



Rochester Hills

Minutes

Planning Commission

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Rochester Hills, MI
48309
(248) 656-4600
Home Page:
www.rochesterhills.org

Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, July 16, 2013

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 8 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece and C. Neall Schroeder

Absent 1 - Emmet Yukon

Quorum present

Also present: Ed Anzek, Director of Planning and Economic Dev.
James Breuckman, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2013-0265 June 18, 2013 Regular Meeting

A motion was made by Schroeder, seconded by Kaltsounis, that this matter be Approved as Presented. The motion carried by the following vote:

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

Absent 1 - Yukon

COMMUNICATIONS

- A) Letter from Friends of the Clinton River Trail dated July 1, 2013 Re: Donations
- B) Ordinance Amendment - Change gas station from B-5 to B-3, Rochester Retail

NEW BUSINESS

2008-0302 Request for an Extension of the Final Site Condominium Plan Recommendation until July 14, 2014 - City File No. 05-005 - Pine Woods Site Condominiums, a proposed 29-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One-Family Residential, Parcel Nos. 15-34-101-073, -074 & -075, L&R Homes, Inc., Applicant

Present for the applicant were Lorenzo and Vito Randazzo, L&R Homes, Inc., 2490 Walton Blvd., Suite 103, Rochester Hills, MI 48309.

Mr. Vito Randazzo stated that they were representatives of L&R Homes, Inc., and they were requesting an Extension of the Final Site Condominium Plan for one year. He advised that there were 29 units on 9.6 acres, south of Auburn, east of Livernois. He commented that things were getting better and they were eager to move forward. Mr. Lorenzo Randazzo remarked that they were smiling more this year than last, and that they felt better about the economy.

Chairperson Boswell asked the Commissioners if they wished to comment or make a motion. Hearing no further discussion, Mr. Hetrick moved the following, seconded by Mr. Schroeder:

MOTION by Hetrick, seconded by Schroeder, in the matter of City File No. 05-005 (Pine Woods Site Condominiums), the Planning Commission recommends that City Council approves an Extension of the Final Site Condominium Plan until July 14, 2014.

Mr. Kaltsounis observed that nothing had changed since the Preliminary Approval, including the name of the street.

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

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

Absent 1 - Yukon

2012-0208 Request for an Extension of the Preliminary Site Condominium Plan Recommendation until July 16, 2014 - City File No. 06-012.2 - Somerset Pines, a proposed 41-unit residential development on 19.2 acres, located on South Boulevard, between Crooks and Adams, zoned R-4, One-Family Residential, Parcel Nos. 15-32-300-007, -008, -009, and -010, Somerset Pines, LLC, Applicant

(Reference: Memo prepared by Ed Anzek, dated July 12, 2013 and Preliminary Plan were placed on file and by reference became part of the record thereof).

Present for the applicant were Stephen Neeper, Senior Project Manager, MJC Somerset Pines, LLC, 46600 Romeo Plank Rd., Suite 5, Macomb, MI 48044 and Jeffrey Rizzo, Fenn & Associates, Inc., 14933 Commercial Dr., Shelby Township, MI 48315, Civil Engineer.

Mr. Rizzo advised that they were very close to obtaining Engineering approvals. He believed that should happen in a couple of months, so they needed more time and were seeking an Extension.

Chairperson Boswell asked Mr. Anzek if anything on the plan had changed, and Mr. Anzek advised that it was the same as approved.

Hearing no further discussion, Mr. Hetrick moved the following motion from the packet, seconded by Mr. Schroeder:

MOTION by Hetrick, seconded by Schroeder, in the matter of City File No. 06-012.2 (Somerset Pines Site Condominiums), the Planning Commission recommends that City Council approves an Extension of the Preliminary Site Condominium Plan until July 16, 2014.

Ms. Brnabic asked the applicants if they managed to remedy the concerns the Fire Department had with fire flow and additional access.

Mr. Fenn informed that they added an additional emergency access for the Fire Department vehicles, and that the fire flow data had been updated.

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

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

Absent 1 - Yukon

Chairperson Boswell stated that the Extension request was granted and that the applicants could now "get busy."

2007-0221 Request for Final Preliminary Plat Recommendation - City File No. 04-011 -

Grace Parc, a 14-lot subdivision on 5.6 acres located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, One-Family Residential, Parcel Nos. 15-34-402-057 and -066, Gwen and Patrick Bismack, Applicants (*Reference: Staff Report prepared by James Breuckman, dated July 10, 2013 and Final Preliminary Plat had been placed on file and by reference became part of the record thereof*).

