

*Chairperson Boswell advised that the next item was a Public Hearing and that if anyone wished to speak, he or she should fill out a card at the back of the Auditorium and bring it to the Secretary.*

## **NEW BUSINESS**

**2010-0106** Public Hearing and Request for Revised Preliminary Planned Unit Development (PUD) Plan Recommendation - City File No. 04-037.2 - Harvard Place PUD, a 168-unit housing development, located east of John R, north of School Rd., Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038, and -040, zoned R-4 with a PUD overlay, One Family Residential, MJC Harvard Place, LLC, Applicant. *(The site was formerly approved as Oakville Estates PUD)*  
*(Reference: Staff Report prepared by James Breuckman, dated August 10, 2012, Preliminary PUD plans and letter from M. Smith, dated August 16, 2012 had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Lou Chirco, MJC Harvard Place, LLC, and Shamik Tripathy, Land Development Consulting Services, 46600 Romeo Plank Rd., Suite 5, Macomb, MI 48044.*

*Mr. Breuckman noted that most of the Commissioners might remember the existing Oakville Estates PUD for the subject location. The applicants were now proposing to amend that PUD with quite a different development plan. The current proposal would increase the number of units from 122, one-story condominiums in two to four-unit buildings to 168 units in 14, 12-unit, stacked flat buildings. The units would be approximately 1,450 square feet in area with attached two-car garages. It was the intent in the near term to lease them, with future plans to potentially sell them as condo units when market conditions improved. He also related that the applicant had developed other similar projects in the area, notably one in Rochester at Dequindre and Parkdale.*

*Mr. Breuckman advised that the process for amending a PUD was the same as the process for adopting a new PUD. They were at the first step, which was reviewing a PUD concept plan. At this point, the Planning Commission and City Council would review the layout, the number of units and other major site layout factors to determine if the site met the requirements to use the PUD option. If the layout was acceptable to the City and the applicant received Preliminary Approval, he would proceed to the next step, which was to develop a detailed PUD Agreement as well as detailed Site Plans with full engineering and other required information. The applicant was planning to update the existing Oakville*

*Estates PUD, and would keep conditions that were part of that proposal, for example, building a pathway along John R and contributing to pave School Rd. in the future.*

*Mr. Breuckman referred to the concept plan review considerations on page 2 of the Staff Report. He said that while they layout did have more units than the existing PUD, it made a lot more efficient use of the land. The buildings included more units, and they would be stacked, so the building footprint was less on the land. That created the opportunity to preserve more trees. There would be much larger setbacks - 100+ feet from the north and west property lines where there were significant stands of trees. The units would be 60+ feet from the east property line and 40 feet from the south property line. Because of the flexibility in layout, the natural features could be better preserved. In the Oakville Estates PUD, all of the buildings were 30-35 feet from the property line.*

*Regarding engineering items, Mr. Breuckman noted that a few sanitary items were identified, but engineering was comfortable with the plan at the concept level, understanding that there was a possibility that a reduction in units might be necessary during construction plan review. He maintained that tree preservation was one of the bigger benefits for the new layout. The applicant proposed to preserve 707 trees, which was 54% of the on-site regulated trees. The previous PUD preserved 202 trees or 15%. There were a few landscaping items that could be easily cleaned up at Site Plan review. The applicant was requesting the wetland setback modification for the wetland adjacent to the detention pond as proposed in the original PUD, and he noted that it was not a high quality wetland. He suggested to the applicants that the entrance sign could be improved with more durable materials. Advising that there was a motion for approval or denial before the Commissioners, he said he would be happy to answer any questions.*

*Chairperson Boswell asked Mr. Chirco if he had anything to add. Mr. Chirco believed that Mr. Breuckman had summed it up quite well. He mentioned that he had been in front of the Commission about nine months ago with a concept, and they had tweaked it some after reviews with Staff. Their Landscape Architect did an entire plan for the project, and they were respectfully awaiting the Commissioners' concerns, thoughts and questions.*

