

which Chairperson Boswell read into the record:

**MOTION** by Dettloff, seconded by Reece, the Rochester Hills Planning Commission decrees:

**WHEREAS**, on April 20, 2009 the City Council of the City of Rochester Hills adopted a new Zoning Ordinance (Chapter 138 of the Code of Ordinances).

**WHEREAS**, Section 138-2.203 references building design guidelines establishing criteria for the review of building design and architecture. The adoption of the new ordinance necessitates the need for comprehensive guidelines by which to evaluate development and design proposals.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City Of Rochester Hills hereby approves and adopts the Architectural Design Guidelines effective February 25, 2014.

A motion was made by Dettloff, seconded by Reece, that this matter be Approved. The motion carried by the following vote:

**Aye** 7 - Boswell, Brnabic, Dettloff, Hooper, Reece, Schroeder and Yukon

**Absent** 2 - Hetrick and Kaltsounis

Chairperson Boswell stated that the Architectural Guidelines effective February 25, 2014 were adopted, and he thanked Mr. Breuckman.

## ANY OTHER BUSINESS

**2014-0083** Request for discussion - proposed residential Planned Unit Development called Sanctuary at Rivers Edge, north of Avon, east of Livernois and accessed from Harding, 6.16 acres, zoned RCD, One Family Cluster, Parcel No. 15-15-403-010, MJ Ridgepoint, LLC, Applicant

*(Reference: Memo dated February 21, 2014, prepared by James Breuckman and Concept Plan, prepared by Design Team Plus had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Jim Polyzois, part owner of MJ Ridgepoint, LLC, 64155 Van Dyke, Suite 269, Washington Township, MI 48095 and Ralph Nunez, Landscape Architect, Design Team Plus, 975 E. Maple Rd., Suite 210, Birmingham, MI 48009.*

*Mr. Breuckman advised that the applicants were presenting a concept plan that Staff had been discussing with them for some time. He stated*

*that it was an interesting site that backed to the Clinton River Trail, approximate to the Clinton River, and it would be accessed off of Helmand. The site was zoned RCD, One Family Cluster, and the applicants' plan was to go forward with a Planned Unit Development (PUD) for a single-family development with 60-foot wide lots. The idea was to capitalize on two major location elements - proximity to downtown Rochester and to the Clinton River Trail. Mr. Breuckman mentioned that there were a couple of things to note. Castell, which was a dirt road and which connected off of Harding to Helmand, was not a standard right-of-way. It was about 25 feet wide, and they would have to carefully look at that. Castell was part of the development, and it would be handled through the PUD process and would most likely be closed, because it was not an appropriate place for traffic. One neighbor Staff had talked with was Mr. Miller, who was present. Mr. Breuckman pointed out a spot on the northwest portion of the property, which was Mr. Miller's house. Mr. Miller had some concerns, all of which Mr. Breuckman believed could be handled. There was also a little notch on the west side of Mr. Miller's property that was dedicated right-of-way. Mr. Miller would like to see that vacated if the development went forward, because there was likely no use for it in the future, and Mr. Miller maintained it.*

*Mr. Breuckman summarized that as always with PUDs, Staff liked to bring the concept forward for discussion before entering a formal review process, which was helpful to Staff and the applicant. He noted that Staff had encouraged the applicant to consider the types of homes they were presenting. The applicants had identified some good examples that gave a flavor of the character they were anticipating. He turned the discussion over to Chairperson Boswell, and said that he would be happy to answer any questions.*

*Chairperson Boswell asked the applicants if they had anything to add. Mr. Nunez recapped that the Clinton River and the Clinton River Trail were to the south of the property, and noted that the property to the west had recently been purchased by the City. He pointed out that there was a significant grade. There were three homes adjacent on the north (including Mr. Miller's) and homes to the west and east. Mr. Nunez advised that they had gone through a number of concept plans. Staff had been very helpful and suggested that they look at different home styles. They did look extensively at homes to the north in Rochester. Some were good examples, and some were not what they really wanted to do. They came up with a plan with a few more units, but they found that they would rather do quality home sites versus going to a cluster-type of development. The property was relatively flat up to lot seven, and then*

