

**Absent** 1 - Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously.*

*Mr. Schroeder thanked the residents for their conduct and their organization. The Planning Commission was not used to that, and he said that it really was appreciated.*

**2013-0264**

Request for Preliminary Planned Unit Development (PUD) and Conceptual Site Plan Recommendation - City File No. 13-009 - Villas of Shadow Pines, a proposed 28-unit residential development on 9.8 acres located on the north side of South Boulevard, between Adams and Crooks, zoned R-4, One-Family Residential, Parcel No. 15-31-400-018, Shadow Pines, LLC, Applicant  
*(Reference: Staff Report prepared by James Breuckman, dated July 10, 2013 and PUD Concept Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were William Mosher, Apex Engineering, P.O. Box 1162, Birmingham, MI 48312 and Mark Gesuale, Shadow Pines, LLC, 14955 Technology Dr., Shelby Twp., MI 48315.*

*Mr. Breuckman suggested that if the applicants were prepared, it would be useful for them to give an overview of the proposal. Afterwards, Mr. Breuckman could go over the Staff Report.*

*Mr. Mosher passed out a revised, colored Site Plan, which he also showed on the screen. He stated that they were requesting a Planned Unit Development (PUD) for approximately ten acres on South Boulevard in Section 31. He felt that the site met the requirements for a PUD application: It was very unique in shape, with only 87 feet of frontage on South Boulevard. There was about 400 feet of entryway into the buildable area. There were State and City-regulated wetlands on site; 244 trees and 30 feet of topography. They had met several times with the Planning Department, and he recalled that they were before the Planning Commission January 15, 2013 for a preliminary discussion, and then they fine-tuned the plan. They had initially proposed ten, three-plex units, but with assistance from some real estate agents and marketers, they found that it was more desirable to have duplexes. They had now proposed 14 buildings with two units each. There was Unit A and Unit B, and Unit A was a little smaller, and there were five options for both. He showed some architectural renderings. The Planning Commission had suggested that they would like to see more brick, and they felt that they had accomplished that.*

*Mr. Mosher related that the density would be 2.8 units per acre, excluding the wetlands. They were requesting a Buffer Modification. They had met with the MDEQ regarding filling in about 1/3 of an acre of the wetlands, and they had a very good indication that it would be approved, subject to Site Plan Approval. They were trying to finalize the Concept Plan to move to the engineering and technical review process. He said that he would be happy to answer any questions.*

*Mr. Breuckman explained that the applicants were requesting a PUD Concept Plan Recommendation. He wanted to make sure that the Planning Commission understood that a Concept Plan was the new way of reviewing a PUD, after the Ordinance was amended five or six years ago. In the past, even before an applicant came before the Commission with a PUD, they would have a full Site Plan developed, without any real assurance whether or not the idea was approvable. The new PUD Ordinance was set up to allow a Concept Plan to be brought forward early in the process to determine if the idea was acceptable or not. After a Recommendation to City Council, the applicant would develop detailed plans with all the expense and time that went into that with some assurance that it would be approved if requirements were met. For that reason, the applicants had submitted a less detailed Site Plan than they would normally. It had not been reviewed by all applicable City departments because plans at this stage did not require a technical review. He stated that it would fall to the applicant to make it work. The Final PUD Plan would have to stay consistent with the Preliminary.*

*Mr. Breuckman commented that it sort of worked like a Rezoning, in that they would develop detailed plans after approval. Mr. Breuckman referred to the Staff Report, which provided an overview of the Concept Plan PUD process. The development would have a net density of about 2.84 units per acre and when the 2 ½ acres of wetlands were taken out, the resulting net density would be 3.8 units. If the applicants received a wetland fill permit, the resulting density would be about 3.64 units per acre. He noted page three of the report, which talked about the PUD qualification criteria. Those were set for in the Ordinance for the Commission when reviewing the plan. There were a number of them, and he said that he would be happy to clarify any. He highlighted item 2: "The PUD option shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards." He pointed out that the site was unique, and the layout was challenging with natural features. There was 400 feet of road that would have to be built before someone could even start to*

