirements in the contract. He pointed that out for those that might not know that there was a PUD in place, and stated that someone could go in tomorrow and build that layout. Years ago when that PUD was approved, he was not a fan of it. When it was recently re-energized and he looked at both layouts, he indicated that he would take the new layout in a second over what someone could build right now. If he lived next door, he would not be happy if the first one went in. He felt that what was proposed for the area - and although there might be concerns about density, Engineering still had to look at it so there might be some adjustments - was definitely the best project with the least amount of impact. Hearing no further comments, he moved the motion in the packet:

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **recommends** to City Council **approval** of the **modified PUD Concept Plan** based on plans dated received by the Planning Department on July 30, 2012, with the following three (3) findings and subject to the following four (4) conditions.

**Findings**

1. The revised PUD significantly increases the amount of preserved natural features.
2. The PUD as proposed provides a transitional use between industrial and landfill uses to single family residential uses.
3. The PUD represents an aesthetic improvement over the previously approved PUD for the site.

**Conditions**

1. Concept plan approval is for up to 168 units, with the understanding that a reduction in units may be necessary to meet engineering design requirements.

2. *Addressing all comments in City Department review letters in the PUD Agreement and/or site plan, whichever is most appropriate.*

*Mr. Hooper advised that regarding speedbumps, the City would participate with all Homeowner's Associations in speedbump installations on a 50-50 basis. It had to go through the Engineering Department. The City had set aside money to install speedbumps in subdivisions, and homeowners would put up 50% of the money, and the City would put up 50%.*

*Mr. Hooper asked if all the conditions from the previous PUD rolled over into the new PUD. He asked because he recalled several other conditions regarding screening. He also confirmed, since they did not have all the information tonight, that the plan would come back for Final PUD review and approval. Mr. Staran said that was correct. Mr. Hooper said that he could not tell from the plans, but he recalled that there was a home on School Rd. they were looking at screening for headlights. It might also be applicable going west out of the development to John R as well. He would like the opportunity to review the plans for the berms, trees, etc. for existing homesites. If the motion maker and seconder agreed, he would like that added as a condition to be investigated prior to Final Approval.*

*Mr. Breuckman agreed that there was a two-step process. The conditions would get incorporated into the PUD Agreement and the detailed Site Plans. The Planning Commission would have a second shot to review everything. Mr. Staran added that the Commissioners would see the draft of the PUD Agreement, which would set forth all of the applicable conditions.*

*Mr. Hooper also asked the Commissioners to consider a condition regarding Mr. Aulph's well situation. He suggested that as a result of the development, should there be a detrimental effect to Mr. Aulph's well that the developer would pay to hook up his property to the City's water system.*

*Mr. Anzek thought they might need a timeframe for that. Chairperson Boswell asked Mr. Hooper if he felt that a year's time would be appropriate, to which Mr. Hooper agreed. Chairperson Boswell asked Mr. Kaltsounis if he agreed to the added conditions, and Mr. Kaltsounis said that he did not have a problem, but he wanted to ask Mr. Chirco if he agreed. Mr. Chirco did not see how he would affect Mr. Aulph's well except during construction, but he supposed he could agree. He said*

*they would be building it over the next three or four years, so he wondered about the timeframe. Mr. Tripathy suggested adding one-year after the sanitary sewer installation.*

*A question was raised from someone in the audience about requiring those on septic to be connected to City water. Chairperson Boswell clarified that they would not be required to do so.*

*Ms. Brnabic questioned whether all the conditions placed on the original PUD would be applied unless certain circumstances changed in regard to a condition. Mr. Breuckman informed that they would retain the major conditions. There were not that many that were substantial. He noted the School Rd. paving and the pathway on John R, which were the most substantial. Screening made sense originally because they were knocking down all the trees and the homes were closer to the property line. Because of the natural buffering, he was quite confident that it would be far superior to the old plan and they would supplement the existing. He noted that the PUD would come back to the Planning Commission, and he would have to point out which conditions from the old PUD no longer made sense.*

*Mr. Staran echoed what Mr. Breuckman said, and he explained that to the extent the existing conditions were not inconsistent with the modifications they would carry over. The applicants represented at the onset that it was their intention to carry on and abide by those. In the process of drafting the Agreement, they would make sure conditions were included and to the extent that they were not included, they would be explained and brought to the Commission's attention when it came back.*

