

- Adopted Final Capital Improvement Plan

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:03 p.m. Seeing no one wishing to speak or in the Auditorium and that no emails has been submitted, she closed Public Comment.

NEW BUSINESS

2020-0267 Public Hearing and request for recommendation of the PUD Agreement - City File No. 18-022 - Redwood at Rochester Hills PUD, 121-unit ranch style apartments located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 15, 2020 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the Applicant were Richard Batt, Redwood USA, 7510 East Pleasant Valley Rd., Independence, OH 44131 and Paul Furtaw, Bergmann, 7050 W. Saginaw Hwy., Suite 200, Lansing, MI 48917.

Ms. Kapelanski noted that the applicant has proposed 121 ranch-style apartment units to be located at the southwest corner of Avon and Dequindre Roads. Planning Commission recommended approval of the Preliminary Planned Unit Development (PUD) at their November 19, 2019 meeting, with Council's approval of the Preliminary PUD following in December. She noted that the submitted proposed Final Plans are in compliance with the Preliminary PUD and all applicable ordinances. She explained that the applicant is requesting Planning Commission's recommendation for approval of the Final PUD, Wetland Use Permit, Steep Slope Permit and Final Site Plan, and approval of a Natural Features Setback and Tree Removal Permit. She noted that staff received minor comments from Commissioner Gaber and the Road Commission for Oakland County (RCOC), and staff will work with the applicants on the PUD Agreement prior to moving to Council. She explained that the changes requested were minor and will not affect the agreement. She stated that staff recommends approval of these items. She commented that Jason Boughton of DPS/Engineering was in attendance virtually tonight to address any questions.

Mr. Batt stated that nothing has changed from the previous submission and engineering concerns have been satisfied. He requested the Commission take the next step to recommend and grant the various approvals.

Chairperson Brnabic questioned why Building M did not have modifications for a high profile view for the side elevation facing Dequindre as it appears that it will be viewed from Dequindre traffic.

Mr. Batt responded that the elevation could be updated.

Chairperson Brnabic noted that on page 5 of the proposed PUD Agreement, language states that the project will be completed in five years to the date of building permit issuance. She questioned whether there was any definite plan to building in phases or if the project will be built on economies of scale.

Mr. Batt responded that they are not planning on phasing, and timing depends on engineering and the complexity of the site. He stated that five years is the outside date, and the applicant wishes to be in business within three years. He mentioned that with the current situation with the COVID-19 virus, there are unknowns and they want to provide some flexibility.

Chairperson Brnabic note that page 8, number 15 of the PUD Agreement states that as the project may be developed over a period of time, changes may be required in the PUD plan, and allows delegates of City staff to review and approve minor changes to the PUD. She stated that 15(e) includes an increase in the number of units by no more than five (5%) percent, which would be approximately six units. She noted that amendments to a PUD regarding density require Planning Commission review.

Mr. Batt responded that he would have no issue in changing that wording. He mentioned that with the topography and wetland setbacks on the site the applicant would like to have some flexibility if they need to shift a building around or change its size to deal with site conditions. He commented that they have no need or desire to change density.

Chairperson Brnabic stated that 15(e) would be removed.

Mr. Kaltsounis requested background information on where the steep slopes are located and questioned what the developer can and cannot do with regard to decks, patios and furniture in the areas up against the natural features setback, and whether the applicant understands what is allowed or not allowed.

Ms. Kapelanski responded that the plan does include an encroachment into the natural features setback. She explained that areas that do not show an encroachment cannot be encroached into at all; and areas that are shown cannot have any further encroachment. She confirmed that if it is not currently shown as an encroachment on the plan management cannot place furniture or anything else into that setback.

Mr. Batt responded that they do understand and commented that the terms of their lease will not allow it.

Mr. Kaltsounis noted that patios are shown on the plans encroaching into the natural features setback and questioned whether that was allowed.

Ms. Kapelanski responded that it was allowed as long as it is not a covered patio. She stated that she would defer a response regarding steep slopes to Mr. Boughton.

Mr. Boughton responded that the steep slopes exist near the southwest portion of the development, on the road climbing to the southwest and the road adjacent to the wetlands. He commented that the plan went through many modifications and this result was the least obtrusive.

Mr. Gaber noted that Buildings L, N and P already show upgraded facades and wanted to confirm that all facades facing Dequindre are upgraded.

Ms. Kapelanski confirmed that one of the plan sheets shows the upgraded facades and noted that all facades facing Dequindre are upgraded.

Mr. Batt stated that their team reviewed this today and confirmed that they are upgraded.

Mr. Gaber questioned whether street parking will be allowed or if there will be signs prohibiting it. He questioned whether there is enough depth in the driveways to park behind garage doors without extending into the sidewalk.