*Chairperson Boswell reminded the audience again that if anyone wished to speak, a card should be filled out and brought up to the Secretary.*

*Mr. Schroeder asked Mr. Chirco if he had an idea of how many on-street parking spaces there were. Mr. Tripathy said that in front of each building there would be four spaces. Mr. Schroeder asked if there would be parking on both sides of the street and enough room to do that. Mr. Tripathy said they had designed the road to accommodate parking on one side, and Mr. Schroeder thought that was good because the last plan was short on parking.*

*Ms. Brnabic asked Mr. Chirco's plans regarding paving School Rd. Mr. Chirco answered that the original PUD agreed to contribute towards paving when the paving took place. They were considering doing the exact same thing. Ms Brnabic questioned whether they would contribute funding, which Mr. Chirco confirmed.*

*Mr. Dettloff recalled that nine months ago, he felt that what the applicants had presented looked pretty good. He knew that Mr. Chirco had a great track record and had continued involvement in the City. Since the size was being increased, he wondered if Mr. Chirco could comment about an increased demand in the housing market. Mr. Dettloff did realize that things were much more favorable than two years ago.*

*Mr. Chirco agreed that they were more favorable, but he was not sure just how much. There was an increase in demand out there, and they saw it mainly due to the fact that a lot of banks had projects in their portfolios that went for less money. Consequently, the price of housing fell. He agreed that the economy had picked up in Michigan. In the lower-end market for condos, they had not seen as much of an increase as for single-family homes in all the areas they built. He asked Mr. Dettloff if he was talking about the idea of selling as opposed to renting, which was confirmed, and Mr. Chirco said it was in the back of their minds. They did not see as much demand in the lower end. The banks were not very open to condo financing, and he felt that it would take some time before banks wanted to go all out and start lending to condo buyers, since they were stuck with a lot of condo projects.*

*Mr. Dettloff asked if all the "ducks were in a row" for the project from a bank perspective. Mr. Chirco said they were o.k., and Mr. Dettloff wished him good luck.*

*Mr. Hetrick pointed out that a PUD was a contract. One of the conditions said that a potential reduction in units might be necessary. He asked at what point the project would become uneconomical if units were reduced.*

Mr. Tripathy said that originally when the project was designed, it had a capacity close to 140 units. They talked with Engineering about the per-household requirement and the Engineering standards. They also spoke with the DEQ, which was the final authority regarding the sanitary permit. They had gone along with SEMCOG's current count in Rochester Hills, which had come down from six years ago. They would be close; they might lose one building at the most. He was positive that if they made the improvements required by Engineering, they could probably build all the units. Mr. Hetrick said that was fine, but the contract was written to say that if Engineering chose to reduce the number of units, the applicants agreed to that number. Mr. Tripathy was in contact with the City Engineer, and they would not be too far off. They were not talking about taking out four buildings. They might lose one building, as he mentioned. Mr. Hetrick wondered if there should be a range listed in the condition. It seemed to him that if he was in Mr. Chirco's shoes, it would not be a very good Agreement if it said that whatever Engineering agreed to, they would agree to, and it would seem a little concerning.

Mr. Hetrick asked if there would be a front and a back entrance for each unit. Mr. Chirco advised that there would be a front entrance to each unit to the front door and there would be an entrance through the garage. He stated that the units would reciprocate themselves. He pointed out the entrances to the top level stairs, and said that there would be front yards, but not backyards.

Chairperson Boswell opened the Public Hearing at 7:20 p.m. He instructed that all comments be made to the Chair, and that questions would be answered after the Public Hearing was closed.

