



Rochester Hills

Minutes

Planning Commission

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Home Page:
www.rochesterhills.org

Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Dale Hetrick, Marvie
Neubauer, Scott Struzik and Ben Weaver
Youth Representatives: Janelle Hayes and Siddh Sheth

Tuesday, April 2, 2024

7:00 PM

1000 Rochester Hills Drive

In accordance with the provisions of Act 267 of the Public Acts of 1976, as amended, the Open Meetings Act, **NOTICE WAS HEREBY GIVEN** that the Rochester Hills Planning Commission would hold a special meeting on Tuesday, April 2, 2024 at 7:00 p.m. in the Auditorium at City Hall, 1000 Rochester Hills Drive, Rochester Hills, MI 48309, to consider the final condominium plan approval request (and other associated approvals) for the proposed Walton Oaks condominium development.

CALL TO ORDER

Chairperson Brnabic called the April 2, 2024 Special Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 8 - Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Dale Hetrick, Scott Struzik and Ben Weaver

Excused 1 - Marvie Neubauer

Others Present:

Sara Roediger, Planning and Economic Development Director

Chris McLeod, Planning Manager

Jason Boughton, Engineering Utilities Specialist

Jennifer MacDonald, Recording Secretary

Janelle Hayes, Rochester Hills Government Youth Council Representative

Council Member Neubauer had provided prior notice that she would be unable to attend and was excused.

Chairperson Brnabic welcomed attendees to the April 2, 2024 Special Planning Commission meeting. She noted that if anyone would like to speak on an agenda item tonight or during Public Comment for non-agenda items to fill out a comment card, and hand that card to Ms. MacDonald. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

NEW BUSINESS

2024-0176 Request for Final Site Condominium Plan Recommendation - File No. PFSC2024-0001 - Walton Oaks Site Condominiums, a proposed 11-unit, detached single family condominium development on approximately 6.8 acres at 3510 Walton Blvd., located on the north side of Walton Blvd. and west of Adams Rd., Parcel No. 15-07-376-038, zoned R-2 One Family Residential, Bruce Michael, Walton Oaks LLC, Applicant

(Staff report dated 3/27/24, Reviewed Plans, Master Deed and Bylaws, Development Application, Updated EIS dated 3/27/24, Public Comment Received, Notice of Public Meeting, City Council Minutes of 5/22/23, Planning Commission Minutes from 5/2/23 and 2/12/23 were placed on file and by reference became a part of the record hereof.

Present for the applicant was Bruce Michael, Walton Oaks LLC.

Chairperson Brnabic introduced this item for Final Site Condominium Plan recommendation for Walton Oaks, a proposed 11-unit detached single family condominium development on approximately 6.8 acres at 3510 Walton Boulevard, located on the north side of Walton west of Adams Road. She invited the applicant to the presenter's table.

Mr. McLeod explained that this is the final review for the Walton Oaks condominium site. He noted that it was before the Planning Commission last year for preliminary site condominium review, and the Commission made a recommendation for approval to City Council where it was subsequently approved. He mentioned that the Commission also approved the Tree Removal Permit for the site along with a sidewalk modification to allow for sidewalks on one side of the street. He pointed out that this is an 11-unit site condominium, with the three units at the rear of the property further condominiumized to allow for a joint living or cohabitation of those units. He added that this request is for final site condominium plan recommendation, and noted that there is a request for one modification that was made to the site, along with a request for an amended tree removal permit. He explained that the changes make the site a little bit better; however, it changes the numbers ever so slightly in terms of the tree removal permit.

He explained that the changes to the site configuration are the result of working with Engineering, and include a revision to the turnaround area as the original configuration was deemed not feasible. The turnaround has been flipped and an adequate turnaround provided at the end of the roadway for fire apparatus. Instead of the stub going to the bottom portion of the screen on the plan

displayed, the stub now goes to the top portion of the screen.

