

(Recess 9:14 p.m. - 9:29 p.m.)

2005-0490

Request for approval of the Preliminary Planned Unit Development (PUD) for Oakville Estates (City File No. 04-037), a proposed 122-unit condominium development on 26 acres located north of School, east of John R, various parcels zoned R-3, One Family Residential, Oakville Estates, LLC, applicant.

Attachments: Agenday Summary.pdf; Map aerial.pdf; Report Staff PrePUD.pdf; Letter Cueter 05-30-06.pdf; PUD Agreement 05-10-06.pdf; Petition.pdf; PUD Ordinance 060905.pdf; PUD Plans 06-30-2006S.pdf; 0490 Minutes & Resolution.pdf

Mr. Gregory Cueter, Oakville Estates, LLC, 42850 Schoenherr Road, Sterling Heights, developer; **Mr. John Gaber**, Williams, Williams, Ruby & Plunkett, PC, 380 North Old Woodward Avenue, Birmingham, attorney; **Mr. Mark Mohrenweiser**, Design Team Ltd., 17255 West 10 Mile Road, Southfield, designer; and **Mr. John Wright**, MCS Associates, Inc., 44444 Mound Road, Sterling Heights, engineer, were present to represent the applicant.

Mr. Cueter provided the following information about the proposed PUD condominium development:

- The development combines nine parcels into 26 acres on School Road and John R Road.
- There is an old landfill to the east of the proposed development and light industrial uses to the north.
- There is a need in the community for ranch-style condominiums to serve the empty-nester and young professional population.
- This development has appeared before the Planning Commission twice previously, first as a rezoning request and second as a conditional rezoning request; both requests did not receive the support of the Planning Commission.
- City Council denied the conditional rezoning request, as conditional rezoning was a new concept at the time and no standards had been established.
- Despite the denials by the Planning Commission and the City Council, there was a great deal of support expressed for this type of project.
- The project was discussed during multiple Planning Commission workshops and modified extensively.
- The plan has been modified from the original 155 units to 122 units, with a density of 4.5 units per acre.
- The current density falls well within the limits of RM-1 zoning.
- There is 40% open space in the proposed development.
- The detention basin was moved to allow it to discharge into a new 66-inch storm sewer pipe on School Road.
- The structures facing School Road will be limited to a three-unit building and the side of a two-unit building.

- *The condominium development will generate fewer car trips than a residential community.*
- *The School Road entrance will be restricted for emergency access only, thus keeping that road rural and eliminating traffic, light and noise issues.*
- *The money that would have been spent paving School Road will be placed in the City's Local Road Fund.*
- *The development provides a "true transitional piece of property in this City."*

Mr. Gaber discussed the many ways in which the proposed development meets the PUD qualifying criteria:

- *This type of ranch-style condominium housing development is identified as needed in the Master Land Use Plan.*
- *The development preserves open space, including a 2.7-acre park in the northeast quadrant and a pathway for passive recreational use.*
- *Right-of-way on School Road and John R Road is being donated to the City by the developer for the purpose of paving and potentially widening those roads.*
- *Funding is being provided for the future paving of School Road.*
- *The John R pathway is being extended south to School Road.*
- *There is sufficient capacity for storm drainage into the new drain on School Road.*
- *A traffic impact study shows fewer car trips would be generated by this type of development.*
- *The development will have a private road relieving the City of any maintenance burden.*
- *This development will maintain the existing residential character of the community while providing diverse housing choices.*
- *This type of development will permanently establish land use patterns that will protect existing or planned areas.*
- *This development will provide a transitional buffer to the property.*
- *This development will enhance the aesthetic appearance of the City through quality building design and site development with brick exteriors, two-car garages and substantial landscape buffering.*
- *The layout of the development is conducive to a good traffic flow.*

Mr. Derek Delacourt, Deputy Director of Planning, briefly discussed the PUD process noting that the decision to approve is at the sole discretion of City Council. He noted that the conceptual plans meet the requirements of the PUD Ordinance, which is a basis to move forward with the process. He stressed that, although there have been at least one conceptual review and two technical reviews, there remains some technical compliance issues; however, the project has been reviewed enough to be brought forward to gain Council's input and decision as to whether the process should continue. Mr. Delacourt clarified for Council that the draft PUD agreement was provided to Council for informational purposes only, but was ready for approval. The next step in the process would be to submit the final site plans and the agreement.

PUBLIC COMMENT:

Mr. Raymond Anderson, 1480 Gravel Ridge, expressed his opposition to the development and noted that a petition signed by other concerned citizens opposing the plan had been submitted to City Council. He voiced his concerns regarding increased traffic on School Road. He also noted that the water from the detention basin draining into the Clinton River would be contaminated with weed killer and algacides, and the Department of Natural Resources would not permit it. Finally, he noted that the area is home to a great deal of wildlife that would be disrupted by this development.