**Steve Smith, 1115 School Rd., Rochester Hills, MI 48307** Mr. Smith stated that he lived on the property adjacent to the southwest border of the subject site, and that he had a few concerns. He currently had a high water table on his 2.3-acre property. He wanted to make sure that no extra water from the development would be drained onto his property. He referred to the proposed detention pond, and he said that he had not seen any grades or elevations comparative to his property. He had a septic tank, and whenever there were three or four inches of rain, he continuously had problems. The septic field cost him over \$19,000 just so he could flush the toilet. Any additional water dumped on the property would cause more of a headache, and getting an answer to that was his biggest concern.

**Margaret Metcalf, 983 Beryl Ct., Rochester Hills, MI 48307** Ms.

*Metcalf advised that her property was the first house off of John R on Beryl. She was concerned about the amount of traffic, as the main entrance to the complex would be right across from Beryl. She asked how they proposed to control traffic. They already had an issue with cars going into Bloomer State Park. It was a main thoroughfare for ambulances and fire trucks coming down Avon and turning onto John R. They had a small child, and she was very concerned about congestion the development would cause and how it would be handled for the residents who bought property thinking that they were in the country. They liked the serenity, and to have a two-story complex with 168 units added was not to their liking. They were also in a high water table. She asked if the proposed development would affect their property. She was concerned about being able to get out of their street onto John R, and she asked how far back the complex would be from John R.*

**Elaine Walpole, 912 Pine Trail, Rochester Hills, MI 48307** *Ms. Walpole stated that she represented the residents that lived off of Pine Trail. They wondered if there would be a lot of cut-through traffic from 168 units with additional cars not going to the corner of John R and Avon but going through their sub. They had quite a bit of that now. They wondered what the price range of the condos would be. She said that they had a large retention pond that backed up to Beryl for their 23 homes. The water drained from the north into the same water table, and she questioned if it would have an impact on the Pine Trail residents and their retention pond.*

**Joe Geibel, 1219 School Rd., Rochester Hills, MI 48307** *Mr. Geibel stated that he lived at the property just east of the development. He also had wondered how much the condos would cost, but then heard that they would be rentals first. He wanted to know how much they would charge for rent. He pointed out that 168 units seemed to be more than every house up and down School, down Gravel Ridge and down Parke combined. He did not count every one, but it seemed to him that in the little cluster (development), there would be more units than in the entire surrounding area.*

**Stephen Aulph, 1247 John R, Rochester Hills, MI 48307** *Mr. Aulph noted that his house was adjacent to the south end of the western part of the proposed development. He was also concerned about the high water table that he said went up and down like a rubber ball from spring to summer to winter. He felt that the number of units seemed quite large for the area. He had concerns about potential traffic. He asked if there would be a privacy barrier along the west and south edges of the development.*

*He said that he talked with Mr. Chirco about it, and he thought it would be taken care of, but Mr. Aulph had a lot of trees hanging over his property and he hoped they would be taken care of. He noted that he still was on well water, which was his major concern. There was an underground creek bed that ran through the area. It would be an advantage to Mr. Chirco that there would be no basements, but he wondered if sewers would be lower or higher when development went in. If the underground creek was disrupted, and he had asked about it four or five years ago and no one responded, he wondered if he would have to hook up to City water. He did not feel he should have to pay for that - he maintained that he had a good well with good water. He thought that the elevations were fine. He concluded that he had four major concerns.*

*Someone from the audience complained that they could not hear anything. Chairperson Boswell apologized, and concurred that he sometimes had trouble hearing when was in the audience. He advised that upgrades were proposed in the Capital Improvement Plan, and that the Commissioners would try to be heard.*

*Seeing that no one else wished to speak, Chairperson Boswell closed the Public Hearing at 7:31 p.m.*

*Chairperson Boswell observed that one of the biggest concerns was about the water table and underground creek. He asked Mr. Breuckman if there was anything he could say about the effects of the development on the water level, assuring that it was the Engineer's job to prevent that from being affected.*

