



Rochester Hills Agenda Report

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File Number: 2005-0490

File Number: 2005-0490	File Type: Ordinance	Status: In Council
Version: 4	Reference: 04-037	Controlling Body: City Council Regular Meeting
Requester: Planning/Development	Cost:	Introduced: 07/14/2005
File Name: Oakville Estates		Final Action:

Title: 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.

Notes: Oakville Estates, LLC
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John Wright, Design Team Limited, 17255 W. Ten Mile Road, Southfield, MI 48075.

Code Sections:	Agenda Date: 06/20/2006
Indexes: Planned Unit Development	Agenda Number:
Sponsors:	Enactment Date:
Attachments: Agenday Summary PrePUD.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	Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Planning Commission	07/19/2005	Discussed				
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Notes: *(Reference: Memo prepared by Ed Anzek, dated July 19, 2005, had been placed on file and by reference became a part of the record thereof.)*

Present for the applicant was Greg Cueter, President, Metropolitan Property Management, 42850 Schoenherr Rd., Sterling Heights, MI 48313.

Mr. Cueter noted that he had been before the Commission twice before, and once in front of City Council and was denied a rezoning at both levels. However, he felt there was considerable interest in building ranch condominiums in the City. He was not sure if the timing for Contract

Rezoning or the new PUD Ordinance was not right for the City, but he wanted to try and get some input for a proposal. He recalled that they had not had the opportunity to show the Commission a conceptual drawing at the last meetings, but understood that a Site Plan could not be tied to a rezoning. They had acquired more land and resubmitted an application for Contract Rezoning, which was also denied.

Mr. Cueter felt there were a number of positive comments, even though the rezoning request was denied, and he wanted to try to find out what the Commission was looking for. He would like to be able to deliver a product that would be useful to the community. Mr. Delacourt added that after the City Council meeting, he was called by several Council members and Commission members who indicated that their vote was not based on the product proposed, and they wished there had been an opportunity to discuss the overall development of the site. Not being able to view a conceptual plan was a function of the confusion, restrictions and the newness of the Conditional Rezoning process. The City had not yet put together a set of standards and they really could not have an open discussion, but if there was interest in ranch style condos, the applicant needed to know what other things the Commission would like to see done with the site. Staff thought the best way to find out would be for the applicant to come back and talk to them. Staff did not recommend a process, but there seemed to be interest in attached condos for the site.

Mr. Kaltsounis said he admired the applicant's originality, but said the biggest problem with the proposal was its density. He liked the idea of a creative development, but it would bother him to go from three units in an R-3 zoning to six units as proposed. If they put in fewer homes, at a higher price, it would generate the same money, but use less utilities and equipment. The high density would make the difference for him.

Mr. Cueter said that density was mentioned previously, but he felt there was a need in the community for ranch condominiums. The most recent development approved (known as Meadowfield) was with ranch style condos, and one Commissioner commented that they would be sold before a shovel was even stuck in the ground. The Commission had the opportunity to approve other proposals for the Meadowfield site with higher density -more than one story - but more open space. He said it was difficult, with ranch condos, to make the numbers work. He understood that was not necessarily a concern of the Commission, but they would want a successful community. He referred to staying six units to the acre, but his proposal actually did not deliver six units to the acre with the City's setback requirements. He offered two products, and both were about 5.5 units per acre. He said he was willing to work with the City on the density and would like to find a solution. He did not think four units to an acre would solve the problem about the City needing the product.

Mr. Cueter noted that the City's Master Plan discusses that ranch condos

should be built in the future - starting in 1999. Nothing like his proposal, other than Meadowfield, had been approved in the City. Mr. Kaltsounis said that one of the big differences between Meadowfield and Mr. Cueter's property was the surroundings. He had to consider what his development would do to the properties around it. Meadowfield had a mall, a Home Depot, apartment buildings and high-density buildings surrounding it. They might be the same product, but the surroundings were very different.

Mr. Cueter said that his property was the only one zoned R-3 that abutted a landfill and an industrial site. All the other land that abutted those things were R-4 or higher density, such as a mobile home park or condos.

Mr. Hooper said he felt there could be more creativity with the development, such as roundabouts, more open and green space, pocket parks, reduction of the units and more inspiring features. He said he could understand the transition from the industrial and the landfill to the proposal, but down by School Road there was residential to the east, west, and south. He could argue for the proposal for the north portion of the property but to maintain the integrity of the residential neighborhood, below the southwest parcel he felt it should be single-family. They were looking at the Master Plan to see if anything should be done in that area. He suggested a park or roundabout transition to single-family residential, and said he thought Mr. Cueter had the opportunity to develop something very exciting.

Mr. Rosen stated that it was not the product; it was putting the condos in the area, in the manner proposed. He believed everyone recognized that ranch-style condos would make a nice development. People were getting older and they were a marketing attraction. It would be basically carving up a residential area, and it was that fundamental zoning issue of changing the character from detached, single-family large lots to dense, attached units. He said he wished there were better places the proposal would fit. He realized there was the issue of time and money invested and that Mr. Cueter would like to get some return in the end. He thought that if the southern portion was much more like an R-3 or R-4 area that it would make sense to do the northern east-west portion with some level of attached ranch condos. The density as proposed would cut the neighborhood up and that bothered him. He stated that he was not against the product, and he felt that ranch-style single-family was a great idea and that it would sell.

Mr. Schroeder said he recently had to sell a condo and he originally tried to sell it himself. People who looked at it liked the condo and liked the location, but they did not like a bedroom upstairs and the laundry downstairs. He finally sold it to a single, young man, but he stressed that the product Mr. Cueter offered was really needed. People were looking for one-story homes and Rochester Hills did not offer them. He felt the location was a good one for that type of product. He agreed about having single-family on the south side, but he felt more innovative things could be done. They could add curved roads, decrease setbacks and move things around. They could add

a very good buffer around the site, using the natural trees, and in the open areas they could add berms and trees. He told the folks in the audience that it would be a lot better than having single families backing up to their acreage, because those homes would have swings, gardens, and dogs going into their properties. With a condo development, there would be one entity to manage and control it, and people would have control of their borders. He thought they could manipulate the site, give character to the roads and still get reasonable density with about five units per acre.

Ms. Hardenburg agreed with Mr. Rosen and Mr. Hooper. She said she liked the idea of keeping the density to the north and perhaps putting detached, single-family ranch condos on the south. They could open it up and leave more open space there. She liked the idea of adding curves to the streets and trying to make it look a little more interesting.

Ms. Hill commented that she would prefer the plan that showed larger condos, suggesting that they could also do some kind of mix. She echoed the sentiments about the street layouts and preferred the layout of the plan with the larger condos, where the streets were interior and the units were to the exterior of the property. She counted 130 plus units total, and with R-3 there could be over 60. She would like to know how many units were proposed, and agreed there could be more pocket parks or open space. She noted that Pine Trace, to the northwest of the proposal, had single-family, detached condos, relatively close together, which were near single-family homes. She felt the proposal could happen, noting there were a number of other acreage lots that were changing in the community. She agreed that the City did not have the housing mix it should and that there was a high demand for ranch style homes; she would like to see the density reduced and more open space created. She referred to the Meadowfield complex off of Rochester Road and said it was very well-maintained. There were no problems with the surrounding residential. She felt that condos could mix well in the community, even adjacent to large homes. She did not see the condos as a problem, and did not see why that type of development could not blend in with the rest of the area. With R-3 development, there could be 60 homes added, and that would have a whole different feel than what was proposed.

Ms. Brnabic agreed with the other Commissioners, and said there was great harmony in thought, just some variation in expression. What had come out over and over was that they would like to see more creativity and open space. She was concerned with the density and the transition. She agreed with Mr. Rosen that the development would cut up the neighborhood a certain way and felt that if the development were dealt with more creatively it could work. She agreed there was a need for the product; she would just like to see it offered differently.