Present for the applicant was Gwen Bismack, 2742 Powderhorn, Rochester Hills, MI 48309.

Mr. Breuckman advised that the request was for Final Preliminary Plat (FPP) Recommendation for Grace Parc, which received Tentative Preliminary Plat (TPP) Recommendation and a Tree Removal Permit from Planning Commission in March of 2005. The TPP had been extended yearly subsequent to that, and now the applicant was bringing forward the FPP.

Mr. Breuckman further advised that the site was designed using the lot size variation, and that the FPP was consistent with the approved TPP, although there had been some layout changes. The City adopted new stormwater management requirements in 2008, and the proposed detention pond was now larger and, as a result, two lots had to be eliminated. There was a house at 350 Grace that had originally been part of the plat, which was no longer a part. Since the intensity of the development was decreased, the Planning Commission was not required to revisit the TPP for re-approval. The road layout was also consistent. Mr. Breuckman mentioned some review considerations from the Staff Report, which he felt were minor details and could be conditions of approval. He referenced Sheet 1, regarding adding a note about planting street trees (one per lot), and that a cost estimate had to be submitted for those trees. A Type A Buffer with shrubs and a few trees was required around the perimeter of the detention pond. Staff was recommending that deciduous canopy trees be planted along the south side of the detention pond to help soften the appearance of the pond from Grace Ave. Those trees would be planted 35 feet on center on average to provide appropriate screening. Staff was also requesting tree preservation easements within the boundaries of lots, and those easements would be recorded with the County, prior to the issuance of a Land Improvement Permit. That would ensure that potential future homeowners knew about the tree preservation. Mr. Breuckman indicated that the Fire, Building and Engineering, including the Surveyor's, comments would need to be addressed prior to Final Plat going to Council. He felt that those comments could be conditioned and would not impact the layout. After review of the FPP, Staff found that it met all technical City Ordinance

requirements and was suitable for a Recommendation to City Council, subject to the findings and conditions noted in the Staff Report. He said that he would be happy to answer any questions.

Chairperson Boswell asked Mrs. Bismack if she had anything to add. Mrs. Bismack felt that Mr. Breuckman had summed it much better than she could.

Mr. Kaltsounis referred to the comment about adding trees along the south side of the pond, and asked if it would be a separate condition or whether it was addressed in the landscaping and tree removal condition. Mr. Breuckman agreed that it would be rolled in with the latter.

Chairperson Boswell opened the Public Hearing at 7:15 p.m.

Mark Kopson, 3655 McComb, Rochester Hills, MI 48307. Mr. Kopson passed out some drawings and a letter summarizing his remarks. He said that he was present on behalf of the residents of Gunthar's Run Subdivision, which was a nine-lot subdivision on McComb north of the subject property. He wanted to make it clear that they were not opposed to residential development in the City, provided that it was properly planned and executed. They had concerns about the proposed Plat, and for that reason they were requesting that the approval be denied. The first concern was that the plan called for a single egress, and he claimed that it would be accomplished by tacking 14 houses onto the south end of the existing Gunthar's Run Subdivision, taking the number from nine houses up to 23 with only a single ingress and egress. He stated that would basically be an extension of McComb southward to the proposed Verona Dr. In their opinion, that was the reason for a previously failed development planned for the property, and they stated that it raised safety concerns. They understood that prior plans for development of the property were denied due in part to the lack of a second access for ingress and egress. Prior plans to create a second route for ingress and egress to Grace Ave. at the southern end of the property were denied by virtue of the fact that this portion of Grace was a private road, and the owners would not agree to an access. In acknowledgement of that concern, the FPP also reflected a stub of Verona Dr. which dead-ended at the western end of the subject property. It suggested to him that a second means of egress could be forthcoming in the future. They respectfully suggested that this was speculative and extremely premature. Extension of the Verona Dr. western stub into a second ingress/egress route would require the developer to acquire at least two parcels and possibly as many as four, depending on whether they wanted the second route to exit