*there was a grade drop to a plateau at the bottom. They looked at the trees, and there were a handful of really quality trees with two big species for which they were checking their health. They looked at the different zoning districts, and they came up with building pads that were 45 x 65 feet. There were 30-foot rear yards throughout the perimeter. They created a setback requirement of 25 feet from the road right-of-way. The other road was a 50-foot private drive. Mr. Nunez indicated that the homes would not be one standard with a couple of different finishes. Each lot would be a little different. He referred to lot 19, which was a larger, flatter site, and they were talking to an individual who was looking for a ranch. The majority of the other building pads were different because of the configuration. The homes would be unique. They were currently working with an architectural firm that was developing a number of different elevations. They would have 8-10 different homes. They would be looking at the new design criteria recently adopted to make sure the homes conformed and exceeded the quality of building materials required.*

*Mr. Nunez commented that they were concerned about the adjacent neighbors. Regarding Mr. Miller's concern, there were no plans to extend the right-of-way south, and there was no need to do that. They left a green space between Mr. Miller's home and lot one because they were concerned about the distance from the back of his garage to his property line. Also, in the back of lots one and two, which abutted up to the adjacent neighbor, they wanted to make sure they added green space. Lots three through eight were up against the City's property, which would stay as open space. He pointed out the detention facility and the forebay, which were conceptual and still needed to be designed by their engineer. It would stay as open space. There was green space between lots 10 and 11 that went up to lot 18, where they were hoping to save trees. If they had to replace those higher quality trees, they would place them along that area to create a stronger buffer. They also proposed a gated entrance with a key pass to get to the Clinton Trail and also one at the entrance to the private drive. He showed some photos of some of the homes. The architects were using them as templates, with recessed garages. They would bring material boards down the line, but they wanted to give an idea of the style they were looking at. He concluded that the footprint would be 29 feet for two stories.*

*Mr. Polyzois stated that they were very fortunate to be working with a unique piece of property, and they spent a lot of time analyzing the optimum scenario that would benefit the site and incorporate the unique architecture. They were proposing 19 home sites, and there could be ten*

*different elevations and different materials to have a diverse neighborhood and take advantage of the surrounding area.*

*Mr. Dettloff asked Mr. Polyzois about the price points. Mr. Polyzois advised that the homes would start at \$550,000.00. Mr. Dettloff said that it appeared that they were already in communication with the neighbors. Mr. Polyzois said that he had spoken with one neighbor, and he had talked with about 30 people in the surrounding communities that had expressed an interest in moving into the subdivision. Mr. Dettloff asked if he could assume that the financing was in place. Mr. Polyzois assured that it was not a problem.*

*Chairperson Boswell noticed that several people were in the audience, and he announced that if anyone wished to speak on this item, that they should fill out a card and turn it in to the Secretary. He called Mr. Miller, who had previously filled out a card, to the microphone.*

**Jeffrey Miller, 501 S. Castell Ave., Rochester Hills, MI 48307** *Mr. Miller agreed that he spoke with Mr. Polyzois. Mr. Miller said that Mr. Polyzois also had a real estate person come and strong arm him to try to get him to sell his property. The real estate person told Mr. Miller that his property would be devalued if he did not sell it. Mr. Miller told him that his houses would not be very good if it would devalue his (Mr. Miller's) home. One of the neighbors' concerns was that Castell would have to be blocked off because of the development's entrance. He wanted to know where it would be blocked off and if it would still be maintained by the City or if the neighbors would have to take care of it like they did years ago.*

*Chairperson Boswell said that he looked down Castell from Harding and thought it was Mr. Miller's driveway - he did not realize it was a street. Mr. Breuckman indicated that it was still very preliminary. They did not want people accessing the development off of Harding via Castell, but where the break would be still had to be discussed with the Fire Department. If the Fire Department wanted to have two points of access, they would have to figure out how to make that happen, and Mr. Breuckman was not sure how at this point. They might have to block Helmand in between Mr. Miller's driveway and the new road to funnel folks down Peach. He acknowledged that it was a detail that they still had to work out.*

*Mr. Miller said that his other concern was that the proposed property used to have wetlands, and he asked if wetlands had anything to do with development anymore.*