Mr. Schroeder said that at Squirrel Road north of Tienken, there were several condo developments and all but one was limited to seniors, 55 and

older. People said they were concerned about traffic. If single-family was put in the subject area, the product would be a \$250,000 home for young people with kids and there would be 20-25 trips per day from the homes. With a senior development, they might see 6-10 at the most.

Mr. Cueter noted that a two-story storage unit was being constructed that would abut his development on the north. He said he could get creative and if he could get a reduction to 25 feet for setbacks, he could push some things around. He could take the entire back end of the property and turn it into open space. It would tie into the retention basin and give about 10% open space in the north area. He indicated that he had stuck to the RM-1 requirements, but if he could have some leeway, he could be more creative. He did want to create an affordable product also, and had to do a balancing act. He could create the open space at School Road, as Ms. Hill suggested, so people driving by would not see as many structures.

Mr. Hooper said that a PUD was one vehicle that could be used to do that. He suggested that Mr. Cueter put some drawings together, based on the input from the Commission, and come back, if interested, to the Commission.

Mr. Rosen said he did not think a couple of little tweaks would make a difference. He felt they had to seriously look at changing the idea for the north-south piece to something significantly more like an R-3 or 4 type development and thin down the east-west leg with bigger units. That would make more sense because with larger buildings, it would be a cleaner design. He cautioned that the RM developments had resulted in fairly tight places and tweaking something five feet would not make enough of a difference.

Mr. Hooper said he envisioned something less dense on the east-west leg and where the northern property line had a residential neighborhood, they should maintain the residential flavor.

Mr. Schroeder suggested that Mr. Cueter get with Staff and try to work out something feasible.

Ms. Brnabic said she would like to see a nicely designed development that was affordable and she felt that was needed. She asked what type of open space for the north corner Mr. Cueter would propose. Mr. Cueter referred to the wetland area and said he could develop the area around it as a park-like amenity. Ms. Branbic clarified that it would not be the area against the landfill.

Ms. Hill liked the idea of adding walking paths and footbridges. She indicated that Mr. Cueter had commented about Conditional Rezoning, but she felt a PUD might work better. The City could not necessarily lessen the RM requirements when using Conditional Rezoning.

Mr. Delacourt said that no one was quite sure what Conditional Rezoning allowed or did not allow. There were different schools of thought. The City Attorney had recommended that it not be used as a tool to reduce the minimum requirements of a district.

Ms. Hill noted the ranch-style condos in the Sanctuary development. It was a denser type of condo development with million dollar homes on one side of it and different housing on the other side of it. She reminded that the lots in question did not have a 25-foot backyard next to a dense condo development, so the Commission had to look at the situation that existed. She felt there was a good possibility for compatibility, using a mix of housing - or some type of price combination. There were many people who did not want to buy a \$400,000 condominium. That was a problem in the City and many older people would stay in the community if they could afford it.

2 Planning Commission 09/06/2005 Discussed

Notes: *(Reference: Memo prepared by Derek Delacourt, dated September 2, 2005 had been placed on file and by reference became part of the record thereof.)*

Present for the applicant were Greg Cueter, Metropolitan Property Management Company, 42850 Schoenherr Rd., Sterling Heights, MI 48313, and Mark Mohrenweiser, Design Team Ltd., 17255 W. 10 Mile Rd., Southfield, MI 48075.

Mr. Cueter thanked the members for allowing him to come before them again. He recapped that the subject property was approximately 25 acres, on nine parcels. The first proposal they brought forward showed attached condos with two to six units in each building. There were a number of comments from the Commissioners at the meeting in July, including lack of open space, the overall effect to School Road, the effect to the neighbors to the east and west, traffic, the overall appearance, and the need for more creativity. He remarked that they would like to design a "home run" for the community. Subsequent to that meeting, they hired a land planner, who came up with several plans. One showed attached condos and single-family, all under a PUD, with open space to the northeast. It would have a pathway from John R into the community, but no day-to-day access onto School Road, thereby reducing the effect for people on Gravel Ridge. However, they looked again at the situation and did not think condos and single-family would offer the same lifestyles or be compatible. The single-family homes would need to be two-stories, with fences and backyard structures. They did not want to get an approval from the City for something they could not market. They decided to come up with another solution, and created a plan with condos that looked like a subdivision. The northern portion would be attached condos, but the southern half of the development would include duplexes that looked like one-family residences. He advised that they reduced the number of structures by 20.

Mr. Cueter continued that this community would have a "master" name, and there would be two subordinate names to tie both areas together. They

could increase the overall open space and put a walkway and footbridge over the wetland into the open space in the northwest corner. The units to the north would be priced from \$210,000 to \$250,000, and the duplexes would cost between \$250,000 and \$300,000. In summary, there would be two products, both working off of one another. He asked for comments.

Mr. Delacourt recalled that the project had been before the Commission several times, initially to request Conditional Rezoning to RM-1 for attached condos. There had been several iterations since. Mr. Hooper clarified that the property, totaling 25 acres, was currently zoned R-4, and stated that R-4 zoning typically allowed 3 to 3 ½ units per acre, which would allow about 75 homes on the site. He asked Mr. Cueter how many home sites he was now proposing, and Mr. Cueter answered 81 for the attached and 52 for the duplexes.

Mr. Hooper asked Mr. Delacourt his thoughts about not having access to School Road. Mr. Delacourt advised that Staff had not seen that proposed iteration. His initial reaction would be to recommend the connection, and he thought the Fire Department would request it as well. Mr. Hooper asked if the site would be subject to the Tree Conservation Ordinance. Mr. Delacourt said that for a single-family development, it would be, and under the RM-1 development, there would be a one-to-one replacement required. With a PUD development, the requirements would be the same, but there would be negotiation about whether the requirement would be one-to-one or a percentage. Mr. Cueter said that in all of his developments, if trees were required to be removed they would replace them onsite rather than pay into the Tree Fund.

Ms. Hardenburg asked if the access to School Road could be an emergency access only, which Mr. Schroeder noted was shown on the plan. Mr. Delacourt said that the access could be further discussed with the Fire Department and Engineering. Ms. Hardenburg indicated that she thought the duplexes looked fairly dense, and if she were buying, they would not attract her. She thought the buildings could be thinned down towards School Road. She was also concerned about the surrounding neighbors and requiring them to hook up to the sewers. They had wells and septic, and if the property were developed, it would be very costly for them.

Mr. Schroeder stated that there should be access to School Road because the proposal was too large for just one access. If there were a cul-de-sac, they should require an emergency access to School. He would be concerned about having one Association for both the single-family and the condos. He did not think it would work, noting there would be two different ways of thinking. He has had personal experience, and the two groups had never gotten along. He asked the square footage of the duplex units.

Mr. Cueter replied that they would be between 1,550 and 1,675 square feet. The condos would be between 1,325 and 1,475. Mr. Schroeder noted that

the development could be separated and controlled by a treed perimeter, which he stated could not be done with single-family. Mr. Cueter agreed and said there would be common areas, except where the decks would be, and it would be controlled by the two Associations.

Mr. Schroeder referred to sanitary sewer hookup and said it was a major issue in Lansing. He advised that the City of Southfield had recently put sewers in without requiring hookups until requested. The City of Troy was currently doing that also. Politically, he felt that would happen in Rochester Hills, and people would not be required to hook up until there was a potential health hazard.

Mr. Cueter said that since the last meeting, he had tried to mold the product based on everyone's concerns. The original plans showed access to School, but the Commission was concerned about that so he changed it. With respect to the sanitary sewers, he said there would only be two residents affected because most of it was vacant land, or the homes were away from the road, and he said he would find a solution for them if necessary.