He noted that other than that revision, the site remains largely unchanged. He stated that the configuration does change some of the tree removal permit's calculations and reconfigures the orientation of the driveways slightly in those units affected; and he explained that one of the recommendations that they are making is that there be some landscaping or buffering or screening at the end of the turnaround adjacent to this unit. He noted that the overall site shows the 11 base units, and two units at the back of the site along with the last unit before the turnaround that would be cohabitated between four units that each utilize the same common spaces for living.

He mentioned that the one parcel that the site surrounds that fronts Walton will access the site condominium roadway, which has been part of the site plan all along. He noted that the site is being forested in the areas outside of the building envelopes, and pointed out the evergreen plantings all along the stormwater facility between the abutting properties. He commented that if there is green space, there is essentially a planting that will be going into it. He reviewed the overall landscape plan, and highlighted the elevations have remained unchanged in terms of what was presented at the preliminary site condominium.

He noted that the revised turnaround at the terminus of the roadway is now fully approved and signed off by Fire at this point, with some final minor engineering revisions, necessary retaining wall structural calculations to be provided, some small stormwater modifications, finalization of easements, an additional street name for the end units where the new T-turn is provided, and minor landscape modifications in terms of the terminus of the roadway adjacent to those units at the back end of the site.

He added that there would be final acceptance of the Master Deed and Bylaws. He noted that this has been the subject of some emails that had come in, and he explained that Dan Christ, the partner of John Staran, the City's Attorney, did speak with Mr. Staran and reaffirmed the legal opinion that Mr. Staran had provided earlier in terms of the three units that seem to be causing some discussion. These units do qualify in the City Attorney's legal opinion as single family units themselves, based on the Zoning Ordinance and based on their interpretation of law that they are single family residences.

Mr. Michael stated that they did pursue keeping the original turnaround with CMS Energy, and they had been invited to make an application for an easement over their property and even remitted a fee for processing that easement request; and when it went to CMS's Engineering Department, they would not grant it. He explained that this necessitated the change in the fire apparatus turnaround.

Chairperson Brnabic noted that the Planning Commission received 17 emails in support of Walton Oaks, which all made the same basic statement; and she read one into the record, noting that it stated that this neighborhood will be the first neuro-inclusive in Oakland County designed from the start to provide safe, sustainable and integrated housing for adults with disabilities alongside homes

for the general public. The email stated that with the support of Rochester Housing Solutions, a 501(c)3 nonprofit, the Oakland County Housing Trust Fund and many others in the community, the neighborhood will benefit from an unprecedented level of family and community support ensuring an exceptional experience for all residents and for the community at large. These emails asked for approval of Walton Oaks.

She explained that one email was submitted by Ray Toma, and the Commissioners received a copy of the email. Mr. Toma opposed the City Attorney's legal opinion in terms of Walton Oaks being considered as a single family residential structure in the R-2 zoning district. The other emails referenced Mr. Toma's email and were opposed to the project.

She noted that this does not require a public hearing, but as there were three speaker's cards, she would open the public comment for this item, and reminded everyone that public comment was limited to three minutes.

Ray Toma, 202 Stonetree Circle, indicated that his email noted two buildings with multiple units, and there are three. He stated that these three buildings house four separate attached units, and this is no different than any other attached condominium development in the city. He cited Oakwood Park Condominiums on Adams Road, and noted that there were four units in one building. He stated that his email cited other ordinances that show how this plan conflicts with the City Ordinance, and he mentioned Building Code, Fire Code and land design requirements. He noted that the Michigan Zoning Enabling Act makes an exception for licensed facilities, and commented that this developer is not licensed. He stated that three of these buildings are attached condominiums and should not be allowed.