develop anything. He felt that because of the site's challenges, the PUD was a good option to consider. He noted criteria 3: "The PUD option may be used only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Master Land Use Plan." He said that typically in the R-4 district, there could be between 2 ½ and 2.8 units per acre. The applicant was asking for 3.6, incorporating a wetland fill, so they were asking for an additional unit per acre. That resulted in about seven extra units on the site, compared with developing under the conventional R-4 standards, which would be difficult given the layout of the site. The Commission had to determine whether the proposed quality of the development would outweigh the increase of about seven units over a single-family conventional development on similar developable acreage. He noted another criterion: "The PUD shall meet as many of the following objectives as may be deemed appropriate by the City." He indicated that this was the discretionary catch-all. The Commission did not have to require all items a-h. It was up to the judgment of the Planning Commission and City Council to determine if the quality of the development provided some benefit that would not be otherwise realized. He concluded that at this point, there was a Concept Plan Recommendation motion in the packet, and he would be happy to answer any questions, but it was really about determining whether the Commission thought it was a good idea and whether they wanted it to go forward.

Chairperson Boswell asked if the applicants had spoken with any of the departments in the City other than Planning. Mr. Breuckman advised that they had preliminary discussions with Fire and Engineering. The applicants had shown them some layouts to get input.

Mr. Mosher added that they had spoken with the Fire Department, because they exceeded the cul-de-sac length. Mr. Cooke felt that since they could single-load and had less than 30 units, he was less concerned about it, and they were going to seek a Waiver. They had spoken with Engineering regarding detention. They talked about permeable pavement, increasing the infiltration rate and utilizing bio swales and rain gardens. The applicant wanted to do a quality project, using innovative solutions.

Mr. Hooper asked if the sanitary sewer was public or private. Mr. Mosher advised that it was private. Mr. Hooper asked if there would be a lift station that the City would maintain. Mr. Mosher believed that the County would maintain it, but Mr. Hooper believed that the City's DPS Department would. Mr. Schroeder agreed, and he said that the County

would only do the interceptors. Mr. Mosher talked about the length of the culvert, and said that they could not get to 95% of the property. Mr. Hooper said that it struck him out of the gate that there would be another lift station in the City. If that went, there would be 28 flooded basements. Mr. Mosher said there would be a dual pump with a generator. Mr. Hooper said that he was just considering the worst-case scenario. He knew there were lift stations in the community, so he was not saying that it was insurmountable, but if there was a way to get around it, he would like to explore it. Mr. Mosher said that they had spoken with some neighbors about getting easements, but he was met with resistance. Mr. Hooper said that was his only concern about the plans. As far as the concept and renderings, he was not opposed to it, but if they could find an alternative to a lift station, he said that would be great.

Mr. Reece wondered if he had read somewhere that PUDs only applied to developments that were ten acres or greater. He commented that technically, the site was under ten acres. He also noted that there had been several comments about not being able to develop the site under the R-4 standards, but he believed that if they used a similar layout and put in larger, single-family homes, they could do it at a much higher price point.

Mr. Mosher said that they tried that, but the depth of the lots due to the wetlands would be constrained. They could fill more wetlands, but that was not a valid choice. He remarked that the houses would be weird looking. Mr. Reece said that he did not disagree with that, but it was something he was debating.

Mr. Schroeder asked if there was an estimated price point for the units. Mr. Mosher responded that they would start at about \$350k.

Chairperson Boswell opened the Public Hearing at 7:49 p.m.

**Daniel Heemsoth, 3084 South Boulevard, Rochester Hills, MI 48309.**

Mr. Heemsoth stated that his property adjoined three sides of the subject property. He asked if there was going to be room for a boulevard road to the development. He asked what type of border was proposed between the homes and his property. He noted that his property was at a much different elevation than the subject property. He knew the City would look at the water situation, but he advised that there was a lot of water there now, and he said he could only imagine what would happen with a lot of houses added. He said that he was asking those questions because he lived there. He indicated that he was all about being involved with the

developer and seeing what the plans were, but he wanted to look at the future with regards to his property and his neighbors' and how they would be affected in the long run.