*Mr. Breuckman said that they did, but Staff looked at the site and it did not appear there were wetlands, and it might have changed over time. He was not sure if the applicants had done any type of studies. Mr. Nunez pointed out two small pockets of wetlands. He had not calculated the square footage, but he said that they were relatively small in size.*

**Cleaton Lindsey, 368 Helmand, Rochester Hills, MI 48307.** *Mr. Lindsey said that he lived directly across from Mr. Miller. He had researched Planned Unit Developments, which he said should promote health, safety and welfare and protect the residents, and he did not see how the proposed development would do that. There were two access points currently, but they would be limiting it to one access point for the neighbors. He found that troubling, and said that Castell was non-conforming and could absolutely not handle an additional 19 homes. He did not see how that would fit within the guidelines of promoting health, safety and welfare in that area. In addition, the area was high on the list for natural areas, and the residents paid for green space, and he felt the subject site was a very desirable and optimal location for green space, given that it backed up to the Trail. He remarked that instead, the applicants would go in and put in a bunch of homes. As much as the design liked to suggest that there would be open space, there would be a couple of trees, but they would be taking an entire wooded area and destroying it. He reiterated that it was on the list of the parcels the City would like to buy, and the residents paid a millage for that, and it seemed as if the development would be in direct opposition to what the City wanted to do.*

**George Snow, 505 Harding Ave., Rochester Hills, MI 48307** *Mr. Snow stated that he was the neighbor just to the west, and he said that no one had approached him about the project. He said that he had a lot of issues. He echoed what Mr. Lindsey said about the green space. He built his house and made a substantial investment, and he planned to live there the rest of his life. He came to Rochester Hills for the green space, and he voted for the millage. As Mr. Lindsey mentioned, it was on the list of desirable properties to be purchased by the Green Space Committee. Mr. Snow mentioned that he was on the Clinton River Trail every day, either running or walking his dog. Someone could go from Crooks and Hamlin all the way to Dequindre, and with very few exceptions, there were no homes or subdivisions. When he went to a Rochester City Council meeting concerning putting in apartments at the old paper mill site, one gentleman said that he came all the way from Harper Woods so he could get on the Trail. Mr. Snow felt that it would be a huge travesty to take a large, undeveloped piece of property with a lot of*

*beauty and plopping a subdivision on it. He was not sure if the applicants were aware that the property the City purchased next door was sold by Mr. Chirco for \$1.2 million. Mr. Snow felt that the voters had voiced opinions, and the project would be going against that. He believed that going to a PUD from RCD would be a variance change from what was planned in the Master Plan (he said R-3), and he did not see anything that met the criteria to change to a PUD. He read one criterion, "preserve and dedicate open space," and he thought this would be doing the opposite. He knew the applicants mentioned preserving space between lots one and Mr. Miller's house, but it was only a few feet. He read, "environmental and ecological significance," and he said that the proposed site had that as it was, and adding a subdivision would go against that. He read number seven, "encourage redevelopment or change of use where an orderly transition was desirable." He remarked that he did not see where the project would be desirable other than for the investors or specific people who wanted to live there. He believed that a lot of the parcel was in a floodplain, and he said that if any of the applicants had spent a lot of time in the City, they would remember that in May 2004, a big chunk of the property was flooded. He did not know how people moving in there would want to deal with that, but in the spring of 2004, they closed the Avon and Livernois intersection for a few days. Mr. Snow stated that all the trees would have to be clear cut. There were a lot of walnuts, and they would basically have to take them all out. He had concerns about traffic. They had already talked about the 25-foot access point, and he agreed that it would somehow have to be limited. Every time the City plowed, they took another little chunk of his property. In the last year, two people had lost control of their cars, had come onto his property and took out trees. He found remains of a black Volvo a couple of months ago, because people came around the corner driving too fast, and he believed that adding more traffic would make it even worse. He did not see how they could provide access with a non-conforming road.*