*Chairperson Boswell read the additional conditions:*

- 3. The developer and the City will investigate the need for headlight screening on both School Rd. and John R.*
- 4. The development, including underground construction, installation of utilities and dewatering, shall not cause damage to nor interfere with the neighbor's well and water supply at 1247 John R, Rochester Hills, Michigan 48307. The developer shall be responsible for repairing or restoring the neighbor's well or water supply or costs associated with the neighbor connecting to the public watermain, if that becomes necessary due to any such damage or interference occurring during or within one year after completion of the project's underground development activities.*

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

*Chairperson Boswell stated for the record that the motion had passed unanimously. He advised that the next two items would be combined into one Public Hearing. He read the requests and again outlined the procedure for a Public Hearing.*

**2012-0292** Public Hearing and Request for Rezoning Recommendation - City File No. 89-200.2 - An amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Rezone one parcel of land totaling approximately .73 acre, located at the southwest corner of Rochester and Auburn Rd, Parcel No. 15-34-227-031 from B-5, Automotive Business to B-2, General Business, Rochester Auburn Associates, LLC, Applicant

**2012-0293** Public Hearing and Request for Rezoning Recommendation - City File No. 12-010 - An amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone one parcel of land totaling approximately 4.5 acres, located adjacent to the parcel at the southwest corner of Rochester and Auburn Rd., Parcel No. 15-34-227-037, from B-3, Shopping Center Business to B-2, General Business, Rochester Auburn Associates, LLC, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated August 10, 2012 and associated Rezoning Application package had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Doraid Markus, Managing Member and owner, Rochester Auburn Associates, LLC, 6750 Oak Hills Dr., Bloomfield Hills, MI 48304; Susan Friedlaender, Berry Reynolds & Rogowski, PC, 33493 W. 14 Mile Rd., Suite 100, Farmington Hills, MI 48331; Tom Gergich, Area Real Estate Manager, Michigan Region, McDonald's USA, LLC, 1021 Karl Greimel Dr., Brighton, MI 48116; and Frank Zychowski, AZD Associates, Inc., 35980 Woodward Ave., Suite 300, Bloomfield Hills, MI 48304.*

*Mr. Breuckman summarized the Staff Report and concluded that the list of uses permitted permitted in the B-2 and B-3 districts were nearly identical. The primary difference was the layout of development which*

could result from Rezoning the parcel from B-3 to B-2. Retaining the existing B-3 zoning would help mitigate the off-site impacts of development at the site, most notably traffic impacts, by allowing for a unified development. Rezoning to B-2 would allow for fragmented development to occur, which was harder to coordinate and would increase the likelihood of exacerbating dangerous traffic conditions at the corner. He advised that there were two motions in the packet (one for each parcel) to recommend approval or denial to City Council, with proposed findings for approval or denial for both.

Chairperson Boswell asked Mr. Markus if he wished to add anything.

Mr. Markus replied that he appreciated the opportunity, and said that they were very excited about the prospect of doing a new development at the corner. They believed that it was the gateway to Rochester Hills, and that it was one of the most prestigious corners in Oakland County. They saw an opportunity to take down the Meadowbrook Dodge dealership, and they also had the idea of taking the existing gas station down, because they did not think it was the best fit for the corner. They thought a development of the quality they proposed would better suit the corner. They studied the City's Ordinances and Master Plan and what they felt the City would like to see there, and they came up with a plan after getting Staff's direction. After a couple of meetings, the plan was fine-tuned, and they were told it was more suited to a B-2 development, so they submitted the Rezoning requests. They initially thought their development was a B-3 development based on how they read the Ordinance, but they were told otherwise. He stated that they were willing to do whatever it took to get the development off the ground and to work the project out.

Mr. Markus explained his development plan and proposed tenants.

Ms. Friedlaender addressed issues Staff raised. She stated that it could be a unified development; just because it was B-2, it did not mean it would be parceled out. They had provided a conceptual plan. She said that she understood that the Planning Commission should not look at a Site Plan during a Rezoning review, unless it was a Conditional Rezoning. She stated that their plan was more along the B-3 line, and in addressing the Planning Commission's concerns, it would reduce the access points. The City could impose restrictions, which the developer was willing to do, so that as a B-2, there would be design and site restrictions.