Mr. Hooper opened the discussion to public comments at 9:15 p.m.

Mr. Raymond Anderson, 1480 Gravel Ridge, Rochester Hills, MI Mr. Anderson stated that he was not in favor of the new proposal and that he would rather see them bring sewers up School Road, as originally proposed. He said that Mr. Cueter bragged about the fact that the development would be up against a landfill. Mr. Anderson noted that in Earl Borden's tenure, there was an environmental impact study done for the whole area. The Oakland County incinerator had dumped burnt ashes in the landfill, and there were all sorts of can lids, heavy metals and other refuse dumped. He had lived there for 40 years and knew about the environmental impact. He asked if Metropolitan Property Management would do an environmental impact study. Mr. Hooper said it would be required if the project proceeded. Mr. Cueter said that the first thing they did before proceeding was have a level three study done all across the property line that abutted the landfill. There were no contaminants found on the property. He noted that the landfill was owned by the City of Highland Park and there were Dutch Elm trees buried there in the 1950's. He commented that there were probably a lot of other things thrown out there. There was a recent study done with 17 test wells dug on the property, and with the exception of some minor debris, all of them just showed the trees. Regarding the sewer, he said he would still need to bring it down School Road to service the property.

Ms. Brnabic mentioned that Mr. Cueter said the open space would be for the residents to use, and she asked his plan for that. Mr. Cueter said they designed a foot trail and a footbridge to get over the wetlands. There would be a walkway through the area for both communities to use. They could add enhancements to the park, such as benches and so on. There would be a Master Association for the whole community, and the retention basin and

open space area would be managed by both sides. He noted that the factory to the north built a retention basin by pushing the dirt up, rather than digging in the ground, stuck a pipe through the side of the mound and it drained onto his property, which created the "wetland." Ms. Brnabic asked if the trees shown on Mr. Cueter's plan were existing. Mr. Cueter said they would plant some vegetation to supplement what was there, but he would not add ornate landscaping that looked out of place. He added that they would be giving up several dramatic building sites, but it would be a very inviting area for everyone to use.

Ms. Brnabic referred to the original plan and asked how many structures were proposed. Mr. Cueter said there were 153 units, but he was not sure how many structures. Ms. Brnabic thought he intended to market a well designed, affordable product, and she did not think \$300,000 was very affordable for the area or for the intended market. She recalled he initially said the prices would be much lower. She realized this was not about building a cheap product, but about marketing something well-designed and developed and affordable, and she asked for an explanation.

Mr. Cueter said he tried to implement the comments of the Commission. If they were to build single-family homes, they would sell for over \$200,000. The duplex would be more expensive to build than a four-unit building, and if a duplex were made into a fourplex it would cost less because of the construction costs. He stressed that anytime someone built condos, because of the cost of the land involved they would be marketed higher. Ms. Brnabic said she realized that the property values in the area were elevated, but Mr. Cueter said they were going to target empty nesters and possibly young people just starting out. She felt the community did need such diversity. She could appreciate everything the applicant had to consider; the value of the property and the other associated costs and what Mr. Cueter had to work with, but the prices had gone up considerably. Mr. Cueter explained that he heard the Commission's comments about creating mixed-use. They felt they would be serving more than one market, and the duplex was a more expensive unit. He would not want to cheapen the building to drive the price down. The square footages were larger.

Mr. Dettloff indicated that the site received a clean bill of health from the environmental assessment, but he wondered if an ongoing assessment was required, perhaps every three years, to ensure things did not change. Mr. Cueter was not aware of such a requirement. He stated that they researched the properties extensively before they began assembling them. The entire underground water system traveled southeast, or away from the site. The landfill did not show any signs of contaminants. He tried to buy the landfill, but people in Highland Park did not even know they owned it.

Mr. Schroeder said that whenever a landfill property was developed, the MDEQ was involved, and extensive testing, assessments and remediation were done. Once the property was developed, there had to be monitoring

wells and a testing program. He indicated that there was a golf course developed on South Boulevard with two landfills. That took three or four intensive years of dealing with the DEQ and filing reports every few years. There were even monitoring wells in adjacent subdivision. Mr. Cueter indicated that one was a true landfill. Mr. Detloff asked if the landfill next to Mr. Cueter's property was active, and Mr. Cueter replied that it had not been for years.

Mr. Hooper summarized that the School Road connection would be required; the density would need to be revisited; the park would be an asset to the community; and there needed to be a better transition between the duplexes and the attached condos, perhaps a roundabout or park. Mr. Cueter said there would be signage, and each area would have its own identity. Mr. Hooper suggested a roundabout or better delineation for the Y intersection.

Mr. Delacourt wanted to know if the Commission felt the proposal was the right product for the site, or if the existing single-family zoning was fine. He wondered if the Planning Commission thought using a PUD was the best way to go.

Mr. Hooper felt that the transition from the landfill and the industrial area would lend itself to the product; he questioned the single-family on either side of the southern leg and whether duplexes would be the right product there. He liked that more open space and park features had been added.

Ms. Hill thought the applicant had definitely come "closer." She thought it was a little more creative-looking than the previous layout. She liked what they proposed for the open space, and she thought there could be a nice walking trail for people. She pointed out that the City would have to determine if there should be access to School Road. She thought it was a doable project and one that the community could utilize well, noting that there were very few ranch condos at any level in the City. She said she thought the mix was suitable and also mentioned the higher prices. She was not opposed to the development, indicating that the sides abutting the residential had enough of a buffer, and that it was not backed right up to someone's door. The north side of the development would not impact the adjacent industrial. Regarding traffic, she did not think it would generate any more traffic than what 70+ homes would generate. She thought the proposal could be viable and useful in the community, although the density should not go higher.

Mr. Hooper added that the vehicles the applicant could use - Conditional Zoning or a PUD - could be discussed with Staff, who could determine which would be most appropriate.

Mr. Schroeder indicated that he had been looking for a condo, and that the proposal would be very competitive and needed in the community. He mentioned that the development would attract seniors and there would be

less traffic than with a single-family development. He asked if a PUD would be used. Mr. Delacourt said he would look at the building separations, and if there were a reduction in standards from what would normally be allowed in an RM-1, he would probably lean toward a PUD. Mr. Schroeder felt a PUD would allow more flexibility.

3 Planning Commission 02/07/2006 Discussed

Notes: (Reference: Memo prepared by Derek Delacourt, dated February 3, 2006 had been placed on file and by reference became part of the record thereof.)

Mr. Hooper explained the procedure for public commenting, and advised that anyone wishing to speak would be required to fill out a card. He noted that all questions should be directed to the Chair and would be answered at the end of the comments.

Present for the applicant were Greg Cueter, Principal of Oakville Estates, LLC, 42850 Shoenherr Rd., Sterling Heights, MI 48313; Mark Mohrenweiser, Design Team Limited, 17255 W. Ten Mile Road, Southfield, MI 48075; John Wright, JJ Associates, Inc. 44444 Mound Road, Suite 100, Sterling Heights, MI 48314; and John Gaber, Williams, Williams, Ruby and Plunkett, 380 N. Old Woodward, Birmingham, MI 48009.

Mr. Delacourt recalled that the applicant had been before the Commission several times with various requests. At the last workshop, the Commission discussed the merit of attached condos. They directed the applicant to consider the PUD process, and they recently submitted conceptual plans. During Staff's review, two issues were identified. One regarded a permanent, full connection to School Road. Staff requested that a standard connection, both for safety and traffic circulation reasons, be included. The next dealt with the private road network internal to the sub. The City's Engineering Standards require that any road should be built to public road standards (27 feet wide with sidewalks). The applicant would like to reduce the road to 24 feet and to discuss the sidewalks, and to have an emergency access only to School. Before the plan went any further, the applicant wished to get input from the Commission regarding both issues.