*Mr. Breuckman said that he really was not qualified to speak about water tables. Chairperson Boswell asked Mr. Chirco if he could address it. Mr. Chirco said that unless someone was pumping water out on a constant basis, the water table would ebb and flow and adjust to the climate. There were no plans to pump the detention basin. They would not use that water for sprinkling if there was a water table issue. Everything that they would build would be above the water table. It would be temporary, but when they put in the sewer lines, it would be the only time they would pump the water out (in order to get the pipes in the ground). They would talk to the neighbors first and tell them they were pumping and that areas could be drying up. He was not sure if it would affect the other property owners, because it would be a very temporary condition. Without having the engineering done, it was hard to know, but he thought it was highly doubtful that they would cause Mr. Aulph's well to dry up unless it was a very shallow well. Mr. Aulph said that it was a shallow point well. Mr.*

*Chirco said they would have to keep in contact with Mr. Aulph. They did not have a crystal ball as to what would happen, but he reiterated that they did not plan to pump from the water table.*

*Chairperson Boswell mentioned the traffic concern and asked if a traffic study had been done. Mr. Tripathy said that there was a traffic study done with the original PUD. They were proposing a center lane to widen John R by the entrance, which was required by the City's Traffic Department. There were certain criteria they had to meet in order to make sure the radius was big enough. Regarding dumping water, he reminded that they would have to take care of any drainage within their property. When they drew a storm sewer design, they could not drain onto neighboring lots. That was required by the City. Their detention pond would collect all the water from the development. There was a County drain in School Rd. and they would outlet to that drain via the detention basin. There would be no adverse impact to the neighbors from grading. He noted that they had proposed new landscaping by the pond, and they could not grade in that area. They would probably enhance it with more trees also. He stated that there would be good screening. Mr. Chirco said that Mr. Smith was concerned about drainage, but he reminded that the building would be over 100 feet away from the lot line, and a lot of the green space would remain untouched. There would not be any rear yard drains closer than 50 feet away from the lot line. Any water from the building would find its way to the pond through piping. On the south, the building would be 40 feet away and remain untouched along the lot line except for a couple of trees. Mr. Tripathy brought up the question about the setback from John R and said there was one building about 90 feet from the John R right-of-way and the other building, which was more angled, would be about 95 feet away.*

*Mr. Chirco confirmed that the units would be rentals, and they would rent for about \$1,300 to \$1,400. The square footage ranged from 1,450 to 1,640 square feet, so they were big units with two-car garages each, and he believed that the size warranted the rent. He mentioned that although they proposed 168 units, the previous PUD showed buildings 30 feet from the lot lines and with decks, they would be even closer. The previous layout took out practically all of the trees. They would be saving over 700 trees that surrounded the outer perimeter of the site. He felt that would enhance the site and keep the view separated from a lot of the existing homes and from a lot of the industrial to the north. He thought it had a well enhanced landscape plan that took into consideration proximity to the surrounding homeowners' homes.*

Chairperson Boswell mentioned Ms. Walpole's concern about cut-through traffic. He realized there was nothing the applicant could do about that. Mr. Chirco stated that he really could not address it. He thought that more people would go south to work, depending on what they did for a living. Chairperson Boswell presumed that most of the cut-through traffic was from Avon cutting through Pine Trail. Someone from the audience said it was from the Eddington Woods subdivision, and that it was hard to get onto John R now. Chairperson Boswell assured that in the morning, Staff would speak with the Traffic Engineer about it. He stated that there were ways of making it not worthwhile to cut through. Ms. Walpole said that they had asked the City for speedbumps like they had in the Pulte subdivision, but it was denied.

Ms. Brnabic said that with the original PUD, there was discussion about an entry designed for emergency vehicles and fire trucks on School Rd. She asked if there would be anything like that included in the plans.

Mr. Breuckman responded that the original PUD called for the entrance on School Rd. to be gated until School was paved, and it would have had a Knox box. The proposed development would have the same.

