

*ordinance and one-family residential detached condominium.*

2. *Adequate utilities are available to properly serve the proposed development.*
3. *The final plan represents a reasonable and acceptable plan for developing the property.*
4. *The final plan is in conformance with the preliminary plan approved by City Council on August 12, 2019.*

Conditions

1. *Engineering approval of all permits and agreements prior to issuance of a land improvement permit.*
2. *Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.*
3. *Post a landscape and irrigation bond in an amount to be determined, plus inspection fees, as adjusted as necessary by the City, prior to issuance of a land improvement permit.*
4. *Compliance with all outstanding staff review comments, if any, prior to final approval by staff.*

**A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.**

*Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicant. Mr. Dettloff thanked Mr. Terracciano for addressing his neighbor's concern.*

**2019-0061**

Public Hearing and request for recommendation of the First Amendment to the PUD Agreement for Brewster Village Condominiums - City File No. 18-015.2 - a proposed 30-unit development on 7.3 acres, located north of Walton, on the west side of Brewster, zoned SP Special Purpose and R-1 and R-3 One Family Residential, Parcel Nos. 15-08-376-015 and 15-08-331-041, Robertson Brothers Homes, Applicant

*Mr. Gaber recused himself, explaining that his law firm represented Robertson Brothers, and his partner did the condominium work for the project.*

*(Reference: Staff Report prepared by Kristen Kapelanski, dated August*

15, 2019 and amended PUD Agreement and correspondence had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Tim Loughrin and Jim Clark, Robertson Brothers Homes, 6905 Telegraph Rd., Suite 200, Bloomfield Hills, MI 48301.

Ms. Roediger recapped that the project had been before the Commissioners a couple of times for a PUD on Brewster Rd., north of Walton. The site was split zoned, and another developer had originally proposed townhomes, but it was eventually approved for 30 detached units. The applicants met extensively with the neighboring Shadow Woods Homeowner's Association (HOA) due to concerns about the detention and storm water in the area. There was an agreement that the applicants would improve the Shadow Woods detention. When the applicants received approval from the Planning Commission and City Council, there was a condition placed by the Planning Commission that a left turn lane into the development should be constructed. However, it had not been indicated by the City's or the applicant's engineer that the traffic warranted a left turn lane. Once the applicants got into the construction plan review, there were additional complicating factors in creating that turn lane. They were asking for a modification to the PUD to do alternative improvements instead of the left turn lane. They had been working with Engineering on other public benefits that could improve the traffic flow and pedestrian access in the area.

Mr. Loughrin said that they had really appreciated working with staff over the past year, and working with the Shadow Woods board had been a pleasure as well. He maintained that they were still very interested in developing in the community, but they would not be before the Commission if they thought they could make the project work with a left turn lane. He said that it was a challenging site to develop, with regard to grading, existing utilities and being an infill site. During the review and approval process, there had been the perceived notion that there would be traffic issues along Brewster Rd. for people traveling north and turning left. That took them by surprise, because none of their professionals, the City's engineers or other staff had said anything about needing a left turn lane. He realized that the existing conditions on Brewster were not great. Their engineer's initial thought was that it would cost about \$70k, which was significant, but they felt that they could absorb that cost, even with all the benefits they were providing. They wanted to work with the City and proceed. The intent was to originally put the asphalt on the west side of Brewster, but as they got into the final engineering, it was evident that the