Mr. Markus said that when he read the Staff Report, he got the sense that the City was very concerned about the traffic impact. He said that there

were two other curb cuts on Rochester prior. The gas station had one and the dealership had two. They would eliminate two on Rochester and move one curb cut a little bit south. On Auburn, there were three other curb cuts, and they took that down to two. He stressed that they wanted to make sure that traffic safety was their number one priority. They also wanted to be able to provide to customers and merchants a safe environment where they would continue to visit. Ms. Friedlaender added that they would align the drive on Auburn with the shopping center to the north.

Mr. Markus said that during the design, they knew there would be questions about McDonald's getting a huge drive-through line, but they designed the curb cuts so that McDonald's would be self-contained. He assured that there would not be traffic that poured onto Auburn Rd.

Mr. Markus pointed out the future land use map, and said that the corners of the intersection at Rochester and Auburn were all B-3 except for his corner. His corner was planned for B-2, and he felt that made the most sense. Everything on his side of the road was B-2, and they were smaller parcels, so they designed a plan to accommodate B-2.

Chairperson Boswell asked Mr. Markus why he had come forward with a straight Rezoning if they wanted to offer conditions. Ms. Friedlaender responded that they could offer conditions at any point during a Rezoning process.

Mr. Staran explained that he understood Chairperson Boswell's question to mean that it seemed like the discussion was morphing into a specific design with possible conditions related to that and not whether it was advertised correctly for a Public Hearing. With a straight conventional Rezoning, the Planning Commission did not typically look at a particular design for a Site Plan, because they knew that once it was Rezoned, the site could be developed for any land use permitted in the district. If they were talking about a Conditional Rezoning, they needed to have the proposed conditions in writing for the Planning Commission. Otherwise, they should not get into detail about a particular design.

Mr. Anzek outlined that in March of 1989, a Variance was granted for the lot size, and a Variance for the width was discussed. The second Variance request was withdrawn by the applicant during the meeting, because he chose to face his building to Auburn Rd. and set it back far enough so that the 400-foot width requirement would be met. Subsequent to that, he changed his mind and re-filed for a Variance to

*face his building to Rochester, and that was granted in November of 1989. He advised that the lot was considered compliant as it sat.*

*Mr. Anzek suggested that if the applicants wished to do a Conditional Rezoning, they could withdraw and begin to work out the details to make the development function as a viable, single entity, which he felt was the Planning Commission's desire in terms of redevelopment along Rochester Rd.*

*Mr. Dettloff asked if Mr. Markus was referring to corporate-owned or independent-owned when he talked about McDonald's and Tim Hortons.*

*Mr. Gergich stated that he was the Area Real Estate Manager for the McDonald's Michigan region. He said that McDonald's Corporation always owned or controlled the real estate. The franchise decision was made after the property was secured and development was moving, so at this point, he did not know whether it would be a franchisee or corporate-run store.*

*Mr. Hooper reviewed that the site could be developed as B-3, and it did not need to be Rezoned to B-2, but the applicant was under the opinion that the City requested them to ask for a Rezoning to B-2.*

*Mr. Markus said that the exact nature of the conversation was that what they had presented was more of a fit in the B-2 district, and it was not a B-3 development.*

*Mr. Anzek offered that if they wanted to proceed with a Conditional Rezoning, Mr. Markus could withdraw, and he would be put on the next available Planning Commission agenda for a discussion about the Site Plan.*

*Mr. Staran clarified that the Planning Commission could make suggestions or wishes, and if the applicant agreed, they could become conditions.*

*Mr. Markus asked to table the request to come back with some other options and to consider a Conditional Rezoning.*

*Mr. Anzek had mentioned that Mr. Markus could come back to the next available meeting for a discussion, but he also heard the requests that a traffic impact study be done for various uses on the site. That might take some time, and he wondered if the Planning Commission would like Mr.*



*Markus to come back to go over some of the other issues of the Site Plan.*

*Chairperson Boswell agreed that they could discuss other issues, and by the time Mr. Markus had his Site Plan ready, the traffic study would be done and at that point, they would agree to it or not. Mr. Markus clarified that they could continue the discussion without a traffic impact study and hopefully talk about a Rezoning and if the Rezoning was allowed, they would have a traffic study completed with the Site Plan.*

*Mr. Markus said they wished to withdraw the Rezoning request without a decision. Mr. Anzek said that he and Mr. Markus would talk soon and figure the next time they could be on a meeting agenda. Chairperson Boswell wrapped up that they would see the applicants soon.*

**Withdrawn**

## DISCUSSION

**2004-1074** City File No. 98-025 - Andover Woods, a proposed 38-unit attached condominium development on approximately 26.6 acres, located east (9.3 acres) and west (17.3 acres) of Rochdale and north of Walton Blvd., zoned RCD, One-Family Cluster, Parcel Nos. 15-09-451-002 and 15-09-476-035, Andover Woods, LLC, Applicant.

