

- E) Letter from E. Viers, dated August 16, 2014 re: Proposed Rezoning
- F) Email from K. Achenbach, dated August 18, 2014 re: Proposed Rezoning
- G) Email from S. Bowyer, dated August 19, 2014 re: Cumberland Pointe Road
- H) Email from S. Beaton, dated August 19, 2014 re: Trucking Facility/RMH Zoning
- I) Email from D. Wilson, dated August 19, 2014 re: Trucking Facility/RMH Zoning
- J) Letter from M/M B. Viers, dated August 15, 2014 re: Proposed Rezoning
- K) Several others received at the meeting, which were placed on file and became part of the record.

## NEW BUSINESS

- 2013-0264 Request for Recommendation of a Revised Final Planned Unit Development Agreement - City File No. 13-009 - Villas at 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: Memo prepared by Ed Anzek, dated August 15, 2014 and revised PUD Agreement had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jim Polyzois, Shadow Pines, LLC, 14955 Technology Dr., Shelby Twp., MI 48315, and Ralph Nunez, Design Team Plus, 975 E. Maple, Suite 210, Birmingham, MI 48009.*

*Mr. Anzek summarized that since the meeting in June, when the PUD Agreement was discussed at length and recommended for approval to the City Council, some issues were raised that Mr. Staran and he thought were contradictory to what the understanding was by the Planning Commission. Mr. Anzek brought the issues up with Mr. Polyzois, that being that paragraph 6h., which dealt with an offsite contribution to an escrow account for use for improvements to the golf course would be in lieu of a high net. The operator of the golf course approached the City, and advised that he would be installing a net, so Mr. Anzek realized that there was a conflict. He asked Mr. Polyzois and Mr. Bylen (of the golf course) to get together to discuss it, but they could not come to an understanding, which was outlined in Mr. Polyzois' letter in the packet. Mr. Polyzois was now asking that paragraph 6h. be removed from the PUD Agreement, and Staff was in concurrence.*

*Mr. Polyzois reaffirmed what Mr. Anzek said - that Mr. Bylen and Mr. Polyzois had an understanding at the June meeting. Right after the meeting, things changed, and Mr. Bylen felt the need to proceed with netting. In Mr. Polyzois' opinion, that negated his commitment that he pledged in lieu of netting. They still had not been able to work out any issues going forward. Mr. Polyzois stated that he just wanted to be able to proceed with his project, remove paragraph 6h. and all the contributions he had committed to back in June. If Mr. Bylen and he did come to an understanding in the future, Mr. Polyzois said that it would be done outside of a PUD Agreement or any involvement with the City.*

*Mr. Hetrick asked about the net, and what impact, if any, that would have on the view of the people who would purchase the condominiums.*

*Mr. Polyzois explained that he planned to line the back property line with tall pine trees. He stated that if Mr. Bylen wanted to expend resources on a net, that was his business, but Mr. Polyzois wanted to move forward with his project and not let it impact what he was trying to do. Mr. Hetrick believed that at the end of the day, people buying the units would not have their view blocked. Mr. Polyzois said that they would see a lot of diverse, tall trees, and he would do whatever he could to negate what the golf course was trying to do.*

*Mr. Nunez added that they checked with the Building Department, when they heard rumors that Mr. Bylen was planning to go ahead with netting, and they found out that Mr. Bylen could do what he wanted, when he wanted and where he wanted on his property, without asking permission from the Planning Commission. Mr. Nunez stated that it was hard to negotiate when there was someone who was not willing to negotiate. He agreed that they would like to move forward. Mr. Hetrick said that he was a bit disappointed that things did not work out. It seemed like the direction that was set at the last meeting was one that everyone agreed with. He indicated that he would not stand in the way of the development, but he reiterated his disappointment that they could not come to a consensus as they had initially.*

*Mr. Schroeder felt that they had thoroughly covered the subject, and he said that he totally understood the situation. Seeing no further comments, he moved the following motion, which removed paragraph 6h., which was seconded by Mr. Dettloff.*

**MOTION** by Schroeder, seconded by Dettloff, in the matter of City File No. 13-009 (Villas at Shadow Pines PUD), the Planning Commission

**recommends** that City Council **approves** the Revised PUD Agreement dated received by the Planning and Economic Development Department on July 22, 2014 with the following five (5) findings and subject to the following three (3) conditions.

Findings:

1. The proposed Revised Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Revised Final PUD is consistent with the approved PUD concept plan.
3. The Revised PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed Revised 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 PUD Plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.
2. All other conditions specifically listed in the Agreement shall be met prior to final approval by Staff.
3. That the PUD Agreement with attachments be recorded at the County Clerks' office once approved by the City Council.

Mr. Kaltsounis recommended that he would like his initial request to stand - that whatever trees they lined the property line with did come from the current property, as mature and large as they could be, so it was as nice looking as possible and saved what was there. Mr. Polyzois agreed.

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

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

**Absent** 1 - Brnabic

*Chairperson Boswell stated that the motion had passed unanimously, and he wished the applicants good luck.*

- 2014-0322** Public Hearing and request for Conditional Land Use Recommendation - City File No. 14-002 - for a proposed 40,000 square-foot trucking and storage facility on approximately ten acres at the northwest corner of Hamlin and Dequindre, zoned I, Industrial, part of Parcel No. 15-24-402-041, JB Donaldson Co., Applicant
- 2014-0323** Request for Approval of a Tree Removal Permit - City File No. 14-002 - for the removal and replacement of as many as 24 regulated trees associated with the construction of a 40,000 square-foot industrial trucking and storage facility at the northwest corner of Hamlin and Dequindre, JB Donaldson Co., Applicant
- 2014-0324** Request for Site Plan Approval - City File No. 14-002 - General Trucking industrial trucking and storage facility (see file nos. 2014-0322 and -0323)
- 2014-0325** Public Hearing and request for Rezoning Recommendation - City File No. 14-011 - An Amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills to rezone approximately 77.7 acres of land, located east of John R, north of Hamlin, Parcel Nos. 15-24-326-008 and 15-24-302-007 from R-4, One Family Residential to RMH, Manufactured Housing Park district, Six Star Investments, LLC and DNL Property Holding, LLC, Applicants  
*(Reference: Staff Report prepared by Ed Anzek, dated August 15, 2014 and Rezoning Application had been placed on file and by reference became part of the record thereof.)*
- Present for the applicant was Kenneth Frantz, Six Star Investments, LLC, 37000 Woodward Ave., Suite 250, Bloomfield Hills, MI 48304 and Lixing Cao, DNL Property Holding, LLC, 25680 Shoreline Dr., Novi, MI 48374.*
- Mr. Frantz stated that they were seeking a change in zoning from R-4 to RMH.*
- Mr. Anzek advised that with a Rezoning request, it was the burden of the applicant to establish a basis for the rezoning. He asked Mr. Frantz to*