grades on the west side were significant. The cost to put in retaining walls to deal with the existing sanitary sewer line, fiber optics and the power line would not work for them. They looked at the east side of Brewster and went through an analysis. The challenge was that there were four or five homes on that side, and they would have to take out driveways, curbs, sidewalks and replace everything. There was a 16" water main, and they would have to put in a couple of new storm structures, which would be too close because of the frost. They would have to entirely reroute a large portion of the water main, but they would not know how much until they started cutting. The cost would be out of their ability to do the project, and they would not be able to move forward. He knew that they had agreed to the lane originally as a public benefit, but they believed that they had offered significant public benefits with the project already. They had worked cooperatively with the Shadow Woods HOA specifically on improvements to two of their storm basins. They would clean them out and improve them with an agreement to be able to use one of them - the other was a quarter of a mile away, and they would not be touching it for detention. They were also proposing a bike repair station on Brewster, which would be maintained by the Brewster HOA in perpetuity. They agreed to put a landscape berm along the north and west portion of the perimeter to screen residential to residential, which was not typically done or required. That would cost \$25k alone. Another benefit was the reduced density. He recalled that Pulte wanted to do 60 townhomes, and Robertson Brothers would love to build that, but they proposed half the density, with single-story, detached condos, for which he felt there was a real need. They could not absorb costs as much as a 60-unit townhome development could, which could be allowed under the multi-family zoning. He claimed that the development would have a much lower impact on community facilities, such as schools, roads and utilities. There would be fewer people, and there would typically be two people per home who were retired or semi-retired. They were still going to build a southbound right turn lane in and out. They had agreed to the City's Traffic Engineer's suggestions and to pay the City's portion for improvements along Brewster. That included flashing lights along an existing pedestrian crossing, ADA ramps, some lighting and the City's portion of flashing lights by the high school. Those improvements would be about \$70k, which they would write a check for in lieu of not having the left turn lane. They felt that they were providing a lot of public benefits for only 30 lots. He stated that other than the removal of the turn lane, the community would remain the same, and everything that was approved would stay. Robertson would still be the builder, and the same quality architecture and materials would be used. He believed that most of the people involved recognized the merits of the development. He pointed out that

*Samaritus would sell to someone at some point if Robertson went away, but he felt that they had the best plan for the site, and they remained committed to building a quality development.*

*Mr. Clark related that people had found out about the proposed project, and they had over 80 people interested. They had a web page where people could learn all about them and get information, which he felt showed a healthy interest in the community and the residents.*

*Chairperson Brnabic said that it was good to hear that they were willing to work with the residents. She asked what the estimated cost would be to install the left turn lane. Mr. Loughrin said that it was north of \$250k if everything went well. They did not have a final estimate, because they had to take a time out and did not explore how much of the main they would have to remove.*

*Chairperson Brnabic opened the Public Hearing at 7:18 p.m. and advised that speaking time would be limited to three minutes, and that any questions would be answered after everyone had the opportunity to speak.*

**Terry Lanker, 583 Snowmass Dr., Rochester Hills, MI 48309 Mr.**

*Lanker recalled that he had originally made a comment about the left turn lane. Now that he had thought it over and saw the traffic study, he wished to rescind his comment. He felt that they could get by fine without it. The traffic backed up northbound on Brewster, but if someone wanted to make a left turn, it was the southbound traffic to be worried about. Farther north on Brewster, the Hidden Valley entrance to Shadow Woods did not have a left turn lane, and he had never heard anyone complain about it. The thing that concerned him was that at some point, the property would be developed, and he did not know what would be put there. Apartments could go in, and the new people would not necessarily work so well with Shadow Woods and clean out their detention ponds and add a nice buffer. He stated that they worked hard on the buffer. There had been resident meetings, and there were several different versions. He indicated that there would be a lot of benefits for Shadow Woods. He reiterated that he wanted to rescind what he said before about a left turn lane being necessary, and he felt that they should move forward with the project.*