*Chairperson Boswell closed the public comments at 8:55 p.m. He advised that the plan was still in its infant state. The reason Mr. Breuckman spoke of closing Castell was that it was a non-conforming road, and there would probably be a gate that the Fire Department could access, but no one else could. The Fire Department would also come down Peach. The Fire Department would review the plans and tell the applicants whether or not they could build it as it was depicted. Regarding the site being desirable, he agreed that a green space millage was passed, and the City did have its eye on several properties; however, the City did not own the subject property - the applicants did. If the applicants wanted to sell it, the City would have to pony up the money. He indicated*

*that they all probably moved to Rochester Hills for the open areas, green spaces and wildlife, but that did not mean that other people should not be allowed to move here because people did not want them in their backyards. He stated that development happened, and he emphasized that it was the Commission's job to control that development in a way that was advantageous for the entire City.*

*Mr. Breuckman felt that it was important to keep in mind that the site was zoned RCD, so by right, the applicant could put in four-unit attached buildings. The PUD was a way to allow for single-family on smaller lots, consistent with the in-town Rochester feel. He noted that if someone wanted to do single-family by right in the RCD district, it would require compliance with the R-3 zoning district, which would require bigger lots. The PUD was a way of achieving a density that was similar or less than what could be done in the RCD district, in a way that was sympathetic with the way that in-town Rochester had developed. The PUD would not be giving anything away in terms of density, and it was a more design-driven concept to get an equivalent or lesser density that what could be done by right.*

*Mr. Cleaton asked why they had to put so many houses in such a tiny space. He indicated that if there were five or six homes, that would be awesome, and it would maintain the beauty of the site. He commented that they would just be "slamming" 19 homes in there. He understood that the City did not own the property, but he maintained that the City also did not have to approve the project.*

*Mr. Snow pointed out that they were not in Rochester. He added that the house to the east was on 2.7 acres; Mr. Miller was on a third of an acre; Mr. Snow was on 1.2 acres; Mr. Lindsey was on almost half an acre and so was Mr. Bennett (next to Mr. Lindsey).*

*Chairperson Boswell pointed out that when he moved to town, he had two acres and an orchard in his backyard, and he was on a dirt road. That dirt road was now a three-lane road, and the homes behind the house were now covering the orchard, and he commented that it did happen, because it happened to him.*

*Chairperson Boswell asked the Commissioners if they had any ideas or thoughts.*

*Mr. Schroeder asked if the utilities, such as sewer and water, were available. Mr. Nunez replied that they were.*

*Mr. Reece asked Mr. Breuckman if he could clarify a statement he made that if the project was developed as single-family within the confines of the RCD district that it would have to be done as R-3.*

*Mr. Breuckman explained that the RCD district provided for single-family by right, but it had to meet all the requirements of the R-3 district. Mr. Reece asked what size development they could get if the applicant developed under R-3. Mr. Breuckman advised that there would be 90-foot wide lots and 12,000 square-foot minimum lot areas. Mr. Reece clarified that the proposed lots, on average, would be 60 feet wide.*

*Mr. Snow asked if the plans were to pave Helmand, which was confirmed. Chairperson Boswell added that it would be proposed as part of the PUD.*

*Mr. Polyzois said that Mr. Miller referenced that a real estate agent approached him about selling his home. Mr. Polyzois said that it was not someone he commissioned to approach Mr. Miller. This agent had approached Mr. Polyzois about buying his piece, and the agent asked if Mr. Polyzois would buy any surrounding properties from him (the agent) if he could secure them. That was the extent of it, and Mr. Polyzois said that he did not dictate anything to him either way.*

*Hearing no further comments, Mr. Nunez thanked the Commissioners.*

**Discussed**

**2014-0070**

Recommendation of a Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire on March 31, 2015.

*The one-year appointment of the Planning Commission Representative to the Zoning Board of Appeals ends on March 31, 2014. The Planning Commission is required to make a recommendation to City Council prior to this date. After confirming that Ms. Brnabic would again like to serve, Mr. Schroeder moved the following, seconded by Mr. Yukon:*

***MOTION*** by Schroeder, seconded by Yukon, the Rochester Hills Planning Commission hereby recommends to City Council that Deborah Brnabic shall serve as its representative on the Zoning Board of Appeals for a one-year term to expire March 31, 2015.

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