COUNCIL DISCUSSION:

Council members expressed the following:

- *The City needs this type of development.*
- *The PUD process provides the City with more control over what is eventually developed.*
- *While the concept of the project is acceptable, the location may not be appropriate.*
- *Most of the Planning Commission members agreed there is a demand for this type of product.*
- *There is a question as to how this development will affect the rest of the neighborhood.*
- *Greater than 50% of that area is wetland and cannot be developed.*
- *A standard R-3 development would create more car trips than the proposed development would.*
- *Issues discussed at the Planning Commission, such as road width and parking amenities, were addressed sufficiently resulting in positives for the development.*
- *If the PUD is granted, the development should comply with R-3 zoning, particularly with regard to side yard setbacks.*
- *The detention basin draining into the sewer pipe must not poison the Clinton River.*
- *While not ideal, this development is much more palatable than many possible alternatives.*
- *The developer should make the effort to retain as many trees as possible on the site.*
- *John R Road should not be widened in that area.*
- *The road within the development should be 27 feet wide.*
- *For safety reasons, School Road should not remain closed.*
- *The Pathway program along John R Road should continue and not be delayed by this project.*

Mr. Cueter, Mr. Gaber, Mr. Delacourt and City Attorney John Staran addressed Council's questions and concerns as follows:

- *The open space allotment for this development includes spaces between buildings and common areas.*

- The City Attorney reviewed the draft PUD agreement and provided a great deal of feedback including suggested changes.
- The development will not disrupt School Road; it will remain rural until the City determines it needs paving.
- The City will receive money from the developer to be placed in the Local Road Fund for the eventual paving of School Road.
- The condominiums will be extremely high quality buildings.
- The price point of the units will be in the \$230,000 to \$240,000 range.
- All units will have basements, two bedrooms, two-car garages and some will offer a library.
- The Planning Commission did not support a development mix of single-family and multi-family homes.
- The Master Land Use Plan would not support a light industrial use in this area.
- The mandatory use of more environmentally friendly lawn maintenance chemicals can be written into the PUD agreement.
- While a pathway is planned for John R Road as part of the City's Pathways program, it may not yet be budgeted.
- Increasing the side yard setbacks would reduce the density of the project, likely increasing price points so substantially that the project would no longer be feasible.
- The recommendation from the City's Engineering Department is for a 24-foot road with a five-foot sidewalk through the development, which received unanimous support from the Planning Commission.
- As the road through the development will be private, requiring a 27-foot road will increase the maintenance burden on the condominium owners.
- School Road will remain closed until paved, providing only emergency access to the condominium development.
- It will be contained in the condominium bylaws that access from School Road must be maintained for emergency vehicles.
- There will be a center turn lane and deceleration lane off of John R Road into the development.
- The John R Road entrance was aligned with the entrance to the development on the opposite side of the road creating a small intersection.

Mr. Yalamanchi questioned whether this matter could be "tabled" until more information was available.

Mr. Cueter stressed that this was only a preliminary approval.

Mr. Staran noted that this is a two-step process, with the first step establishing that this is an appropriate PUD project. The second step would address the details of the project itself.

President Rosen stated, "We are making the basic, fundamental decision that something a lot like this will happen."

Mr. Hooper moved the motion with nine findings and fourteen conditions and Ms. Raschke supported the motion.

Mr. Duistermars immediately made a motion to add a fifteenth condition to require that setbacks between buildings comply with R-3 zoning requirements.

There was no support for Mr. Duistermars's motion.

A motion was made by Hooper, seconded by Raschke, that this matter be Adopted by Resolution.

Whereas, the Planning Commission held a pre-application workshop regarding the proposed PUD on February 7, 2006; and

Whereas, the Planning Commission held a Public Hearing on June 20, 2006 for a preliminary review of a conceptual plan and outline of a Planned Unit Development (PUD) Agreement, identified major issues associated with the project, provided the applicant with preliminary direction and determined that the concept plan and the PUD outline generally qualify for PUD rezoning.

Resolved that the Rochester Hills City Council hereby concurs with the Planning Commission's determination that the concept plan generally qualifies for review and processing as a PUD zoning project and approves the PUD Concept Plan dated received June 13, 2006, for City File No. 04-037 (Oakville Estates), located east of John R and north of School Road and identified as Parcel Nos. 15-24-100-009 & 010; 15-24-100-018 & 019; 15-24-100-028 & 029; 15-24-100-037 & 038; 15-24-100-040, with the following findings and conditions (Oakville Estates, L.L.C, applicant).