Mr. Cueter recapped that a year ago they introduced a plan for ranch condos. They had obtained the rights to 25 acres and had an opportunity to build the type of homes of which the City had very little. They requested a rezoning to RM-1, which was denied; they requested Contract Rezoning, but it was too new to the City; and finally they proposed a PUD, which he felt garnered the most interest. He took comments from the Commission and the residents, and came back with a couple of ideas for a multi-faceted development. They submitted plans for ranch condos, with different building types and price points.

Mr. Cueter advised that he had met with the residents, who liked the rural atmosphere around School Road. They were concerned about lights, noise

and traffic impeding into their "country" life. He pointed out developments in other communities built with a permanent road access with a breakaway surface. If used for the proposal, it would stop the day-to-day traffic from going out onto School Road and lessen the impact for the people living on Gravel Ridge. He wanted to know if the Commission would allow restricting the traffic flow to John R.

Mr. Cueter noted that the City had not approved a true ranch style community in many years. In many of those condo communities, the road systems were private and were the responsibility of the condo's Association. He proposed a 24-foot road with parking restricted to one side. Each condo unit would have four parking spots. Parking would not be a big issue, and by putting in a 24-foot road, with parking on one side, there would be 16 feet of unobstructed lane space to move traffic. A 27-foot road, with parking on both sides, would leave 11 feet of unobstructed area. They wanted to know if the Commission would allow a 24-foot wide road with a carriage walk on one side.

Mr. Hooper reiterated his comment from former meetings - that the connection to School Road was a must. He asked Mr. Shumejko if wished to add anything about a 24-foot wide road.

Mr. Shumejko noted that the Ordinance required private roads to meet public road standards. He explained that the situation stemmed from years ago when Hidden Hills (Willow Grove Road) petitioned the City turn the roads in the development back to the public, and they had to be widened to 27 feet. Engineering Staff looked at the plan for Oakville Estates and found fairly high density proposed with a lot of driveways. They thought there would be overflow onto the streets, which would potentially impede some of the movements in and out of the driveways.

Mr. Davis agreed with Mr. Cueter that it was not typical to get requests to go from private to public road status, but it had happened. The City had standards in place to require private roads be built to public road levels to maintain consistency throughout the community. He explained that for a 27-foot road, there would be 22 feet of asphalt pavement with 2 ½ feet of curb and gutter on either side. Asphalt would keep people from riding in the gutter line. It was mentioned that there could be integral pavement for the concrete section, and if the Commission gave attention to a 24-foot wide road, the City would recommend that.

Mr. Schroeder noted that he was involved with Willow Grove, and the Association demanded the City take over the roads with no consideration of what they paid for or agreed upon. The main road was taken over, not the cul-de-sacs. He noted that Troy took ownership of all the main roads in condo developments. He would not recommend reducing the width of the road. He noticed that there was no other parking furnished, other than in the driveways and garages, and he felt it would be a very good idea to have

scattered parking areas for overflow. He would not recommend parking on the streets. If it had to be that way, he felt it should definitely be only on the side without fire hydrants. Mr. Hooper asked about a 24-foot concrete road, and Mr. Schroeder reiterated that there should be 27-foot roads with integral curb sections.

Ms. Brnabic said she would not be as concerned about the emergency road off of School if it were made out of concrete with a breakaway access. She asked if there would be a breakaway gate or another type of restriction.

Mr. Cueter said there were a number of options, and he advised Staff that he would be open to discussion. The selections had come a long way in the last five years and he thought they could come up with something that would make sense for the City and the community.

Ms. Brnabic believed strongly that extra parking should be provided within the development. She also believed the road should be 27 feet, and asked if they would have parking on both sides. Mr. Cueter said that would be normal for a subdivision road. He indicated that he would have no problem building an all concrete road or curb and gutter with asphalt. He just wanted to lower the amount of impervious surface. With an average of two people per household, the requirement in an RM-1 was two parking places per unit, but he stated that they far exceeded that by providing four. He added that they had not addressed sidewalks. Ms. Brnabic said she did not think four spaces far exceeded what they needed, noting that people would have visitors, especially at certain times of the year. Mr. Cueter reminded that they would allow parking on one side of the 24-foot road also, which would still leave 16 feet of moveable traffic. He reiterated that with a 27-foot road, with parking on both sides, there would only be 11 feet of unobstructed traffic.

Mr. Shumejko said that was true, but the driveway depth for the proposed condos would allow one vehicle and in a typical subdivision, driveways held four cars. There would be more overflow parking than in a regular sub, where you would not see as many people parking in the road. On a public road, through the Michigan Vehicle Code, people were not supposed to park within 15 feet of the driveway approach. Noting the number of driveways in the proposal, there would not be many openings for off-street parking. Ms. Brnabic asked if they would consider a 27-foot road with parking only on one side. Mr. Shumeiko did not think that would be a problem, but because of the number of driveways and the spacing, there might not be room for that.

Mr. Boswell agreed with Mr. Cueter about the width of the road, indicating that there was enough concrete in the City. He remarked that it would be better than at Kings Cove. He also felt there should be a connection to School Road because the City's policy had been to interconnect neighborhoods. He stated that in the bigger picture, however, he would not vote for the proposal. The applicant had emphasized that the development

would be a buffer between the residential neighborhood and the industrial and landfill sites, but to the south they would not be buffering anything; they would bisect the neighborhood. The houses were not facing School, and it appeared that they would be segregating their enclave in the middle of an established neighborhood. He envisioned something where they would fit in with the neighborhood to the south and be the buffer from the north. Mr. Hooper asked if Mr. Boswell would be in favor of reducing the road to 24 feet and adding a sidewalk, versus having a 27-foot wide road without a sidewalk. Mr. Boswell agreed he would favor that.

Mr. Dettloff asked if the applicant had spoken to the residents about the new concepts. Mr. Cueter said that he spoke with the people present after the last meeting and one of the comments, besides never wanting to see the area developed, was that they were pleased he was trying to lessen the impact for the School Road and Gravel Ridge residents by eliminating the permanent ingress-egress. Mr. Dettloff asked if the site was the same or if they had acquired any more property. Mr. Cueter advised that nothing else had come to fruition. The only difference in the plan was the elimination of the larger buildings from the southern section to try and separate the areas using the power lines as the dividing line. That was how Oakville Estates came into play - it would have a Master Association and one area would be called the "Vineyards" and one the "Reserves." Mr. Dettloff asked about the parcel to the east owned by the City of Highland Park, and Mr. Cueter stated that it had been difficult to proceed with any discussions.

Mr. Reece referred to demographics for the community, and asked Mr. Cueter to restate what he believed the age demographics would be. Mr. Cueter responded that in his experience, they would see empty-nesters who wanted to stay in Rochester Hills but did not want a big expensive home; professional single women; and some first time home buyers. Mr. Reece noted that he lived in Kings Cove, which he would classify it as a retirement-aged community with a few younger people. Most all of the driveways were single-car, with single-car garages, and 95% of the time, the parking was adequate. He did not think the applicant would need additional parking areas, and he would rather see more green space. The 24-foot road with a five-foot walkway would give more impervious area, but he thought that walkways were important. He did not think people, especially children, should have to walk in the street. He was comfortable with the gated access to School, but would like to hear what the residents along School had to say about it. He thought they would be more pleased with what was presented than a permanent access to School.

Mr. Hooper asked the width of the roads in Kings Cove, and Mr. Shumejko advised that the main road was 36 feet and the interior roads were 20 feet with open ditches. Mr. Reece said it worked for the age group. He suggested that the parking situation and resulting community that was desired should be explained ahead of time to people interested in Oakville.