Ms. Brnabic spoke for the benefit of the residents and mentioned Mr. Chirco's development on Dequindre and Parkdale. She offered that the proposed development would be basically identical, except that it would have two-car garages. She did not know if any of the residents had seen it, but she had viewed it, and she felt that the architecture and layout were done very well and she felt that it was very appealing. She realized there was a concern about a concept with more units, but she clarified that the proposed layout would actually provide a lot more open space than the previous PUD, and it would save a lot more trees. If she had to pick one, she preferred the new layout. She felt that if people viewed Mr. Chirco's other development, it might give them an idea of what to expect, with the exception of minor differences.

Mr. Reece followed up with some of Ms. Brnabic's points. He thought that they would all like to see a couple less units, but in retrospect, he reminded that the project would save over 700 trees on site. Had they gone back to the original PUD, they would lose a significant portion of those trees. The area would retain a great deal of the character by keeping 700 trees. He thought that Ms. Brnabic's comments about Mr. Chirco's track record in this area was very important to the residents. \$1,300 to \$1,400 a month in rent was a significant amount of money. If they were concerned that the units would rent for \$500 to \$600 a month

and that they would get a type of resident they might not want, he felt that those concerns should be rested. He indicated that was a fair amount of money in today's economy. As low as interest rates were, people could buy homes for that kind of payment. He thought that the price point was a little more comfortable to hear. They would get the right kind of people who wanted to rent; renting had become almost a new norm from the time when people bought property knowing it would appreciate. Those days might never come back. Younger, professional people today were who they wanted to attract to the City, to develop families and to participate in the City, and they did not want to buy until prices stabilized. He felt that the project was a good alternative for attracting the right kind of people to the City. Even though he might want to see a unit or two less, he said that he would take those units and take 700 more trees and the quality of the development over what they could have gotten. He believed that at the end of the day, it was a good deal for everybody concerned. They did not like to see vacant spaces go away, but the reality was that people bought property to develop - they rarely bought property to sit and stay as green spaces. He reminded that all the properties they lived on today were green spaces at one time. He concluded that there was a good developer and a good project at a good price point, and he felt that under the circumstances, it was a win situation.

Mr. Kaltsounis pointed out that a PUD was a contract with the City as to what could be built, based upon different requirements in the contract. He explained to those that might not know that there was a PUD in place, and that someone could go in tomorrow and build that layout. Years ago when that PUD was approved, he was not a fan of it. When it was recently re-energized and he looked at both layouts, he indicated that he would take the new layout in a second over what someone could build right now. If he lived next door, he would not be happy if the first one went in. He felt that what was proposed for the area - and although there might be concerns about density, Engineering still had to look at it so there might be some adjustments - was definitely the best project with the least amount of impact. Hearing no further comments, he moved the motion in the packet:

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **recommends** to City Council **approval** of the **modified PUD Concept Plan** based on plans dated received by the Planning Department on July 30, 2012, with the following three (3) findings and subject to the following four (4) conditions.

Findings

1. The revised PUD significantly increases the amount of preserved natural features.
2. The PUD as proposed provides a transitional use between industrial and landfill uses to single family residential uses.
3. The PUD represents an aesthetic improvement over the previously approved PUD for the site.

Conditions

1. Concept plan approval is for up to 168 units, with the understanding that a reduction in units may be necessary to meet engineering design requirements.
2. Addressing all comments in City Department review letters in the PUD Agreement and/or site plan, whichever is most appropriate.

Mr. Hooper advised that regarding speedbumps, the City would participate with all Homeowner's Associations in speedbump installations on a 50-50 basis. It had to go through the Engineering Department. The City had set aside money to install speedbumps in subdivisions, and homeowners would put up 50% of the money, and the City would put up 50%.

Mr. Hooper asked if all the conditions from the previous PUD rolled over into the new PUD. He asked because he recalled several other conditions regarding screening. He also wondered, since they did not have all the information tonight, if the plan would come back for Final PUD review and approval. Mr. Staran said that was correct. Mr. Hooper said that he could not tell from the plans, but he recalled that there was a home on School Rd. they were looking at screening for headlights. It might also be applicable going west out of the development to John R as well. He would like the opportunity to review the plans for the berms, trees, etc. for existing homesites. If the motion maker and seconder agreed, he would like that added as a condition to be investigated prior to Final Approval.