Findings:

- 1. The proposed Conceptual Plan meets the criteria for use of the Planned Unit Development process.**
- 2. The applicant has met all of the requirements of the Preliminary Planned Unit Development submittal.**
- 3. The proposed Concept Plan has not been utilized to avoid applicable requirements of the City's Ordinance. The proposed use is consistent with the intent of the single-family Zoning District.**
- 4. The proposed Plan will not add facility loads above those contemplated by the Master Plan.**
- 5. The proposed Plan promotes the goals and objectives of the Master Plan.**
- 6. The proposed use is consistent with existing and future land use patterns.**
- 7. The proposed plan provides appropriate transition between the existing land uses surrounding the property.**
- 8. That utilization of the PUD process allows the City additional controls to ensure quality building design and site development.**
- 9. That this approval is for the Conceptual Plans only; the proposed PUD Agreement is for review only, and none of the language proposed is binding until Final PUD and Site Plan Approval by City Council.**

Conditions:

1. That all issues and requirements identified during the Conceptual Plan Review by Staff be addressed prior to Final Approval of the Planned Unit Development by City Council.
2. That any adjustments or changes to the proposed PUD Agreement by Staff, the Planning Commission, and City Council be addressed prior to Final PUD approval by City Council.
3. That the applicant submits full wetland mitigation and enhancement plans for review and recommendation prior to Final PUD and Site Plan approval by City Council.
4. That final location of access points and required off-site traffic improvements are to be reviewed and finalized for approval prior to Final PUD and Site Plan Approval by City Council.
5. That any required Wetland Use and/or Tree Removal Permit be reviewed and approved prior to Final Site Plan and Final PUD Approval by City Council.
6. That all engineering requirements for storm water retention and maintenance be reviewed and recommended for approval prior to Final Site Plan and Final PUD approval by City Council.
7. That all proposed landscaping and material be reviewed and recommended for approval by the City's Landscape Architect prior to Final PUD and Final Site Plan Approval by City Council.
8. That all applicable Fire Department requirements be met and approved by the City's Fire Department prior to Final Site Plan and Final PUD Approval by City Council.
9. Add a timeline for construction of the project to the PUD Agreement, to be reviewed and approved by the City prior to Final Site Plan and Final PUD Approval by Planning Commission and City Council.
10. Add dimensioned building elevations and label all materials on the revised plan, as typical of the renderings shown on June 20, 2006, to be reviewed and approved by Staff prior to Final Site Plan and Final PUD approval by Planning Commission and City Council.
11. Meet with property owner across from proposed School Road access to discuss screening his property, and include proposed offsite screening detail on Final Site Plan prior to Final PUD and Final Site Plan Approval by Planning Commission and City Council.
12. Show pathway amenities on the revised plan, including pedestrian circulation, to be reviewed and approved by Staff prior to Final Site Plan and Final PUD Approval by Planning Commission and City Council.
13. Add supplemental visitor parking to the revised plan, to be reviewed and approved by Staff prior to Final Site Plan and Final PUD Approval by Planning Commission and City Council.
14. Discuss with Staff viable connectivity options to abutting properties.

It Is Further Resolved that this determination is made pursuant to City Code Subsection 138-1003 and 138-1006 3a., and does not constitute, nor should it be construed, as final approval of the PUD proposal.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Hooper and Raschke

Nay: Duistemars, Rosen and Yalamanchi

Enactment No: RES0247-2006

2006-0530

Approval of 2006-2007 Police School Liaison Program

Attachments: Agenda summary.pdf; 2006-07 Calculation.pdf; 0530 Resolution.pdf

Ms. Julie Jenuwine, Director of Finance, briefly described the Police School Liaison Program noting that it has been in effect since approximately 1982. She further explained that the officers are part of the 59 Oakland County Sheriff's Department deputies contracted to serve the City of Rochester Hills. She further explained that the two officers provided by the City of Rochester are paid through Rochester Hills at the contracted rate. She noted that the breakdown of contributions to the program by Rochester Hills, Rochester and Oakland Township is based on population numbers. She also noted that Rochester Community Schools pays for overtime for officers to attend extra activities such as school sporting events.

Ms. Holder noted that it has been discussed at the Rochester Hills/Auburn Hills Sister City Committee meetings that Avondale Schools be included in this program.

Mayor Barnett explained that the Avondale School District had voluntarily removed themselves from the program previously, however, there were ongoing discussions between representatives of the school district and Captain Bob Smith of the Oakland County Sheriff's Department.

A motion was made by Hooper, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved, the City of Rochester Hills City Council hereby approves the Police Liaison 2006/2007 (school year) budget in the amount of \$591,335, of which as a member agency, the City of Rochester Hills' contribution is \$314,724 (71% of \$443,274) as presented.

Be It Further Resolved that the Mayor is authorized to execute the documentation on behalf of the City.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistemars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0248-2006

COUNCIL COMMITTEE REPORTS

Administration & Information Services Committee

Ms. Holder, Chair of the Administration & Information Services Committee, noted that the Committee was currently reviewing City Council's bylaws and had previously reviewed the liquor license request for Carrabba's Italian Grill.