**Steve Yuhasz, 2736 Broadmoor Dr., Rochester Hills, MI 48309 Mr.**

*Yuhasz noted that he had lived in his subdivision about seven years. He stated that he was in a difficult position, because he had worked with the*

applicants, who were stand up guys, and there would be benefits for his sub. He said that he did not rescind what he said, and he thought that they did need a bypass lane. He thought that there should be some agreement about how to pay for it. If the City believed that it would be a benefit, he suggested that the City should consider subsidizing it or find some funding to do it. He felt that it was a safety issue and a quality of life issue. He drove the road every day, and there was a lot of traffic. He stated that the traffic would only get worse over time, and they should be thinking about the future, not just now. He believed that Brewster would eventually be widened, and the homeowners on the east would lose frontage then. On one hand, he wanted the benefit for his sub, and he liked working with the applicants, but he did not want to rescind what he said, because that was a benefit they would be losing. He thought that cities should take care of detention ponds and take over the whole responsibility for storm water because HOAs were going bankrupt all over. He could not believe that systems were not underground, and if he had known that policy, he might not have moved into the City. He said that he hoped the Commission would think it through before they voted to change the Agreement.

**Michael Sparrow, 2730 Steamboat, Rochester Hills, MI 48309 Mr.**

Sparrow said that he was shocked to find out what Pulte wanted to do the day after he moved in. They were picking the less of all evils, but not everyone would be happy. He had attended the public meetings and one at the school and supported the ideas. He asked if the final decision would be made at the meeting, which Chairperson Brnabic confirmed. He asked that the decision be postponed due to the lack of homeowners' knowledge about the proposed change. The first two meetings were well publicized in the neighborhood newsletter, and they were well attended. Since the February meeting, there had been radio silence from the HOA in the newsletter. He assumed there were no changes, since they had been good about letting people know. He agreed that he should have done due diligence, but he did not because he assumed. He got an email from an officer on the HOA about something on the City's website about people being for or against. He said that at least someone from the HOA knew about the proposed change on June 2. There had been four published email newsletters since that date, and there was not a mention of the change or the meeting. He stated that he was upset. He found out from his neighbor late in the afternoon, and he told some other neighbors. He said that he was not there to complain about the volunteer efforts of those on the HOA, however, he stated that he would not make the mistake again of assuming that they would let him know. He looked at the website, which led to a dead link. There were five emails on the web with three for

and two against. Three were from members of the HOA who did not talk to anyone or inform anyone about what was going on, and he had a problem with that, especially when the President of the HOA signed his name with that title but did not let anyone he was representing know what was going on. Mr. Sparrow asked that the decision be postponed to be able to let more neighbors know what was going on and to invite them to give more feedback.

**Gary Plagens, 2729 Steamboat, Rochester Hills, MI 48309** Mr.

Plagens stated that he liked the design, and that everything looked great. He remarked that if anyone drove Brewster during school times, that it was very bad. There was a hill on Brewster, and he suggested moving the entrance to the last house. Colorado across the street had a right turn lane it could connect to, the same as Powderhorn Ridge was divided. He said that Powderhorn Ridge had seemed to absorb more traffic lately, and there were no sidewalks. At Brewster and Powderhorn if people made a right onto Brewster, they could get run over. He suggested that if anything was going to be done by the school, it should be to add crosswalk lights at Adams and Powderhorn Ridge. He thought that there should be something placed there, because people ran red lights on Adams. He concluded that those were his two recommendations.

**Allan Jacob, 146 Brewster Rd., Rochester Hills, MI 48309** Mr. Jacob

stated that his house was one of the four that would be impacted by the bypass lane. When they got out of their driveway and tried to make a left to go south to Walton, they had four seconds from the time they saw a car coming over the hill until it got to their driveway. They could make it out, if people were going the normal speed. There were cars that turned onto Brewster from Walton that went full throttle from the time they started up the hill until past their house. They had seen motorcycles do the same thing, which gave them less than one second to get out into the road. He stated that the impact on their property would be enormous if someone moved the water and gas mains. There were two big blue spruce trees and a raised flower bed that would disappear. The flower bed was there to protect from water coming into their house.