Mr. Breuckman agreed that there was a two-step process. The conditions would get incorporated into the PUD Agreement and the detailed Site Plans. The Planning Commission would have a second shot to review everything. Mr. Staran added that the Commissioners would see the draft of the PUD Agreement, which would set forth all of the applicable conditions.

Mr. Hooper also asked the Commissioners to consider a condition regarding Mr. Aulph's well situation. He suggested that as a result of the

development, should there be a detrimental effect to Mr. Aulph's well that the developer would pay to hook up his property to the City's water system.

Mr. Anzek thought they might need a timeframe for that. Chairperson Boswell asked Mr. Hooper if he felt that a year's time would be appropriate, to which Mr. Hooper agreed. Chairperson Boswell asked Mr. Kaltsounis if he agreed to the added conditions, and Mr. Kaltsounis said that he did not have a problem, but he wanted to ask Mr. Chirco if he agreed. Mr. Chirco did not see how he would affect Mr. Aulph's well except during construction, but he supposed he could agree. He said they would be building it over the next three or four years, so he wondered about the timeframe. Mr. Tripathy suggested adding one-year after the sanitary sewer installation.

A question was raised from someone in the audience about requiring those on septic to be connected to City water. Chairperson Boswell clarified that they would not be required to do so.

Ms. Brnabic questioned whether all the conditions placed on the original PUD would be applied unless certain circumstances changed in regard to a condition. Mr. Breuckman informed that they would retain the major conditions. There were not that many that were substantial. He noted the School Rd. paving and the pathway on John R, which were the most substantial. Screening made sense originally because they were knocking down all the trees and the homes were closer to the property line. Because of the natural buffering, he was quite confident that it would be far superior to the old plan and they would supplement the existing. He noted that the PUD would come back to the Planning Commission, and he would have to point out which conditions from the old PUD no longer made sense.

Mr. Staran echoed what Mr. Breuckman said, and he explained that to the extent the existing conditions were not inconsistent with the modifications they would carry over. The applicants represented at the onset that it was their intention to carry on and abide by those. In the process of drafting the Agreement, they would make sure conditions were included and to the extent that they were not included, they would be explained and brought to the Commission's attention when it came back.

Chairperson Boswell read the additional conditions:

3. The developer and the City will investigate the need for headlight

screening on both School Rd. and John R.

4. *The development, including underground construction, installation of utilities and dewatering, shall not cause damage to nor interfere with the neighbor's well and water supply at 1247 John R, Rochester Hills, Michigan 48307. The developer shall be responsible for repairing or restoring the neighbor's well or water supply or costs associated with the neighbor connecting to the public watermain, if that becomes necessary due to any such damage or interference occurring during or within one year after completion of the project's underground development activities.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously. He advised that the next two items would be combined into one Public Hearing. He read the requests and again outlined the procedure for a Public Hearing.*

**2012-0292** Public Hearing and Request for Rezoning Recommendation - City File No. 89-200.2 - An amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Rezone one parcel of land totaling approximately .73 acre, located at the southwest corner of Rochester and Auburn Rd, Parcel No. 15-34-227-031 from B-5, Automotive Business to B-2, General Business, Rochester Auburn Associates, LLC, Applicant

**2012-0293** Public Hearing and Request for Rezoning Recommendation - City File No. 12-010 - An amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone one parcel of land totaling approximately 4.5 acres, located adjacent to the parcel at the southwest corner of Rochester and Auburn Rd., Parcel No. 15-34-227-037, from B-3, Shopping Center Business to B-2, General Business, Rochester Auburn Associates, LLC, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated August 10, 2012 and associated Rezoning Application package had been placed on file and by reference became part of the record thereof.)*