David Mingle, representing Rochester Housing Solutions, stated that he is partnering with the developer of Three Oaks Communities to make the project a reality, and explained that he is also the father of Logan, a 32 year old with autism, who attended Adams High School and goes to Dutton Farm, works at a local church and loves to participate in RARA events. He stated that his son deserves and has the right to choose where he wants to live and who he wants to live with. He commented that Walton Oaks gives him the opportunity to live in a forever home free from rent increases that could force him to move out, built for what he needs to thrive, with friends that love him and neighbors who accept him. He requested approval, and noted that a second project, Auburn Oaks will be coming forward for preliminary site plan approval, resulting in more than 35 differently-abled adults to be able to call Rochester Hills their forever home. He stressed that Rochester Housing Solutions is committed to ensuring an exceptional experience for all of their residences.

Lauren Davenport, 236 Stonetree Circle, expressed concern for the impact on wildlife, and commented that there is a great horned owl nesting on the site that they have seen on walks. She commented that there is a vernal pool that is a critical breeding area for many species of salamander, shrimp and other things, along with waters deep enough that there could be fish. She asked if the tree study will be redone as it is three years old. She questioned whether there will be fencing for the safety of children and animals when construction begins, and

how evergreens will do in wet areas. She expressed concern for her backyard and noted that there is standing water there now. She concurred that it sounds like the units in question are not truly single family homes.

Chairperson Brnabic asked if Mr. McLeod spoke to the City Attorney about Mr. Toma's email, and asked him to address Ms. Davenport's comments regarding the tree survey, appropriateness of evergreens and concerns expressed regarding wildlife and safety.

Mr. McLeod responded that he spoke with Dan Christ, Mr. Staran's partner, and Mr. Christ had spoken to Mr. Staran who had provided the original legal opinion; and Mr. Staran reaffirmed his legal opinion in regards to how this housing configuration met the requirements of the City's Ordinance to constitute a single family residence. In terms of the tree survey comment, he noted that every site plan review or every iteration of the site plan review that this development goes through is reviewed by the Parks and Forestry Division. He stated that if they felt it was necessary to provide a new survey, they would have brought that as a part of their review. He explained that typically three years is about the lifespan of a tree survey that they will work with if a site plan has gone dormant; and they have been continuously working through the process and there has not been any dormancy in this application. He stressed that their latest review was just a matter of three weeks ago.

He stated that in terms of landscape materials and choices, they can go back and take a look to see if there is a different type of evergreen tree that could be introduced as a part of a mixing of different species. He explained that they are always promoting diversity of plant species; however, he pointed out that the pond area will be an engineered portion of the site that will ultimately be designed to collect and discharge water at an appropriate rate off the site, and will not be a wet area. The trees that are being proposed will be on the high bank and out of the water. He added that the City has not employed any consultant to do a protected species analysis.

Mr. Michael stated that it is not their intention to put a chain link fence around the site during construction, and will use a silt fence and tree protection fencing as appropriate. He added that during land development they will have full-time supervision and a professional civil engineer onsite overseeing daily land development activities. During vertical construction, the home builder will have a full-time superintendent on site.

Ellen Smith, 215 Bellarmine, stated that she represents all of the houses in the back to the east in Bellarmine. She questioned how dense the 12-foot pine trees will be and how much screening it will provide. She stated that her home will have two roadways, one in the front and one in the rear, and this will give her no privacy in her backyard. She asked if the landscape will be replaced if it dies.

Chairperson Brnabic asked about the City's tree replacement policy should the landscaping die.

Mr. McLeod responded that the City's typical stance is that if a tree is required

as a part of a site plan approval and that tree dies, that tree should go back in, at whatever size was originally proposed. He commented that typically the City has not been extremely proactive in terms of replacing those trees, and he noted that there will be some natural occurrence of tree casualty as a site develops. He stated that in terms of 40 years from now it will be determined at that point; however, he noted that the City does have a tree maintenance requirement that any tree that goes in must be in good condition two years from the point of its initial inspection.

Chairperson Brnabic commented that the timeframe is two years and she thinks that is very reasonable. She asked about the size of plantings and how long they will take for the trees to mature for privacy.

Mr. Michael responded that there are 12 foot tall trees being put in on the perimeter spaced approximately 15 feet apart. He commented that they will pretty nearly touch when they are put in.