Mr. Batt responded that they prohibit parking in streets. He stated that each unit will have four spaces including two in the garage and two in the driveway. Lease terms will specify no street parking.

Mr. Gaber mentioned the letter received from SOCRRA's attorney expressing concern regarding storm water drainage and any impacts and questioned what the applicant has done in terms of environmental testing and to confirm no leaching or migration of any environmental contamination from the nearby landfills to this property.

Mr. Batt responded that the applicant retained an environmental engineering firm to examine the site and test the groundwater and came to the conclusion that there are no concerning issues. He commented that this was also considered in the design; and both their engineer and Mr. Boughton have looked at this as well and are not concerned with this issue.

Mr. Gaber questioned whether Mr. Boughton was in concurrence regarding both storm drainage or environmental contamination.

Mr. Boughton stated that with regard to drainage, the site adjacent to the west has some drainage that drains onto the property near the southwest corner. He explained that a rear yard swale at one percent reroutes drainage water to the north and also to the east into the existing wetlands where it was draining before. At the southeast corner, the proposed detention pond is set to a lower elevation than the adjacent property to the south which is also the SOCRRA site. The pond is oversized to accommodate any extra water coming from that site onto the detention pond. The west side drains to the wetland pond in the middle corner of the site, and the southeast corner drains to the Dequindre ditch and discharges to the river.

Ms. Roediger stated that ASTI, the City's environmental consultant, has undertaken both preliminary and final review of the wetlands and impacts to the

drainage. She noted that ASTI also did the natural features inventory studying all of the landfills in the area over ten years ago. She stated that the site was always determined to be a likely developable site as there were no past contaminants on this property. She explained that ASTI has seen the letter in question, and after reviewing it, they maintain that they do not have any concerns at this point.

Mr. Gaber questioned whether ASTI has reviewed environmental concerns as well, noting that it is an important issue.

Ms. Roediger confirmed they have.

Mr. Gaber noted that last time the Commission discussed a number of concerns addressing elevations and improvements that were made between the first and second meeting. He requested an explanation in general terms on what those improvements were. He noted that the elevations shown in the packet were fairly stark and have plain siding details. He stated that he is aware that there is more to break up in terms of landscaping, elevations, and separate architectural materials.

Mr. Batt responded that in general, they discussed a mixture between high profile elevations and those that were not. He noted that they previously discussed a mixture of stone, shake siding, and regular siding on some elevations; and also using a unit floor plan that is a little more front-facing with a front porch on the Avon and Dequindre Road elevations. He stated that a lot of those improvements were not done in the interior of the site. He noted that on Dequindre, a number of the front and side elevations are high-profile, while on the interior of the site, it is more of a Redwood standard unit.

Mr. Gaber stated that it was mentioned that most of the buildings are stepped due to grade elevation.

Mr. Batt confirmed that was correct, noting that there are variations.

Mr. Gaber mentioned that on some of the different Redwood sites, landscaping is more full and on others it is more sparse for both front and rear.

Mr. Batt responded that some of the more spare landscaping is seen in the older neighborhoods and the current neighborhoods are more robust. He pointed out that there is a more significant allowance of wetlands and woods plus much topography to the site. He commented that they had a hard time getting more landscape on the site because so much of it is taken by natural features.

Mr. Gaber stated that he appreciated the landscape on the Avon and Dequindre sides.

Dr. Bowyer noted that ASTI Environmental's review letter indicated that a wetland use permit will be required from EGLE and questioned where the applicant stands with that permit and if there would be any problems obtaining it.

Mr. Batt responded that they should have it by the end of the week. He noted

that the application is complete and review questions were answered. He commented that they would have had it a week or two earlier if it not for a two day a week furlough of the EGLE staff member working on the project. He stated that there would be no problems obtaining the permit. He explained that there are a couple of areas where the wetlands are impacted consisting of a farm road in one place and a crossing, consisting of approximately 15 percent of an acre.

Dr. Bowyer noted that they are staying away from the larger wetlands.

Mr. Batt confirmed that was correct and noted that the permit is supposed to be on its way.

Mr. Hooper noted that buildings L, N and P facing Dequindre all have upgraded rear elevations; however Building M does not and questioned whether the plans will be corrected to change the elevation to reflect the high-profile site.

Chairperson Brnabic stated that this was what she was requesting earlier in the discussion.

Mr. Batt responded that they agree to do that and it will be similar to Buildings L, N and P.

Mr. Furtaw responded that it will not match L, N and P exactly because they are different buildings; however, they will be upgraded.