Seeing no one else coming forward, Chairperson Boswell closed the Public Hearing at 7:50 p.m.

Chairperson Boswell said that the answer to both of Mr. Heemsoth's questions was that it was a Concept Plan, and the applicants would have to do all the engineering and make a boulevard, and he believed that they did have room for that. He advised that there would be screening along the south property line, and he observed that the Concept showed quite a bit of screening.

Mr. Kaltsounis summarized that there was a Concept reviewed today, and things would have to be worked out, including the PUD Agreement. The applicant did appear previously before the Planning Commission, and they presented something very consistent with what the Commission saw before, which he felt was positive. He moved the motion in the packet:

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of 13-009 (Villas at Shadow Pines PUD), the Planning Commission **recommends** that **City Council approve** the PUD Concept plans dated revised June 30, 2013, with the following four (4) findings and subject to the following three (3) conditions.

Findings

1. The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development option.
2. The proposed PUD Concept plan meets the submittal requirements for a PUD concept plan.
3. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. *Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.*
2. *The site plans, including but not limited to landscaping, engineering, tree removal and wetland use/buffer modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.*
3. *The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.*

*Mr. Schroeder recommended that the developer got together with the neighbor who spoke after the meeting and worked with him during the development of the project.*

*Mr. Hooper commented on the screening plan, which he remarked was awesome. He was curious about the 14-foot tall pine trees, noting that they were very unique, because when he tried to get some for the DPS location, he was told he could only put in six-foot tall trees. He found it a little amazing that the developer could install 14-foot tall trees. He suggested that they would have to get together with the City's Forestry and/or landscape staff. He pointed out that some of the plantings were shown on the neighbor's property. He noted that those were screening details that had to be worked out. He agreed that there was quite a bit of a grade difference between the back of the neighbor's property and the subject property - about 18 feet. He was not sure how much screening a 14-foot tall pine tree would offer. Mr. Mosher said that they might do some berming, and they would work with the City. Mr. Hooper understood it was just a concept, and there was a long way to go in the process.*

*Mr. Reece echoed what Mr. Schroeder said about meeting with the neighbor, noting that there was more than one neighbor. Mr. Reece recommended that the applicant got all their names and contact information and met with all of them. He said that the process would go significantly smoother for the Commissioners, which tended to go smoother for everyone. He stated that they had a great plan and what looked like a high quality, high price point development, and he did not think it would be a detriment to the area, but he strongly asked that they worked with the neighbors and found out their concerns. The applicant*

*obviously had economic impacts that he had to meet, but Mr. Reece reiterated that they should meet with all of the neighbors.*

*Mr. Mosher said that they had provided architectural renderings, and he asked if those were pleasing to the Planning Commission. Mr. Kaltsounis was glad to see they were not "siding monsters," he liked the brick and stone, and he felt it was very pleasing. Mr. Reece agreed that the elevation was very complimentary towards what the Commission liked to see. He added that it was a good blend of materials and colors. Mr. Hetrick commented that it was nicely done.*

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

**Aye** 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

**Absent** 1 - Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously.*

*Mr. Breuckman followed-up regarding Mr. Reece's question about the ten-acre minimum criteria for a PUD. He advised that it was taken out when the Ordinance was amended. That was because there were a lot of parcels that did not quite meet that requirement, and a PUD would be a useful tool for developing them.*

*Mr. Reece explained that he did not want to see the gentlemen get far down the road and then get caught up in a technicality.*

## **ANY OTHER BUSINESS**

## **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for August 20, 2013.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and upon motion by Kaltsounis, Chairperson Boswell adjourned the Regular Meeting at 8:11 p.m.

\_\_\_\_\_  
William F. Boswell, Chairperson  
Rochester Hills Planning Commission

\_\_\_\_\_  
Nicholas O. Kaltsounis, Secretary