Mr. McLeod added that the trees should be spaced to allow for growth or they will choke each other out and have a worse scenario. He explained that there will be some growth period and they will not be planted so close together that they will not do well.

Chairperson Brnabic asked that traffic during construction be addressed.

Mr. Michael explained that the land development process will be approximately four months to grade, install pipe, utilities, and streets; and then they would landscape all of the common areas that can possibly be landscaped. The trees on the lots will be installed after the house is built and the grade is complete. He commented that the trees on the south side of the street will be installed as quickly as they can as long as it does not violate the growing seasons, and speculated that it would be this fall as they cannot plant in the summer as heat can kill the trees.

Chairperson Brnabic noted that she would call the last person for public comment and then Public Comment would close after that last person spoke.

Bill Curry, 84 Stonetree, stated that he is a 40-year resident of Rochester Hills, coming here because it was a beautiful community; and commented that it is the City's responsibility to protect and continue the same environment. He stated that this is clearly different in nature and construction from the homes on either side of the development. He commented that he asked why this wasn't approached as a variance for the zoning of the area, and stated that this seems to have moved along smoothly with little public input.

Chairperson Brnabic responded that this has not been a short process and there have been a few meetings. She noted that the developers did approach the ZBA for a variance that was denied; however, that variance was a different request and was not a variance to multiple family. She stated that the project has been moving through the department and has had Planning Commission and ZBA meetings for two years or more.

Mr. McLeod stated that it has been in the system for about three years, and stressed that it goes through a strenuous administrative review by all departments. He explained that there are three different Engineering reviews, Building review, Planning review, Fire review, and reviews by Parks and Forestry until the departments sign off or sign off with minor conditions on the plan before it comes to the Commission. He noted that it was probably almost a year-and-a-half in Administrative review prior to coming to the Planning Commission, where it was heard during a couple of meetings. He pointed out that the site condominium process is a four meeting process, with two Planning Commission meetings and two City Council meetings required. He stressed that this plan, other than the one modification that was reviewed by the Planning Commission in terms of sidewalks on one side versus two meets all the City's requirements. He stated that there are no variances, and no deviations other than the one modification for the side. He noted that this is a subdivision, and it is just a matter of ownership; and it ultimately goes back to the City's legal team's opinion in terms of how this development conforms to the single-family residential ordinance. He added that Dan Christ and John Staran are of the same firm, and have been the City's legal counsel for 40-plus years. He stated that they know the Ordinance and the City's requirements better than anyone, and the City has traditionally abided by that legal opinion as the guidance that the City should follow.

Ms. Roediger stated that it has been closer to five years that they have been discussing this type of project, and during that time staff has had many discussions with legal counsel. She noted that they have heard the neighbors' concerns, and stressed that they took a deep dive into how to define the project. She pointed out that the structure and use of the property is a single home with one kitchen, a living room, a study, and some bedrooms just like very other single family house in the community. She mentioned that they will live as one family unit even though the financial structure is different than a traditional single family home; and she stated that she feels confident that where they landed with the team is what the legal opinion confirms.

Chairperson Brnabic asked whether the final proposed project is less dense than what was originally proposed.

Ms. Roediger confirmed that it was vastly less dense than even the neighborhood that abuts it.

Mr. Struzik asked the differences between the units that are designated for those with IDD are and the other units that can be owned by anyone.

Mr. Michael asked for the floor plans to be displayed, and explained that those homes will have a kitchen, dining, living, laundry area, a two-car attached garage and a covered porch. The suites will be on the ends of the building and include a sitting room, bedroom, walk-in closet and bathroom. Those suites will be unitized and owned, and the remainder of the house will be co-owned by everyone. He likened them to a master bedroom suite.