Mr. Hooper stated that in November it was discussed to provide landscaping for the resident across Dequindre and noted that they have done that. He thanked the applicant.

Chairperson Brnabic noted that the faces on a couple of the buildings have a front façade of stone veneer that doesn't occur on many of the buildings.

Mr. Batt responded that they tried to go with the spirit of what was requested.

Mr. Hooper noted that there are a mixture of elevations depending on what type of units they are installing. He commented that he does not care for the uniform elevation look; and noted that a majority have stepped elevations which will break up the flat barracks look.

Mr. Batt responded that with the amount of open space and natural features, the development will look dramatically different.

Chairperson Brnabic called for public comment at 7:38 p.m.

Ms. Pachla noted that an email communication and letter was received from SOCRRA expressing concerns regarding possible drainage impacts and proposed density.

Ms. Roediger indicated that there was no one wishing to speak online and no one in person.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received July 14, 2020 by the Planning and Economic Development Department with the following findings and subject to the following conditions.

Findings

1. *The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.*
2. *The proposed Final PUD is consistent with the approved PUD Concept Plan.*
3. *The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.*
4. *The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.*
5. *The proposed plan provides appropriate transition between the existing land uses surrounding the property.*

Conditions

1. *City Council approval of the PUD Agreement.*
2. *The appropriate sheets from the approved final plan set shall be attached to the PUD Agreement as exhibits, including the building elevations.*
3. *All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.*
4. *On page 8 of the proposed Final PUD, wording in paragraph 15 (e) relative to the increase in building density be removed.*

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0266

Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 18-022 - for impacts of up to 11,700 s.f. for construction activities associated with development of Redwood at Rochester Hills PUD, 121 ranch style rental units on 29.9 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant
Chairperson Brnabic called for public comment at 7:41 p.m.

Ms. Pachla noted that an email communication and letter previously mentioned in the item above was received from SOCRRA expressing concerns regarding possible drainage impacts and proposed density.

Ms. Roediger indicated that there was no one wishing to speak online and no one in person.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission recommends to City Council approval of a Wetland Use Permit to permanently impact approximately 11,700 square feet for associated construction activities, based on plans dated received by the Planning and Economic Development Department on December 30, 2019 with the following findings and subject to the following conditions.

Findings:

- 1. Of the 5.25 acres of wetland area on site, the applicant is proposing to impact approximately 11,700 s.f.*
- 2. Because the wetland areas are mostly low quality and will be minimally impacted, the City's Wetland consultant, ASTI, recommends approval.*

Conditions:

- 1. City Council approval of the Wetland Use Permit.*
- 2. If required, that the applicant receives and applicable EGLE Part 303 Permit prior to issuance of a Land Improvement Permit.*
- 3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
- 4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible and implement best management practices, prior to final approval by staff.*

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0270

Request for approval of Natural Features Setback Modifications - City File No. 18-022 - for impacts to approximately 3,260 linear feet for construction activities associated with development of Redwood at Rochester Hills PUD, 121 attached, ranch style rental units located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential

Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission grants natural features setback modifications for approximately 3,260 linear feet for permanent impacts for construction activities, based on plans dated received by the Planning and Economic Development Department on December 30, 2019 with the following findings and conditions:

Findings:

1. The impact to the Natural Features Setback area is necessary for construction activities.
2. The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated January 14, 2020,

Conditions:

1. Add note that work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Site must be graded with onsite soils and seeded with City approved seed mix.
3. Show natural features setback areas in linear feet, not square feet, prior to final approval by staff.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0269

Request for approval of a Tree Removal Permit - City File No. 18-022 - for the removal and replacement of as many as 45 regulated trees associated with development of Redwood at Rochester Hills PUD, 121 ranch style apartment units located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning and Economic Development Department on December 30, 2019 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 Tree Conservation Ordinance.*
2. *The applicant is proposing to remove up to 45 trees on site and replace onsite.*

Conditions:

1. *Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$304 per tree.*

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0265

Public Hearing and request for a Steep Slope Permit Recommendation - City File No. 18-022 - for steep slope impacts of approximately 10,722 s.f. and steep slope setback impacts of 46,941 s.f. for Redwood at Rochester Hills PUD, 121 ranch style rental units on 29.96 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant Chairperson Brnabic called for public comment at 7:47 p.m.

Ms. Pachla noted that an email communication and letter previously mentioned in the item above was received from SOCRRA expressing concerns regarding possible drainage impacts and proposed density.

Ms. Roediger indicated that there was no one wishing to speak online and no one in person.

Mr. Kaltsounis questioned the condition of City Council approval of the steep slope permit. He commented that typically a condition is given that City Council must approve before the Land Improvement Permit and questioned whether the condition is sufficient as presented.