*(Reference: Memo prepared by Ed Anzek, dated August 17, 2012 and drawing of condo site layout and floor plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Anthony Randazzo and Bruce Michael, Trillium Companies, 2617 Beacon Hill Dr., Auburn Hills, MI 48326.*

*Mr. Anzek advised that Staff had been working with the applicant for quite some time. The plans had been through numerous revisions, and it was probably the oldest project on record with a 1998 filing date. Mr. Anzek noted that there were several members in the audience he had become acquainted with who had been tracking the project since it was submitted. It was his suggestion that the applicants go before the Planning Commission to get some guidance before actually making a final submittal. The City's Engineering Department had looked at the project many times; the Fire Department had looked at it in terms of their access; the floodplain had gone through a refinement; and there were various reasons everything had happened in the past 14 years. The changes had been somewhat dynamic. There was a wetland through the site, and*

*a ditch was dug for drainage off the shopping center to the south. The spoils from the ditch were piled alongside to get a manmade berm. Once the applicants were getting close with a plan, the City introduced the Steep Slope Ordinance which affected the site, and some units were lost or changed. There was a lot of history with the site, including Rezoning that occurred. The site went from single-family to multiple-family to residential cluster. Mr. Anzek felt that it would be appropriate to hear what the applicant was proposing and to get input from the Commissioners.*

*Mr. Michael agreed that the site had a long history - longer than he had been associated with it. He wished to present some of the sensitive environmental issues they had been trying to deal with. There had been several engineers involved on their side. They did a wetland analysis and had filed for a wetland fill permit with the MDEQ to see what they could and could not do. They also did a floodplain analysis with the DEQ. He noted that all the trees on site had been inventoried, and the Site Plan was reflective of understanding the limitations. In the middle of everything, they encountered the "great depression," and the ability to sell homes went by the wayside. They were seeing the economy starting to move into a place where they could again sell homes. They would really like to rev things up and take the project through the rest of the process.*

*Mr. Michael advised that the condominiums would range between 1,700 and 2,200 square feet. They would mainly have first floor master bedrooms, and the product would be for a certain clientele. He explained that it would be fairly high quality with mostly brick on the exteriors and a lot of interest in the elevations in terms of fenestrations of the buildings. The site originally went through a web of complex zoning that included single and multi-family, and it had a substantially higher yield potential, in terms of the number of units, when it was zoned a more intensive use. The applicants had worked with the City to Rezone it down to an area where the City and the neighbors were much more comfortable. There were 26.6 acres, and the density would be a unit-and-a-half per acre. He indicated that they would like to get comments and questions from the Commissioners about their feelings for the project.*

*Mr. Anzek added that the project would take place on both sides of Rochdale, north of Walton. It would be north of a shopping center to the east and a two-story office building and nursing home to the west. The east side of the development would have more units (14 more) than the west side.*

*Mr. Yukon mentioned the discussion with the first applicant about*

*attached condominiums and the challenge of selling those, and he wondered about the price range of the proposed condos. Mr. Michael stated that the price would be in the low to mid-\$300,000 range. Mr. Yukon clarified that they would sell rather than lease. Mr. Michael said that was correct, and he noted a development they had in Troy called Briggs Park, which was on Rochester Rd. between Wattles and Long Lake. He said that those units, which were a little smaller, were selling in the low \$300's, and they had nine sales since the first of the year. He claimed that a significant issue with condos was getting the right target market. If their target market was people that wanted to downsize and they had a lot of equity with a substantial down payment and the ability to get financing, they could be successful. If they were going for the first time homebuyer that was using FHA financing with a low down payment, it would be virtually impossible to get financing. The development would have to be 51% sold in order for someone to get an FHA mortgage for a condo. People wanted to live in select locations such as Rochester Hills, which he remarked was a fabulous community. It would be a setting he would want - to look out the backyard and see trees and deer and streams. He thought that theirs was a relatively small project, and they believed that the absorption could happen in a reasonable timeframe - a couple of years.*