Mr. Struzik stated that he can rely on the opinion of Mr. Staran that the three disputed units are single family homes. He commented that they are

remarkably similar to the home he lives in, which is a single family home; and the only difference is every bedroom is a main bedroom. He stated that he does not think it is up to the Commission or this government to change the meaning of what a single family home is based on between the relationships of the residents, and noted that there are people living together that do not have any kind of blood relationship. He noted that he supported this the last time it came before the Commission and it has remained largely unchanged and he feels the same way.

Mr. Hooper asked for clarification on the layout for the other homes and asked whether the intent is that homes one through eight will be the parents of the IDD individuals.

Mr. Michael responded they will be three bedrooms, two-and-a-half baths, with a den. He added that there will be options to do a loft-up or finish basements as there are some walkout sites. He mentioned that these homes will be for sale to the general public, and commented that they have 15 prospects that have actually sat down with them that have no relationship at all with any of the IDD homes on the north end. He stressed that it will be an integrated mixed neighborhood of people that have disabilities living next to people without disabilities.

Mr. Hooper asked if the caregivers are intended to be living on site.

Mr. Michael responded that the caregivers will be stationed on site but will not be living on site. He noted that they might have a space provided for an office for their files, and might be there 24/7 if a particular level of care is needed based on the disability of the person involved.

Mr. Hooper noted that drawing 11 of 26 in the packet shows an office in the front and the possibility of a lower level fourth bedroom and bath with a finished basement. He added that with a shared kitchen, dining room, great room and laundry, it is a typical home. He commented that he would echo Mr. Staran's opinion, noting that he has represented the City for close to 40 years through his various law firms, and is recognized as a municipal attorney expert in the State of Michigan. He stated that there is nothing in his opinion that would persuade him to go against Mr. Staran's legal opinion in regard to this issue. He asked how the fractional ownership will be determined on a legal deed.

Mr. Michael noted that the Master Deed was submitted, and pointed out that Exhibit B documents lay out that each one of the suites is a unit in condominium parlance, and the rest of the home is a limited common element. He explained that this allows a person to own that unit, and in the event that they pass away, there is a separate restrictive covenant that restricts the occupancy of that unit to another IDD person as defined by the Federal Government. He added that if there are four units in a house they each have a quarter interest.

Mr. Hooper commented that with shared common ownership of the great room, kitchen, dining room, and laundry, the restrictions are similar to what they see in senior communities throughout America where they are deed restricted to seniors only of a certain age group. He stated that he supported this last time,

and noted that he has several group homes within a quarter mile of his home and you would not even know it, and the same situation will occur here.

Mr. Michael noted that the only difference between them and a group home is that these residents will actually own the home. He added that this changes the level of care and concern that will be there for them, and the families will be very actively involved in the long-term structure set up so that when the parents pass or are no longer able to care for their children, there is an organization in place to make sure that those children can continue to live there independently as possible and not worry about being kicked out of their home as they could be in a group home setting. He stated that the caregivers will depend on the disability of the people in the home, and mentioned that there will be a community builder to organize events and activities and be backup caregivers. He stressed that their life will be enriched.

Mr. Hooper questioned the financing.

Mr. Michael stated that some banks will finance it as a portfolio loan as presently it cannot be sold in the secondary market as it would require a kitchen in each unit to qualify for a Fannie Mae loan. He commented that they are looking to hopefully have that changed someday. He mentioned that in the case of the three homes, there is more than one family that has gone together to own their home and multiple families can own each unit.

Chairperson Brnabic asked if the basement area could be turned into a living area for a full-time caregiver at some point.

Mr. Mingle stated that the current plan is for every unit spec to be designated IDD units and there is no current plan to have 24/7 live-in care to take a unit. He explained that they are working very closely with Oakland Community Health Network and service providers to determine what exactly the needs are going to be for each of the individuals and will make that decision to the extent that the service agencies cannot provide the services that they want. He commented that right now they are very optimistic that the service providers will meet their needs.

Chairperson Brnabic asked if someone required 24/7 care there would be different shifts coming to assist that person.