Mr. Cueter noted that Kings Cove and similar developments were built years ago. He also managed developments and said that a strong set of documents was very important. The documents written today were much different from 20 years ago. Using garages for storage bins would be prohibited, and that would be strongly stated. Mr. Reece asked how that would be enforced. Mr. Cueter said the Associations. Mr. Reece said that at Kings Cove it was supposed to be that way, but it was thrown back on the residents, who did not like dealing with the offenders, so nothing happened.

Mr. Cueter said that with respect to School Rd., regardless of whether they put in a breakaway or permanent ingress-egress, he wanted to create the least impact possible. The Engineering Department asked that School Rd. be paved along the length of their property. He proposed, rather, that they put money in an account with the City, to be used when School was paved. People used School as a cut-through, and he would not like to see a shortcut to John R through the private community. He stated that he would add any language the City wanted, but it would include that the roads were the responsibility of the Homeowner's Association, and if they petitioned the City to take back responsibility of the roads in the future, it would be done at their cost.

Mr. Schroeder believed the access to School should be paved. He noted the condos at the south end of Great Oaks golf course (north side of Walton). They had a paved drive to Livernois and it went unnoticed because they had bushes and a gate. They had a lock on it for the Fire Department, but it was not noticeable. He emphasized that the parking for Oakville needed consideration, and he thought the close driveways would be a problem. He thought a 24-foot road with parking on one side might work, but he was not convinced sidewalks were a necessity in condos; he thought people could walk in the road because there would be little traffic and senior residents. He did not think the proposal could be compared with Kings Cove. Mr. Cueter reminded that Kings Cove had one-car garages and the driveways were only 16 ½ feet long. Mr. Schroeder agreed that there should be a deposit for paving School Rd. in the future, noting that if it were paved first, it would not fit with the next development and the pavement could get damaged.

Ms. Brnabic stated that if there could not be parking between driveways, the development was far too dense. She thought the "seas of asphalt" problems were more contained to big box areas. She asked the Engineering Staff if they saw an advantage to a 27-foot road with a sidewalk and parking on only one side.

Mr. Shumejko advised that the typical road cross section had a 22-foot driving lane, 11 feet for each direction and 2 ½ feet of curb and gutter. The curbing and gutter portion was meant to handle drainage and was not intended to be utilized by a vehicle. If the 11-foot lanes were maintained with a 1½-foot gutter, there would be a 25-foot wide road section, and the integrity of two 11-foot lanes would be maintained. He thought that could be

considered. Ms. Brnabic said she did not have an objection to sidewalks, but she felt there should be a source for extra parking.

Mr. Davis referred to the prospective of storm water run-off, and said that a 24-foot section with a five-foot sidewalk would have more impervious area, and run-off, than a 27-foot section without sidewalks. One of the key points would be if sidewalks were desired for the development. He mentioned that he received a newsletter from International Transmission Company (ITC - took over lines from DTE) with a reference to pathways along easements. For the proposal, it would involve traveling over four other parcels, and he was not sure the owners would be cooperative, but there was a corridor and if they wanted to have pedestrian movement from the proposal, they could check with those owners about taking a diagonal pathway along the ITC corridor. That would provide a different route for pedestrian movement for the proposal rather than using sidewalks along the roads. He referred to the connection to School, and stated that he believed the connection should be required because it was a half-mile road, similar to Brewster, Old Perch or Sheldon. It was currently unpaved because there were no utilities. He agreed about getting a deposit and not paving School until they knew where the water and sewer would go. The utilities had to be constructed before the road was paved.

Ms. Hardenburg asked if the Master Deed could state that when School was paved, the access would become permanent. Until that time it would be an emergency access only. Mr. Delacourt said if that was agreed to they could put language in the PUD Agreement, but he wanted to check with the City Attorney first. He thought it would be possible.

Mr. Hooper opened the public comments at 8:50 p.m.

Raymond Anderson, 1480 Gravel Ridge, Rochester Hills, MI 48307

Mr. Anderson said that he had driven a ladder truck for Shelby and White Lake, and he did not believe the Fire Department would approve the plan because they could not get a ladder through. He noted that there was a 72" drain down School Rd., and he had asked a City employee where a sewer could be placed. The employee said it would have to go on the south side of School somewhere, which meant it would encroach on private property. He was in favor of School being paved, but he wondered how they would tear up the road, noting that it had been a disaster the last six months. He stressed that the plan should be reviewed by the Fire Department before they went any further.

Mr. Hooper closed the public comments. He asked if the Fire Department had reviewed the plan and whether they approved it. Mr. Delacourt said that the original concept had a turf block at the emergency connection. The Fire Department recommended a full connection. They had not seen the alternative plan provided. If the Commission wanted to go in that direction,

the Fire Department would look at the plan next. Mr. Hooper asked if it would be a full connection with a lock box. Mr. Delacourt advised that they recommended a regular connection like any other subdivision would have. Mr. Hooper referred to the utilities, and said that the design for sanitary and water would be analyzed during technical review. Mr. Davis noted Mr. Anderson's comments, and explained that the City would have to provide enough separation and clearance. He added that there were no immediate plans to put utilities on School Rd., but that they would eventually get to it.

Mr. Schroeder assumed the right-of-way would be dedicated. Mr. Delacourt said it would be required as part of the PUD. Mr. Schroeder suggested they obtain an easement beyond the right-of-way, for utility purposes, so that in the event they had to construct a sewer or water main they would have room for construction. It would be difficult to get once people lived there. If the road were ever constructed to standards, the language would be in the Deed, to portray a clear message of the homeowner's financial responsibility.

Mr. Reece asked if the Fire Department had any comments other than about the access of School, and Mr. Delacourt said they only reviewed it for circulation within the site for their largest vehicle and for access to the site. They did not indicate any problems as part of the initial review for the truck turning radius.

Mr. Gaber asked for reaffirmation from the Commission as to the process being used, explaining that Mr. Cueter had gone through several evolutions and would like feedback to confirm they were on the right road. Mr. Hooper asked if anyone had an objection to the applicant using a PUD, and found none. He asked about the density of both multiple-family areas of the site. Mr. Boswell, Mr. Hooper, Ms. Brnabic and Ms. Hardenburg thought the southern portion was too dense. Ms. Hardenburg thought that if they took some of the buildings away that it would clear up issues with parking also. Mr. Hooper summarized that multiple-family was acceptable, but that the density on the southern leg needed to be looked at.

Mr. Cueter said he did not have a problem adjusting the density. There were currently just over five units to the acre. He would also have no problem developing a full-fledged entrance to School that would meet the standards for a 24-foot road, with a breakaway system that could easily be removed. It would be fully disclosed in the Deed that it would be a connection point in the future at an undetermined date. He added that he would fund it.

Mr. Schroeder stated that if it were not done now it would never be. He reminded that the easements should include public and private utilities.

Mr. Hooper asked about a full connection to School with a breakaway system, to which there was a majority agreement. Mr. Hooper asked about a 24-foot concrete road with a five-foot sidewalk and parking on one side. Mr. Reece, Mr. Dettloff, Ms. Hardenburg, Mr. Boswell and Mr. Hooper said they

would agree to that. Mr. Hooper said he was a proponent of adding pocket parking and that it would be discussed further during the Site Plan review.

4 Planning Commission 06/20/2006 Recommended for City Council
Approval Regular Meeting

Notes: (Reference: Staff Report prepared by Derek Delacourt, dated June 20, 2006 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Greg Cueter, Oakville Estates, LLC, 42850 Schoenherr Rd., Suite 6, Sterling Heights, MI 48313 and John Gaber, Williams, Williams, Plunkett & Ruby, 380 N. Old Woodward, Suite 300, Birmingham, MI 48009; Ralph Nunez, Design Team Limited, 17255 W. Ten Mile Road, Southfield, MI 48075; and Jim Jones, MCS Associates, Inc. 44444 Mount Road, Suite 100, Sterling Heights, MI 48314.