**Maximiliano Larroquette, 2678 Winter Park Rd., Rochester Hills, MI 48309** Mr. Larroquette

commented they were there again discussing the project they had talked about six or nine months ago. In February, the most important thing that people spoke about was traffic, and the most important condition placed was to install a bypass lane. The developer was asking for an exception due to a topographic limitation. He stated that there was a Master Plan in the City. According to that, roads and

utilities were laid, and everything had been developed based on the Master Plan. The Master Plan allowed a certain density and usage for the subject property, and that had changed, so it was only logical that the roads would have to accommodate the new density. There was more need for sewer and power. He stated that he was against the changes at the last minute. He thought that they had an agreement. He asked what would change next because of cost. If there was a downturn in the economy, and they could not sell a house, he wondered if they would come back and ask for more density or to lower the house quality and change the landscaping. Some of the Shadow Woods owners were saying that it should be a City issue. Mr. Lanker was the President of the Shadow Woods HOA, but he had not consulted a single person, and there were over 400 houses. He said that he challenged anyone to find 50 people who were aware of the proposed change.

Chairperson Brnabic asked Ms. Roediger how people were noticed. Ms. Roediger advised that notices went to everyone within 300 feet of the property, and it was the City's policy to notice anyone who had spoken in the past. It was published in the paper. It sounded as if the HOA was a little more active in getting the word out about the development in the past, which was beyond the City's control. Chairperson Brnabic asked if the HOA was notified, which was confirmed. She said that it sounded as if the HOA did not notify residents properly. She asked Mr. Schneck about the comment by Mr. Plagens regarding moving the entrance.

Mr. Schneck said that as far as geometrics and widening on the west and east side of Brewster, the entrance into Colorado only tapered. There was not the proper transitions to transition traffic through that intersection. Any improvements would have to be made north of Colorado. As the applicant had discussed, there were multiple iterations and significant costs pertaining to the 16" water main and where the drainage would have to be. The drainage landed right on top of the water main, which would not adhere to the City's Engineering standards.

Mr. Clark responded that they had stayed in contact with the HOA, and they had a second traffic study done. The first study was for more units, and at that time, the turn lane was not warranted. The second study was done with the correct buyer profile and less units and again, there was no justification for a lane. There was concurrence with the Engineering Dept. Robertson was prepared to make a contribution for other community benefits, but they did not go back and have a lot more meetings with the HOA. He said that for 60 units, they could do a lot of things, but with 30 units, they could not do any more. There would be a major utility

relocation. He indicated that it was a challenging time to bring ranch houses in at the right price. He agreed that Samaritus would sell their excess property, but they would like to build what they had proposed. They were asking for an accommodation for an economically infeasible requirement for something that had not been asked for by the professionals. He believed that it would cost a lot more than \$250k.

Mr. Loughrin said he had mentioned that they could not move forward with the condition, so if they were not able to agree upon doing an in lieu payment for other beneficial items, they would not be able to move forward. He did not want that to come out as an ultimatum, but they were prepared to walk away from the project. They wanted to be given a chance to show why they could not put in the turn lane, and he felt that the City's Traffic Engineer had provided some good alternatives. Mr. Clark added that Samaritus had been very receptive. All the shops at Adams and Walton were fed through the subject site (power). They had agreed to give Robertson an easement, so they had tried to make it more viable.

Chairperson Brnabic closed the Public Hearing at 7:45 p.m.

Mr. Kaltsounis noted that signs had been put up for different types of developments. He asked if the proposed amendment would fall under that policy. Ms. Roediger said that the Ordinance required signs for Rezoning and Conditional Uses. It was not required for the amendment. Mr. Kaltsounis said that it was unfortunate for the residents not to have received the same aggressive publication as they had, but that would be an issue between the residents and the HOA. He stated that the Planning Commission had to make a decision, but he was still undecided, and he looked forward to hearing from his colleagues. They had seen the site many times with different densities proposed, and the Brewster Village development was the least dense. There was also a road with a traffic issue, and typically, they asked applicants to put in left turn lanes with similar developments. They wanted to make the neighbors happy, but there were a lot of things to consider.