Mr. Mingle responded that was correct and it would depend on the unique needs of each individual. He mentioned that there could be extra support in the morning when individuals are getting ready for their jobs or to go to Dutton Farm or to other day activities. If they are all gone during the day there would not be anyone there, and possible only one or two at night as needed.

Mr. Weaver stated that Mr. McLeod did a good job talking through the landscaping plan, and believed that the residents in Bellarmine will be happy that there are 12-foot trees going in. He stated that he would probably give it four years before everything is filled in. He noted that the watermain will go below those trees and the evergreens have a tap root. He asked if the watermain could be moved under the roadway.

Mr. Michael responded that they moved them five feet off of the water line.

Mr. Weaver commented that the site should be drier than it currently is, so the trees around the basin will be nice. He stated that he is all for putting more trees back on the site, but they do not want to overcrowd them. He mentioned that he read Mr. Toma's letter and while there are some good points, it is not his area of expertise, and he is not one to go against the City Attorney especially when it has been reviewed again. He stated that the definition of single family is what people are concerned about; and he pointed out that this will be a low-density residence. He noted that when looking at an attached condo, there is the potential of having a four-unit family or four-person family in each unit and that will not be the case. He asked what the maximum occupancy will be in these areas.

Mr. Mingle responded that without licensing it is four and that is their intent.

Mr. Weaver asked what the garages are intended for, and asked if street parking will be allowed.

Mr. Mingle responded that a higher functioning resident may drive, but that will be the exception. He stated that on a typical day it would either be family members or caregivers.

Mr. Weaver asked what would happen if only one unit was sold or in the future if there was a possibility of less than full ownership.

Mr. Mingle responded that they have actually pre-sold the entire neighborhood and most of Auburn Oaks already. He pointed out that if someone was to move out they are still obligated to pay their fair share until they transfer ownership to someone else.

Mr. Weaver stated that while there is a concern about single family use, he believes the intent is met, pointing out that the unit is not being sold with its own bedroom, living room, and kitchen.

Mr. Dettloff stated that he clearly supported this in the past and does now. He commended the applicant for bringing this into Rochester Hills because it gives these individuals a chance in life. He stated that this is a welcoming diverse community and this is a huge plus to have in the city's boundaries.

Ms. Denstaedt asked if the issues brought up by Mr. Toma were covered by the City Attorney.

Ms. Roediger responded that there were a lot of questions when this first started regarding how ownership would look and was taken into account in the Attorney's opinion.

Ms. Denstaedt stated that she was excited that other folks will be buying into these IDD homes and will take pride in ownership.

Mr. Hetrick stated that an important part of Rochester Hills is innovation, and this is a very innovative approach to home ownership and will bring diversity of opportunity. He stressed that the question has been asked a couple of times about ownership and what will happen if someone passes away, and their ownership rights are going to be sold like a typical home.

Mr. Michael responded that there will be a vetting process so that the person who buys it cannot just be someone off the street that does not meet the definition of IDD. Through the vetting process they will ensure that there are not drug or violence issues.

Mr. Hetrick commented that the demand for these homes is outstripping the market.

Mr. Michael responded that they have a waiting list at this point.

Mr. Mingle noted that they have only one unit out of 35 that does not have an advance reservation and there are several people on the waiting list that are waiting for a decision of who will get that unit.

Mr. Hetrick stated that it makes sense as they have created a family. He pointed out that he reviewed the City Council minutes that puts the idea forward that these are family units, as a collective number of individuals domiciled together in one dwelling unit whose relationship is continuing non-transient and of domestic character who are cooking and living as a single nonprofit housekeeping unit. This definition does not include any society, club, fraternity, sorority, association, group of students or other individuals whose domestic relationship is of the transitory or seasonal nature for an unanticipated limited duration of a school term or other similar determinable period. He stressed that these are forever homes, and are being purchased for years to be their homes, and that fits the definition.