Mr. Delacourt recapped that the applicant had been before the Commission with several requests, which eventually led to the initiation of the proposed PUD process. The Commissioners were reviewing the conceptual plan for the Preliminary PUD and had been asked for a recommendation to City Council. The plans included the road layout, unit mix, elevations, and associated PUD Agreement. The project started out with 155 units and 122 were now proposed. At the previous meeting, the applicant discussed having two types of units, dividing the north and south halves of the property. There would have been two separate subdivision associations and larger, four-unit buildings to the north. The Fire Department and Staff had some issues with that proposal. Staff did not want to see two associations responsible for common road improvements, storm water retention and similar items. He noted that the revised plan had two and three-unit buildings only. The Commission was being asked to provide input regarding the layout and units before the plans went forward. There had previously been two retention ponds that drained into the Oakland County Drain that cut through the northeast portion of the site, and now there was one pond that would drain into a pipe. The applicant had been through two full technical reviews, which was more than what was required before Preliminary review and recommendation by the Planning Commission.

Mr. Delacourt advised that there were a number of issues that had to be resolved, but he felt it was important to hear from the Commission and Council that the conceptual Preliminary Plan was acceptable. He noted that a PUD Agreement had been submitted, which was not required prior to Final, and that Staff would like the City to review the initial language. He had received some comments from the City Attorney, which were not substantial, and the project was being presented for the Commission's comments and recommendation.

Mr. Boswell asked what potential changes there would later be if the Planning Commission recommended City Council approval, which they granted, and Mr. Cueter had a vested interest in developing the property as a PUD. He questioned whether it would only be of a technical nature. Mr.

Delacourt agreed, stating that the Final Plan could be slightly different, but Staff did not feel there were any issues identified that would force a change in the unit mix, density, road layout or road connections besides slight adjustments. Other issues might come up during the technical process, but at this point Staff was comfortable that they could be resolved without major changes.

Mr. Schroeder was still concerned the roads would be 24-feet rather than 27, but he accepted that it had been decided. He thought there would be parking problems, and recommended that there be no parking on the fire hydrant side.

Mr. Delacourt stated that the Fire Department would ultimately determine where the fire lanes would be, and the applicant was aware of the requirements for clear passage of fire trucks. He thought the Fire Department would sign the hydrant side of the street, but he said he would verify it prior to Final.

Mr. Kaltsounis asked how the PUD could eventually be affected by the future Master Plan. He noted that the area was shown as a Landfill Planning Area, and he wondered if the applicant would have to go through another process.

Mr. Delacourt responded that the future Master Land Use Plan would not affect the PUD. He was not sure how the Landfill Planning Area would affect it, because the Master Plan just recommended that the City consider flexible zoning in the area due to the presence of landfills. He was not yet sure what the criteria would be or what would be allowed in Landfill Planning Areas, but the Technical Committee had discussed that until the Zoning Ordinance language was written, the Master Plan would indicate that the PUD Ordinance was the way to deal with those types of areas until such time as the criteria was established. None of it had been finalized, and he stated that the Landfill Planning Area might not even be accepted by the Commission. The overlay zoning might be similar to what was being proposed or it could disallow it.

Mr. Kaltsounis indicated that there was a potential that the PUD could come back in a different form in the future. Mr. Delacourt explained that if the PUD were approved and recorded, it would supersede anything that came later. It would govern the site into the future unless the parties nullified the Agreement.

Mr. Cueter thanked the Commission and recalled that when they first were in front of them, he basically told them not to give him what he wanted - which was a rezoning. He had wanted to build a true ranch community in Rochester Hills, and he noted that it had been over 15 years since one was approved. He was asking for RM-1 zoning, but he knew the Commission was concerned that if approved, he could build apartments instead. A former Commissioner made the comment that he should pull back and try

something new called Conditional Rezoning. By the time he came back before the Commission, he sensed that there was some uncertainty within the City about Conditional Rezoning because it was so new. There was still a lot of support for the ranch condos, and the recommendation was to bring it back as a PUD. Staff suggested having workshops with the Commission and to keep asking the right questions to get something that made sense. He advised that the plan had been through two technical reviews and there were two new comments that had not come up before. The first was a deal breaker regarding parking fire trucks too close to the buildings, so the larger units could not be built at the northern end of the property. After some brainstorming, they decided that they could stretch their duplex model to a triplex.

Mr. Cueter noted that one reason they started creating distinct communities was because of Ms. Brnabic's concerns early on about the viability in price points. They needed to offer to a variety of people and to not isolate the community. The next issue regarded the discharge of stormwater. Originally, it went into an open drain on the northeast and moved downstream across three or four properties before it got into the Rewold Drain. Staff was concerned how the residents' properties would be impacted during a heavy rain. Recently, the City installed a 66-inch pipe down John R and across School. His team came up with the idea of taking both detention basins and combining them into one and discharging into the 66-inch pipe. By putting the detention pond to the south of the site, they had fewer homes along the School Road frontage and 50% of the frontage would be a landscaped area and fountain. They recently acquired four parcels, and three had buildings close to the road and now there would only be two - one would show the rear of a three-unit and the other, the side of a duplex. The impact to School would be far less than it was per the last plan. Another benefit was that the neighbor on School to the west of the development would not see the rear of any buildings because his home would be next to the landscaped buffer between his home and the detention basin.

Mr. Cueter continued that initially, there were nine units backing to John R, and they revised the plan to show only four units turned on angles. They were able to create a bigger buffer for the neighbor to the south (on John R) as well. He recalled that Mr. Boswell and Mr. Hooper commented about the density at the previous meeting. They went from 135 to 122 units - a 10% reduction. When they started, they wanted to get six units an acre, which was normal for an affordable ranch condo development.. They were now proposing 4.5 units per acre, which was close to what was required for R-4 zoning. He tried to incorporate everyone's comments to make a better product. The community was now one community with two-plexes and three-plexes. They would have side entry garages for a number of the units, so the development would not be "postage-stamped."

Mr. Cueter recalled that former Commissioner Hill did not feel there was enough open space. He stated that with each revision, the open space had

increased. The last plan had 30% open space, and the current one had 40%, which was huge for a condo community. He indicated that it had been a long process and an education, and he felt they had the right product for the community. He felt the empty nesters deserved the opportunity to stay in the community, and indicated that young, single professionals would benefit from the development. He thanked the Planning Department for their help and recommendations.

Mr. Gaber stated that he was prepared to go through the PUD criteria and to explain how the project qualified, and Mr. Boswell asked him to proceed. Mr. Gaber referred to Section 138-1003 of the PUD Ordinance, which listed criteria for qualification and read a portion of subsection (a): "The PUD option shall not be used for the sole purpose of avoiding applicable requirements of this chapter." He said that was never Mr. Cueter's intent. Mr. Cueter originally came forward with a rezoning request to RM-1, which was converted to a Conditional Rezoning to RM-1 at the request of the City and then the City requested a conversion to a PUD. They did not initiate the PUD process; it was at the behest of the City. The second part of that criteria read: "The proposed activity, building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected." He felt there were many ways they satisfied that condition, including that the ranch style condominium housing had a high quality design, with primarily brick facades, 1,500 square foot minimum, two bedrooms, two baths and two car garages. They also believed that it met the housing needs of the empty nesters, seniors and young professionals and was a housing type identified in the Master Plan. The existing and proposed Master Plans talked about variety of housing, and the proposal would fit one of those categories. They would also preserve open space and were donating right-of-way on School and John R; they would fund future paving of School adjacent to the property, and they would extend the John R pathway to School Road. They felt those were benefits that preserved and enhanced the public health, safety and welfare in the area.