Mr. Hooper said that he would prefer to have a left turn lane, and he understood the public benefit of having a left turn lane, but he also understood the economic situation. He was in full support of single-story ranches, and he thought that they would be an immediate sell, knowing the market for ranch-style housing. He did not think that there would be a shortage of people who wanted to live there. He agreed with their offer to accept staff's recommendations for alternatives to compromise on the public benefit for the PUD, and they had also proposed a reduced density



from what the Commissioners had seen previously. He stated that he continued to support the project, and he moved the following motion (the condition was added after the discussion below):

**MOTION** by Hooper, seconded by Dettloff, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning Commission **recommends** that City Council **approves** the First Amendment to the PUD Agreement dated received July 2, 2019 with the following five (5) findings and subject to the following one (1) condition.

Findings

1. The proposed amended PUD agreement is consistent with the proposed intent and criteria of the PUD option.
2. The proposed amended PUD agreement is consistent with the approved Final PUD plan.
3. The proposed amended PUD agreement will not create an unacceptable impact on the public utility systems, surrounding properties or the environment.
4. The proposed amended PUD agreement 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 agreement provides for an appropriate transition between the subject site and existing land uses to the north and south of the properties.

Conditions

1. The applicant agrees to pay the City's share for the six PUD safety enhancement and public benefit recommendations, including the City's share of the reduced school speed zone flasher signs, as outlined in the Traffic Engineer's memo dated August 12, 2019.

Ms. Morita said that for those in the audience who had been sending letters since June, she wanted them to know that all of those letters had been forwarded. If she received a communication, it was forwarded to the Planning Commission for consideration, and she hoped everyone heard their name mentioned. She said that it was the second project where the Commission had wanted a left turn lane because of traffic concerns. They were well aware of what the Traffic Engineer had opined, but they all lived there. For the last two years, she had driven by Brewster and Walton every morning during the school year, and she saw the back up and was well aware of what it looked like with people heading south. She thought that Council had asked for signage to be put up. The Legacy of RH development at Adams and Hamlin put up signs, and that was a Consent

*Judgment. She thought that Council had changed the parameters of when signage should go up. Ms. Roediger said that it was done for Conditional Uses and Rezonings but not for PUD amendments. She said that it could be done moving forward, and Ms. Morita felt that would be wise. She apologized to the residents who felt like they were not properly forewarned. Some of the residents knew, as she was getting emails in June, but why the rest were not aware, she had no explanation. She said that she was not sure she could support the project without some type of bypass lane. She knew about the traffic in the morning, and if 30 homes were added turning left or right in the morning, it would be difficult. She said that she was not necessarily in support of changing the site plan, and she felt that more consideration should be given to the public benefit and where the signage and flashing lights should go. She said that she would like staff to take a look at it and see if there was something else that could be done. If there was more traffic coming south on Brewster in the morning and there were kids walking, it could be dangerous.*

*Mr. Dettloff said that he supported the project, which was a quality development with quality developers. He felt that they had made every attempt to work with the residents. As Mr. Lancker had pointed out, the property would get developed at some point, and he felt that there was a real opportunity with the proposed project. He asked Mr. Loughrin to define what they had agreed to with regards to the recommendations in the memo from Mr. Shumejko.*

*Mr. Loughrin said that they would pay for the City's portion of what was included, including reduced speed school zone flasher signs, which would be split 50-50 with the school. Everything added up to about \$70k. They felt that it would be a payment in lieu of the left turn lane. Mr. Dettloff did not believe that Mr. Shumejko would have listed them if he did not feel that they would help to address the situation.*

*Mr. Clark said that after doing the same type of housing for 30 years, he knew that it produced a different traffic pattern because of the age-targeted buyer. They would be ranch homes. He knew that there was no guarantee, and there were enough bedrooms for kids, but they did not come in with kids or with standard commuting traffic patterns. That was why the traffic study showed the results it did. The development would not generally have school aged children or larger families. It was geared towards people who went away in the winter and wanted a place to stay in*