Mr. Gallina stated that many of the comments he was going to make have been stated. He noted that this is a project that has gone on for quite a while and has had a lot of effort going into it. He stated that he takes exception to the comment made that this seems to be just flowing through the City, because he knows how hard the applicant and staff have worked hard to get through a lot of concerns for the site. He added that this has been thought through and a lot of work has gone into the legal definition. He stated that he is proud that this is coming to Rochester Hills and that there is potentially a second one coming soon.

Mr. Hooper questioned the T-turnaround and whether there was a physical barrier at the end. He questioned whether the screening could be landscape boulders.

Mr. Boughton responded that the T-turnaround has changed since the preliminary site plan and now goes to the north instead of to the east onto Consumer's property. The physical barrier will ensure that someone does not end up in the proposed house. He noted that he would follow up on Traffic's comment regarding screening.

Mr. Michael noted that they just received that comment regarding screening in the last week and haven't had a chance to respond to it. He stated that they would work with staff to figure out the best solution for their homeowner and the City and to ensure that Fire will be on board as well.

Mr. Hooper commented that he would like to see boulders as preferred rather than a bollard or guardrail. He suggested a fourth condition be added that landscape boulders be used at the T intersection as approved by City staff.

Mr. Struzik stated that he was excited at the prospect of having a more inclusive community where people have a place they can live that before did not have a house that could accommodate them. He moved the motion in the packet to recommend approval, adding the fourth condition that at the T intersection at the end landscape boulders be used as approved by City Staff. The motion was seconded by Mr. Hooper.

After calling for a voice vote, Chairperson Brnabic stated that the motion passed unanimously.

Mr. Struzik moved the motion in the packet to grant the amended Tree Removal Permit. The motion was seconded by Mr. Hooper.

After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

Mr. Weaver stated that this was not an easy decision; however, this has been vetted and discussed. He expressed appreciation to everyone for coming in and stated that the community would not be what it is without dialogue back and forth.

In response to a comment about wildlife from a member of the public in attendance, Chairperson Brnabic suggested that the resident speak directly with the developer.

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

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Hetrick, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of City File No. PFSC2024-0001 (Walton Oaks Final Site Condominium), the Planning Commission recommends to the City Council Approval of the Final Site Condominium Plan, based on plans received by the Planning Department on March 5, 2024, with the following findings and subject to the following 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 Walton Road, thereby promoting safety and convenience of vehicular traffic both within the site and on the adjoining street.
3. Adequate utilities are available to the site.
4. The final 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.
2. Provide a landscape bond in the amount of the landscape installation cost estimation shown on the site plan, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. Provide Master Deed and all related exhibits to the Department of Public Services/Engineering and City Attorney for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.
4. Landscape boulders be used at the T intersection as approved by City Staff.

[2024-0183](#)

Request for Amended Tree Removal Permit Approval - File No. PTP2023-0003 - to remove 184 regulated trees and 37 specimen trees and to provide 344 total replacement trees for Walton Oaks Site Condominiums, a proposed 11-unit, detached single family condominium development on approximately 6.8 acres at 3510 Walton Blvd., located on the north side of Walton Blvd. and west of Adams Rd., zoned R-2 One Family Residential; Bruce Michael, Walton Oaks, LLC, Applicant

See Legislative File 2024-0176 for discussion.

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

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Hetrick, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of File No. PTP2023-0003) (Walton Oaks Condominium Amended Tree Removal Permit) the Planning Commission grants an AMENDED Tree Removal Permit (PTP2023-0003), based on plans received by the Planning Department on March 5, 2024, with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.

2. The applicant is proposing to remove 184 regulated trees and 37 specimen trees, and provide 344 total replacement trees onsite (both regulated and specimen).

3. The applicant has increased the size of plantings in certain areas of the site to reduce the number of replacement trees required and to provide additional plantings and screening onsite above and beyond ordinance requirements.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

- Regular Meeting - April 16, 2024

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Denstaedt, Chairperson Brnabic adjourned the Special Meeting at 8:28 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Jennifer MacDonald, Recording Secretary