Mr. Gaber continued that condition (b) stated: "The PUD option shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards." They believed that the condition was met because of the fact that if they used the PUD, the City would have control over what was developed. If they did not use the PUD but requested a rezoning to RM-1, the applicant would have a lot of flexibility. Giving the City control, which would ensure what was built, satisfied the condition. Criteria (c) stated: "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. The applicant must demonstrate to the satisfaction of the City that the added loads will be accommodated or mitigated by the applicant as part of the PUD." He noted that Mr. Cueter underwent a sanitary sewer study to ensure there was appropriate capacity for the development. He also underwent an analysis of the storm drain system to ensure there was

drainage capacity. A traffic impact study was performed, which showed there would be fewer trips per day with the proposed use and density than with single-family homes. In terms of affecting and impacting the utilities and infrastructure of the City, the roads were proposed to be private, which meant they would be maintained by the residents rather than the City. He read criteria (d): "The PUD shall meet as many of the following objectives as may be deemed appropriate by the City." He felt it met a number of them, including preserving open space or natural features possibly beyond what would otherwise be required by the Ordinance. The area in the northeast corner had approximately 2.7 acres of open space that would be preserved. In addition, there was a detention area, a wetland area, and 40% open space within the project. Condition (d) 3 discussed that the project should promote the goals and objectives of the Master Land Use Plan. They believed it did by providing housing types identified that were important to the future of the City. It would help to provide diversity of housing types for people of different ages, incomes and lifestyles; it would encourage visually attractive residential development and encourage some higher density development at appropriate locations. They felt those goals and objectives of the Master Plan were satisfied by the development. Objective 5 stated: "To permanently establish land use patterns that are compatible or will protect existing or planned uses." The concern was about the residential to the southeast and the south of the project. There was industrial property to the north and a landfill to the east. They believed that the proposed project will provide a good buffer to the residential to protect the existing uses. Objective 6 "provides alternative uses for parcels that can provide transition or buffers to residential areas and encourage redevelopment of sites where an orderly transition or change of use is desirable." They believed the buffering from the industrial and the landfill satisfied that requirement as well. Objective 7 stated: "To enhance the aesthetic appearance of the City through quality building design and site development." He indicated that the specs for the buildings - brick, square footage, two-car garages, layout for traffic flow and the substantial buffering and preservation of open space - satisfied the requirement. All those features would enhance the aesthetics of the City. They respectfully requested that the Commission recommend approval to City Council.

Ms. Brnabic felt that the applicants had worked hard to change the plans, and she felt it definitely was an improvement from where they started. She was curious how they came up with 43 spaces for street parking.

Mr. Cueter thought that needed to be taken off because the Fire Department might not allow it. He advised that the requirement for the site was 280 spots. By allowing two spots into the garages and two spots on the driveways, they would have 488 spots, which was above what was required. They did a study to find where they could add parking if the situation arose, and found they could add another 43 spots. He pointed them out on the plan. He noted that for the Sheffield Development, 150 spots were required and they provided 158 - only eight extra. Mr. Cueter added that they were

more than doubling the requirement.

Ms. Brnabic asked if the 43 were based on parking only on one side of the street, which Mr. Cueter confirmed. Ms. Brnabic referred to a calculation shown for 72 spots at 2.5 spaces. She asked if .5 was used for things like motorcycles. Mr. Cueter said it was the City's requirement for a multiple building. A duplex required two spots per unit. Ms. Brnabic clarified that the number was totally dependent on parking in the garages and on the driveways. Mr. Cueter said they did find places to add satellite parking. Ms. Brnabic stated that she was a proponent of 27-foot wide streets, and that she would still like to see visitor parking areas because there would be situations, such as holidays or gatherings, where more would be needed. There would be times when there would be more than two cars in a driveway, and she felt the extra parking should be available. If grandchildren visited, for example, more parking would be needed, and she stressed that it would be a big mistake not to have extra parking on some basis, instead of waiting to see what the condo association wanted to do.

Mr. Cueter said he did not have a problem adding parking, but he believed that the less impervious surface, the better. He expressed that it would be a balancing act.

Ms. Brnabic referred to page 4 of the PUD Agreement, regarding the development sequence. It stated: "The parties acknowledge that housing market conditions may change over time, which could cause the developer to change his plans and/or timing with respect to the development of the project. The parties further acknowledge that the buildings improvements as shown on the Final PUD Plan may be constructed, if at all, at different dates in the future, and that the Developer may elect to develop such improvements in the order and at such times as determined necessary and appropriate, in its discretion, if at all." She could understand the "if at all" part because even if it were approved there might be reasons not to start the project and that would be agreeable, but the PUD Ordinance required a timeframe for commencement and completion of the improvements. She questioned the wording and indicated that if they were to have more than one phase, it should be stipulated. She wanted to see something included in the document that showed the commencement and completion. If they ran into a problem they could come back for an extension. The previous PUD Ordinance required completion in two years. She suggested that they could use that timeframe or extend it. She also thought it sounded too general when it talked about "different dates in the future" and "in the order and at such time as it determines necessary and appropriate." She asked that dates and phases, if any, be included.

Mr. Cueter thought those were very good comments. He noted that they had built a lot of ranch condos, but it was his first experience with the PUD process. When they started a project, they just moved through and built it out, and he had never been subjected to the question of how long it would

take. He indicated that they would build and sell them as fast as they could, so he was not sure how to answer. He suggested that they could add a timeframe that would allow them to ask for an extension based on economic conditions. He thought two years to put up 122 units would be very tight.

Ms. Branbic asked how long he considered reasonable. Mr. Cueter believed that they could do it in three years if all went well. Ms. Branbic asked if he would agree that adding three years to the contract was reasonable. Mr. Cueter established agreement with a timeline, indicating that they were not approving the final language of the PUD Agreement. He noted that it was not a great market currently. Mr. Gaber asked if the concern was about building out the whole project or if it was to ensure the infrastructure and then the houses were built. He asked Mr. Cueter if he would construct the entire infrastructure first.

Mr. Cueter replied that they had to put the whole storm sewer system and sanitary system in at one time. He agreed the infrastructure would go in all at once. He did not want to have one price point at the end of the project. He commented that once they committed to the infrastructure they would be locked in and would not be going anywhere. The chance of them changing the material would only happen if there was a better product or something was not available.

Ms. Branbic asked what the price points would be. Mr. Cueter said that anything that backed up to the industrial would probably be the least desirable location. There were high wires in another area, and that would be a price sensitive area. The units that backed up to the roads would also be price sensitive. They had to figure out a building scheme, and they would start in two different areas in the community to create a price point. Ms. Branbic asked the price range, and Mr. Cueter advised that the units would start at \$220,000.00 and go up to \$260,000.00 plus upgrades. Ms. Branbic asked if each unit would be full-face brick, as presented. She noted that the contract stipulated there would be a minimum of 50% brick. Mr. Cueter said they would be, and that some of the gables would be all brick. He reiterated that he did not want a "postage stamped" community. There would be about 50-50 percent wood and brick on the back of the buildings and the front of the buildings would be primarily brick.

Mr. Schroeder had read in the Agreement that the use of garages would be controlled so they did not become the depositories of peoples' junk, and he thought that was a great idea. He asked if that would be controlled through the association. Mr. Cueter said that the association would be responsible for enforcing it, but they would be given the tool. The Master Deed would have language stating that the purpose of a garage was to store vehicles. Mr. Schroeder said it would also preserve parking spaces, and he recommended that there should be some visitor parking installed in the beginning because it would be difficult to do after people moved in.

Mr. Boswell opened the Public Hearing at 8:50 p.m. He explained the procedure for conducting the Public Hearings, and stated that any documents submitted during the proceedings would be included as part of the public record. He asked that comments be limited to three minutes, and reminded the audience that all questions should be directed to the Chair to be addressed after the Public Hearing.