*Rochester Hills. They were hoping to shift the public benefit to a definable amount as opposed to an undefinable relocation of a major transmission line.*

*Mr. Dettloff asked if the recommendations would be added to the PUD Agreement. Ms. Roediger agreed, explaining that the PUD would be modified. Mr. Hooper asked for a condition that required the PUD safety enhancement recommendations as enumerated (6 items and he read the costs) to be added, which Mr. Dettloff supported.*

*Mr. Kaltsounis asked the price point. Mr. Clark said that they would be \$400-500 depending on the options. They had a design center where someone could personalize a home. The homes came well equipped, but people generally added upgrades. Mr. Kaltsounis said that he was thinking about his parents. They had a \$400k house now, but he doubted that they could afford one in Brewster. He noted that they were empty nesters. Mr. Clark indicated that it was very hard in Rochester Hills to buy land, do the improvements and bring it in much under \$400k. They would like the base price to be as cost effective as possible. Mr. Kaltsounis commented that it was one of the "victim of success" stories in the community.*

*Mr. Schroeder said that he would usually insist on certain things and would not consider something without certain things, but he maintained that what the neighborhood and residents were getting they would never get from anyone else. It would be the best development. If they did not accept that, they would get a development that would make people very unhappy. The best thing they could do was go along with the program. He supported the program, because in his opinion, it was the best thing overall for the City.*

*Chairperson Brnabic agreed, and she called for a vote:*

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

**Aye** 5 - Brnabic, Dettloff, Hooper, Schroeder and Schultz

**Nay** 3 - Kaltsounis, Morita and Reece

**Abstain** 1 - Gaber

*Chairperson Brnabic stated for the record that the motion had passed five to three, and she congratulated the applicants on moving forward with the PUD. Mr. Clark said that Robertson Brothers had been around for over*

70 years, but they had not built in Rochester Hills, and they were very excited about the possibility. Mr. Hooper thanked the applicants for their investment.

Break 8:01 to 8:06 p.m.

**2019-0372**

Public Hearing and request for Conditional Use Recommendation - City File No. 19-020 - to add a drive-through to a new, 6,629 s.f. credit union for Lake Michigan Credit Union, located on the north side of Tienken, west of Rochester, zoned O-1 Office Business with an FB-1 Flexible Business Overlay, Parcel No. 15-03-451-029, Lake Michigan Credit Union, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated August 15, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Steve Witte, Nederveld, 217 Grandville Ave., Suite 302, Grand Rapids, MI 49503 and Chris VanDoeselaar, Newco Design Build, 4131 Roger B. Chaffee Memorial Blvd. SE, Grand Rapids, MI 49548.*

*Ms. Roediger noted that the site had an existing bank, and the applicants wished to demolish and update the site with another bank use. They would improve the landscaping and architecture. They were asking for approval of a temporary building in the rear of the property to use while they built the new building. A parking modification to have more spaces than the maximum allowed by Ordinance was being requested. There was parking currently there, and it would be reduced, but it would still be over the requirement, and documentation had been provided explaining why the parking was necessary for their operation. She advised that staff had recommended approval with minor conditions.*

*Mr. Witte explained the justification for needing additional parking. There would be 24 employees, and they would do mortgages and regular banking at the site. They would get a fair number of customers. There were 57 existing parking spaces on site, and they would be reducing that number. He indicated that the site had very little to no landscaping, and the project included 49 trees and well over 100 shrubs and grasses. He maintained that the new building would be very attractive. On the north end of the property, he agreed that a temporary office building was being proposed that would be removed at the completion of construction. The temporary building would allow the customers to continue to do banking, and they hoped to sign up new members during construction. They had worked with staff, and he believed that they were all in support. He advised that he had addressed the traffic and engineering concerns with*