*Mr. Yukon asked if they would build as requested or if there was another plan for the construction. Mr. Michael thought that the east and west sides could be phased. In terms of the land development aspect, they would have to put in virtually all the infrastructure on at least one side of the road. He suspected that they would do the east side first, which would be the easiest and have the most units for the infrastructure. They would then put up a building at a time, depending on the sales velocity, and pick up the pace from there.*

*Mr. Kaltsounis asked what the applicants originally planned for the area, and if what they were presenting now would meet the RCD standards. Mr. Michael said that what was originally planned was very similar to what was proposed. He was not a part of the earlier project, but they had proposed attached condos both times. Mr. Randazzo added that they had to design the layout to be more rectangular because of the sensitivity of the environment around it. Mr. Kaltsounis asked if it would be south of the creek, which Mr. Randazzo confirmed. Mr. Kaltsounis observed that there would be a huge stand of trees between the development and the neighbors to the north. Mr. Randazzo said that was correct, and given the cost of the trees, they did not want to take any down. Mr. Michael noted that they had to survey them twice. There were almost 1,100 regulated*

trees on site, and they would take down a little over 300. He commented that the landscape plan would show an urban forest. Mr. Randazzo said that most of his career had been in the Birmingham and Bloomfield areas, so they were sensitive about trying to retain the natural aesthetics. He stated that was to their benefit, because trees were assets. He had been trained to build in confined areas, and they figured out how to do it well. Mr. Michael mentioned that with the product getting shallower and a little wider, it would have a nicer street appearance than the earlier project.

Mr. Kaltsounis said that in looking at the plans, and he did not know if it met RCD standards without the engineering done and without seeing other requirements met, he did not have any initial problems with what was proposed. Mr. Randazzo said that the proposed condos would be higher-end, with a lot more brick. He indicated that he liked the longevity of doing something well. Mr. Kaltsounis said that was fine, but he stated that he would believe it when he saw the Site Plan. He commented that they have had a few developers who said they would do one thing, and then the City ended up with "siding monsters." Mr. Randazzo amusingly said that point was well taken.

Mr. Schroeder stated that he liked the proposal very much. He noted that he lived nearby and drove down Rochdale a lot. The other development there was very popular, and even in the worst of times, they were getting top dollar. Mr. Schroeder thought that Mr. Randazzo would have the same experience. He asked why there was space between units 31 and 30 and 18 and 19. Mr. Anzek advised that it was a steep slope area, and they had to eliminate some units. Mr. Randazzo added that it was the onsite detention area.

Mr. Schroeder observed that it was a very nice proposal. He asked the best guess as to when they could start building.

Mr. Randazzo said that they would like to start early next year. They were optimistic. Houses were beginning to sell and when houses sold, condos started to sell and then land started to sell. Mr. Schroeder said that based on his experience, he did not think the applicants would have any problems selling.

Before letting members of the audience speak, Chairperson Boswell asked the Commissioners if they had any further comments. He asked if there were things they did not like about the project. Seeing no one wishing to comment, he called the first resident to speak.

**Lynn Rizzo, 1360 New Life Lane, Rochester Hills, MI 48309** Ms. Rizzo said that she had lived almost 35 years in Heartpeace Hills Subdivision (by the proposed eastern development). In 1980, Erb Lumber asked the City to rezone the subject property from Single-Family to Multiple-Family. A representative from Erb Lumber and some residents met at her home to discuss the Rezoning. He asked the neighbors what would make them agree to a Rezoning to Multiple-Family. They discussed it and agreed that if there was a 75-foot greenbelt left between their subdivision and the development, they would not stand in the way, and they did not. Erb Lumber put together a notarized document that was sent to her home. She passed out copies of it to the Commissioners. She said that about five years ago, she went to the County to try and find out if the paperwork had ever been filed, and found out that it never was. They had believed in the agreement with Erb Lumber at the time. She also passed out a timeline from 1980 to 2005 for Andover Woods. She stated that everything Mr. Randazzo said he would do he had not done. She noted that she had taken pictures of her neighbor's house next door. His property would abut three units in Andover Woods. Sargent's Creek went through his property and since 2006, she she had been taking pictures occasionally of what happened to her neighbor's backyard from the water. He was on an acre-and-a-quarter, and it was approximately one-third filled with water when it rained. She passed out a copy of one of her pictures. She also included a flood insurance rate map which showed how much water was on the property in 1994, before a lot of the development to the west and north was done. All of that development had impacted Sargent's Creek. They were at the low end of the creek. She did not wish to add anything further; she wanted the Commissioners just to read the paperwork she had submitted before they agreed to anything and to ask the applicants to make some adjustments.