Linda Schattmaier, 1271 John R, Rochester Hills, MI 48307 Ms. Schattmaier asked Mr. Boswell if a PUD superseded a Master Plan. Mr. Boswell replied that it did, and added that a Master Land Use Plan showed what the Commission would like the City to look like in the future. It did not control the zoning. A PUD was an overlay of zoning of a property, which dictated what would be built there. Ms. Schattmaier asked if the Master Plan was considered during the PUD process, which Mr. Boswell confirmed.

Ms. Schattmaier observed that in the beginning, the applicant wanted to change the zoning to multiple, and that was denied. With the PUD, they would be allowed to put in multiple anyway. The Master Land Use Plan stated that redeveloped residential parcels should be integrated with the surrounding area and adjacent parcels, and she pointed out that the area to the east was not being integrated; it was a dissection of the neighborhood. That had been a concern all along. The Plan also stated that the preservation of the established character of single-family residential subdivisions was supposed to be considered. It mentioned that protecting the character of large parcels from incompatible new development should be considered. Mr. Gaber had mentioned that the mixture of residential types should be encouraged, but the Master Plan stated that they needed to be compatible with the established character of the surrounding neighborhoods. The area to the east did not do that. It separated the neighborhood and put density right in the middle of an area of houses on acreage. Regarding the landfill planning area, she noticed that it should comply with the R-3 zoning district and that was a concern of hers also because now there was not going to be that category of land use in the area. She knew there were other condo developments (she mentioned Pine Trail across John R) that had been integrated with the neighbors around them. She noted the new condo development at Rochester and Avon (Sheffield of Rochester Hills) and said that it seemed to fit very well in that area. She said that if the proposed area to the north was the only part going in she would not be at the meetings. She would not like it, but she would not mind it as much. The part to the east continued to bother her each time she came to a meeting. She reiterated that it would dissect their acreage neighborhood and it was leaving her with a busy road in front of her property, a dense development behind her, and a few neighbors behind that.

Walter Popyk, 1210 School Rd., Rochester Hills, MI 48307 Mr. Popyk stated that according to the plans, it appeared that his home would be directly across from the entrance on School Road. He said he was rather shocked to be at the meeting for a number of reasons. He left a meeting

about a year ago with a room full of people that were opposed to the development. He was not naive enough to believe it was a done deal at that point. It seemed as though some victory and some concern had been extended by City Council for the people of the area. He said that this was the first he had heard of any meeting to occur involving the project and affecting the people in the urban setting. He stated that it was not a win-win situation for those who resided there. There would be 122 units, a decrease of 13 units, which, according to Mr. Cueter, was a noble gesture. The 4.5 units per acre would bring in about a million dollars per acre. It was the first time he had heard this was a done deal - and it did appear to be a done deal, even though to his knowledge, the property that was zoned single-family had not been converted to multiple-family dwellings. He thought that 26 single-family homes could be built, but indicated that there would now be six times as many people residing in the development. He could envision about 60 people entering from School Road and another 60 entering from John R. He related that Mr. Pagnani's home, next door, was vacant. He had suspicions about why it was vacant, and he found out that the property was sold and there was a done deal. He had always had suspicions about developers and City government and the clandestine meetings did nothing more than confirm and enhance those suspicions. He said that Mr. Delacourt, in his opening statements, embellished the project as being complete and then sold it to the Commission, which was appalling. Mr. Popyk stated that it was also appalling that such a small number of people were present representing those affected by the development. He understood that Mr. Cueter had the right to meet with the City and that it was a business venture. As public citizens, they were not allowed to attend those meetings or intercede, and they were supposed to limit their comments when they were the ones most affected. The residents had just been adversely affected by a drain that took over a year to install. They would be affected again by sewers that had to be put in. He asked why the density had to be 122. The development would bring in \$26 million in tax revenue to the City. He did not know if the purchase price of the property was \$150,000.00 per acre, but if it was, there would be a lot of profit with homes from \$220,000.00 for the least desirable to \$260,000.00 for the most, at 4.5 per acre. Density was a concern of his. He asked if the people on John R and School would have to pay for the sewers and be assessed to pave the roads. He concluded that he was dismayed that the people who were most affected were not included and had to arrive at the meeting with a done deal in front of them.

Raymond Anderson, 1480 Gravel Ridge, Rochester Hills, MI 48307. Mr. Anderson noted that a petition had been turned in, which was signed by everyone around the proposal who was opposed to the development. He felt the same way as Mr. Popyk, that it had been stacked against them from the get-go. He asked what the DNR said about draining the retention pond into the Oakland County Drain, which ran into the Honeywell Drain, which ran into the Clinton River. With the proposed density, there would be a lot of lawn fertilizer, etc., and he wondered how that would affect things. He

questioned the easement for the drain put in by Oakland County on School Road. He wondered if the County would buy property from the people on the south side of that road. They had to be at least ten feet away, but the drain took up about everything that was there.

Mr. Boswell asked who he meant would have to buy property, and Mr. Anderson answered that Mr. Cueter would have to buy the right-of-way to put in the sanitary sewer, which was supposed to be explored.

Mr. Boswell closed the Public Hearing at 9:05 p.m. He turned his comments to Mr. Cueter, indicating that he would be buffering to the north, but he agreed with Ms. Schattmaier that the eastern piece would dissect an already established area of single-family homes.

Mr. Cueter suggested that the Commission had to consider that it was one of the few pieces where there was industrial and a landfill abutting the properties. That did not exist anywhere else in the community. They never heard opposition from the people to the far east, and he noted that there were three or four homes there on School Road. The only people saying they were being segregated were the people on John R, and they were not being divided from anything. He was creating a natural transition and buffer from the industrial and the landfill. He previously brought in a drawing showing multiple and single-family residential, and he thought there was resounding agreement that to put the two together, because they had such different needs, would not make sense. The single-family residences would want fences and other items in their backyards. He remarked that putting a condo development with it was like mixing apples and oranges.

Mr. Cueter said he was shocked that anyone would come to a meeting and make the assumption that he had a done deal. He stressed that it was a Preliminary PUD meeting. He knew Mr. Delacourt had notified everyone who came to previous meetings, or that spoke or wanted to be notified. He stated that he listened to every comment. Mr. Boswell asked him to address the School Road entrance.

Mr. Cueter reiterated that he listened to people, and he was the one who brought the plan in and asked for permission to limit the traffic in and out of the School Road entranceway to be emergency access only. They would put money in a fund so that when School was paved some day, they could include his portion on School. He emphasized that something was going to be built on the subject site, and that he was trying to do something as workable as possible.

Mr. Boswell observed that the people living on John R and School would be living on an island, and he thought that "dissecting" the neighborhood might not have been quite the right term, but he pointed out that the people would be surrounded by multiple housing. Mr. Cueter suggested that with the landfill and the industrial, there was already an island - just a little bigger one.

He advised that several of the parcels on the corner of John R and School were not developable because there was a lake. There were parcels with regulated wetlands with a power line over them and they would not be developed. They were willing to buy the parcels and bring them into the development, but people were not realistic. He was concerned about price point. When he first came to the City, he asked if they thought there would be a need for ranch condos, although it was a cold zip code, which got worse. He recalled that the 1999 Master Plan pointed out that the number one concern the City should have was exactly what they were proposing, yet from 1999 until now, only one development had been approved for ranch condos. The Master Plan said that the City had to focus on the 45-age group and older, and he believed this was the right product. The duplex was not a typical condo; it had the appearance of a single-family home. He hoped people did not think he was not listening because he was, and he spent a year and a half redesigning the plan.

Text of Legislative File 2005-0490

..Title

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.

..Body

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.