Ms. Kapelanski responded that the language presented is what has typically been offered in the past. She noted that if the Commissioners wanted to add additional language, that would be fine. She commented that Engineering is in concurrence with the condition presented.

Mr. Kaltsounis responded that he would leave the condition as presented.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission recommends to City Council approval of a Steep Slope Permit to impact approximately 10,722 s.f. of steep slopes and 46,991 s.f. of steep slope setbacks, based on plans dated received by the Planning Department on June 15, 2020 with the following findings and subject to the following conditions.

Findings:

1. *The proposed activity and the manner in which it is to be accomplished are in accordance with the findings and purpose set forth in Section 138-9.200.*
2. *The proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize erosion to the maximum extent practicable.*
3. *The proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses and floodplains.*
4. *The proposed activity and the manner in which it is to be accomplished will not adversely affect adjacent property.*
5. *The proposed activity and the manner in which it is to be accomplished can be completed in such a way so as not to adversely affect any threatened or endangered species of flora or fauna.*
6. *The proposed activity is compatible with the public health and welfare.*
7. *The proposed regulated activity cannot practicably be relocated on the site or reduced in size so as to eliminate or reduce the disturbance of the steep slope area.*
8. *The applicant has demonstrated compliance with the requirements of Article 9, Chapter 2, Steep Slopes.*

Conditions:

1. *City Council approval of the Steep Slope Permit.*

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

2020-0268

Request for recommendation of approval of the Final Site Plans - City File No. 18-022 - Redwood at Rochester Hills PUD, 121-unit attached, ranch-style rental units on 29.9 acres located near the southwest corner of Avon and Dequindre,

zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-022 (Redwood at Rochester Hills PUD), the Planning Commission recommends that City Council approves the Final Site Plans, dated received June 15, 2020 by the Planning and Economic Development Department, 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 location and design of the driveway providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent development.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Plan promotes the goals and objectives of the Master Plan by providing an alternative housing option.

Conditions:

1. City Council approval of the Final Site Plans.
2. Provide landscape bond in the amount of \$603,600.00, plus inspection fees, for landscaping and irrigation costs, as adjusted as necessary by the City, prior to the preconstruction meeting with Engineering Services.
3. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.
4. Applicant submits revised plans for staff approval that updates and upgrades Building M's rear elevation on A-410 to match the rest of the buildings facing Dequindre that have an upgraded facade.

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval. The motion carried by the following vote:

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Reece, Bowyer, Weaver and Neubauer

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. She thanked the applicant noting that it has been a pleasure working with them and stated that she wishes them good luck in moving forward with this development in the future.

Mr. Batt thanked the Commission noting that it has been a pleasure working with the City thus far.

Mr. Hooper thanked the applicant for their investment in Rochester Hills.

Ms. Roediger noted that this item will move forward to City Council for their August 10, 2020 Council Meeting.

2020-0163

Public Hearing and request for recommendation of the PUD Agreement - City File No. 19-022 - Rochester University Townhomes PUD, a proposed 70-unit residential development on 7.9 acres located on the Rochester University campus on Avon, east of Livernois, zoned SP Special Purpose, Parcel No. 15-15-451-008, Pulte Homes of Michigan, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated July 15, 2020, Site Plans and Elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Mike Noles, The Umlor Group, 49287 West Road, Wixom, MI 48393 and Tom Rellinger and Jaymes Vettraino, Rochester University, 800 W. Avon Rd., Rochester Hills, MI 48307

Mr. Gaber recused himself, as he represented Rochester University generally in real estate matters and in the subject transaction.

Ms. Kapelanski stated that the applicant is proposing 70 for-sale residential townhomes on the campus of Rochester University. She noted that the Planning Commission recommended approval of the Preliminary Planned Unit Development (PUD) on February 18, 2020, and Council approved the Preliminary PUD on March 16, 2020 with several conditions. She noted that the plans submitted are in compliance with the Preliminary PUD and all applicable ordinances. She stated that staff is recommending approval of the Final PUD Agreement, Wetland Use Permit, Steep Slope Permit, and Final Site Plan, and recommends the granting of Natural Features Setback Modifications and a Tree Removal Permit.

She explained that the property will need to be split off from the Rochester University campus, which is a separate item, with staff recommending approval. She noted that Mr. Noles represents the applicant and has a brief presentation.

Mr. Noles stated that he is with the Umlor Group, representing Pulte Homes of Michigan. He provided a brief presentation for the Final PUD for The Groves, noting the following:

Seventy units are proposed on 7.9 acres. The PUD meets the preservation requirements for single-family developments as well as the replacement