**Carl Wellenkotter, 184 Shagbark Dr., Rochester Hills, MI 48309** Mr. Wellenkotter advised that his house was very close to his rear lot line. He felt that for this reason, they needed to be part of an agreement of the development. When they moved in, the property behind them was zoned Single-Family. In order to get to it, someone had to go through Multiple-Family zoning. That did not make sense to him, so he was in favor of a Rezoning to Cluster. From January 1977, when they moved in, his goal was to be part of a three-way agreement with the township and the developer, and that was still his strong desire. After 35 years of going through this "agony," he said that he would like to get it behind him with a three-way deal. It seemed reasonable to him. He mentioned that there was access to a watermain that was not shown on the Site Plan, and he felt that should be addressed. He indicated that he was where he was 35

years ago. If they were going to do something, he wondered why they would not do it now, make it right and make everyone happy. He thought that there should be a way to do that.

**Jim Pass, 165 Tartan Dr., Rochester Hills, MI 48309** Mr. Pass said that he was more associated with the plan for the west side of Rochdale. He said that he was aware there would be a buffer between the Lochmoor Hills Subdivision and the proposed condos, but the setback from the property line was their main concern. He did not see dimensions. He would like to see that the condos were set back sufficiently from the property line so there was a good buffer to their single-family subdivision. If it was going to be adequate, that would be fine, but he reiterated that he could not see a dimension.

Chairperson Boswell agreed that no dimensions were shown. He asked Mr. Anzek what the Ordinance required. Mr. Anzek advised that the rear yard setback was 35 feet.

Mr. Kaltsounis recommended that the applicants have a talk with their neighbors and that they be a neighbor. He noted that there appeared to be some very well prepared neighbors. He recommended that the applicants sit down and talk with them and work out some of the details before coming back.

Mr. Anzek advised that he believed the development was very close to being submitted for a final go-around. They had been through numerous Engineering and other Site Plan reviews. Mr. Breuckman had even reviewed the plans while he was still working at McKenna. There had been things discussed between the neighbors and Mr. Randazzo. Mr. Anzek reiterated that there was a 35-foot rear yard setback requirement, and on the plans in for review currently, there was a 25-foot preservation easement along the western line of the western side with the intent to have it filled with trees to try to respect the neighbors. Ms. Rizzo had shared with him the agreement she had provided. Staff had done research and could not find a signed and notarized recorded copy. He indicated that he could not take issue and impose something he could not find recorded.

Mr. Wellenkotter said that the applicant was supposed to be told by the Planning Department that the 35-foot setback line would move from the 25-foot easement line. He stated that it was critical to them, and it was his understanding from Mr. Breuckman that it had been stated to the applicant. He reiterated that it was critical to them, and if it had been stated and responded to, he would be fine; otherwise, there would be a

*problem. He said that he could not state it any plainer.*

*Ms. Rizzo wished to address the 75-foot issue. She said that in 1980, people took people's word, and people trusted people. They trusted people more than they did in 2012. When they met at her house, they understood and agreed to the 75 feet back then. When she received the paperwork, it was her assumption that it would be filed. Nothing was ever done on the property for 15 years. They let it go, and she did not contact them to see if anything was ever filed. She acknowledged that it was her fault, but she claimed that the neighbors took their word. She was asking Mr. Randazzo to work with the neighbors to come up with some type of agreement before they built. She maintained that they did need a distance between them, which was the agreement.*

*Chairperson Boswell said that it appeared the applicants would come before the Commissioners with exact plans soon, and they looked forward to it.*

## **ANY OTHER BUSINESS**

*Mr. Kaltsounis asked if he could get an update on the status of the Taco Bell by Kroger. Mr. Anzek believed that they were still in Building Department review. They had gone through Engineering approvals, but they were still in the process of getting building permits.*

## **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for September 4, 2012.

## **ADJOURNMENT**

Hearing no further business to come before the Commission, and upon motion by Kaltsounis, Chairperson Boswell adjourned the Regular Meeting at 9:53 p.m.

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William F. Boswell, Chairperson  
Rochester Hills Planning Commission

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Maureen Gentry, Recording Secretary