onto Shortridge Ave. to the north of Gunthar's Run or whether they sought to exit to the public road portion of Grace Ave., which was closer to Donaldson, west of the property. In addition, it appeared to them that the parcels west of the development incorporated a lot of wetlands. It was his understanding that any approval for wetlands would require State and City approval, which would be expensive and difficult to obtain. He stated that it would add very little, if any, additional land for other houses beyond the access route. Based on those issues, it appeared to them to be extremely unlikely that any second ingress/egress route would ever be developed. The third major objection was with the detention basin by Grace. It called for the basin to outlet across to the private Grace Ave. Given that those owners had previously refused to grant ingress and egress onto Grace, he questioned whether the developer had obtained approval to allow that ground water to exit onto Grace. He suspected that the City might have some type of public utility easement with the private road, and they understood that would not permit private developers to use Grace for their drainage system. He and the other residents were requesting that if the Commission was of the opinion that such an easement or agreement existed, that the City Attorney should review the easement to determine whether it was suitable or enforceable. The fourth objection was that the FPP drawing showed a note indicating that "fire lanes shall be designated by the Fire Department and signs posted on both sides of the road." He stated that if some version of the FPP was approved, the residents of Gunthar's Run would not object to that type of signage control within the two streets of the proposed Plat, but if the intent was to also convert all of McComb into a fire lane with no parking on either side, it would change the character of the existing subdivision and be a hardship for the current owners of Gunthar's Run. Their driveways were not 100 feet long and on-street parking was required for small family gatherings and such. They were requesting that no parking zones not be extended onto their existing portion of McComb. Mr. Kopson concluded that for those reasons, they believed that the FPP did not reflect a safe or viable residential development, and they were therefore requesting that the Recommendation of Approval be denied, and that any future consideration be postponed until such time as the developer had actually acquired the initial property. Also, they felt that it should be postponed until any regulatory approvals providing a second, safe ingress/egress route were obtained and until all questions regarding the legality of the detention basin location and its outletting onto the private road was adequately addressed by the City Attorney. He asked that they be notified of any future reviews. He pointed out that the letters he submitted had been signed by eight of the nine property owners in Gunthar's Run, and the ninth was expected shortly. He thanked the Commissioners, and

said that he hoped they would take their comments into consideration.

Daniel Driscoll, 443 Grace Ave., Rochester hills, MI 48307 Mr Driscoll remarked that he could not follow that. He said that he had just gotten the notice, and he was not as prepared. He thanked Mr. Kopson for his remarks.

Chairperson Boswell closed the Public Hearing at 7:24 p.m.

Chairperson Boswell asked about the Verona extension, and clarified that it was added with the possibility that the road could be extended in the future. Mr. Breuckman agreed, and explained that the Subdivisions Control Ordinance had a requirement that the street layout "shall provide for continuation of streets in the adjoining subdivisions and the proper projections of streets when adjoining property is not subdivided." He noted that the properties to the west were quite large at two or three acres, and development potential definitely existed. The City had seen assembly of property in a lot of cases. It was feasible to even buy half the properties to facilitate development, so it was not something the City had not seen happen before. He agreed that it might be speculative to say it was possible, and it might be a while before development on those properties was feasible. It would depend on the willingness of those landowners to sell.

Chairperson Boswell questioned where the water would go once it entered the detention basin.

Mr. Schroeder answered that it all started with an old English law called Riparian Rights. The property owner had the obligation to pass water on to people below (on Grace), and those property owners had the obligation to receive that water. It was not a public utility; it was private drainage. The developer had to put in a retention pond because they could not increase the drainage. They had to maintain an agricultural flow of drainage, that is, the pond was there to delay the water and to release it at an agricultural rate. That had nothing to do with public easements; it was all private. The water would go to the pond and be released, and the other property owner had the obligation to receive it. In times past, it was used for farming, which was not so much the case today. The City was not the owner, it was the general public. Although Mr. Schroeder said that he had simplified it for discussion purposes, he assured that it was how drainage was handled.

Chairperson Boswell referred to the comment about only one road going

in for a 14-home subdivision. Mr. Breuckman explained that the Fire Code required a second means of access when there were 30 units. Even if they took the 14 lots plus the nine from Gunthar's Run, it came to only 23 units. That did not trigger a second means of access for the proposed development.

Mr. Kopson came back to the mike to clarify his comment about the fire lane signs, but first he mentioned 23 lots, and said that a minute ago they heard that it was reasonable to expect that the wetlands would be developed with additional houses. He was a little concerned, whether they would hit 29 or 30. Regarding his final concern, he pointed out that page one of the plans included a comment that the Fire official would mark the streets in the Plat with fire lanes and post signs on both sides of the street. They did not know if the intent was to convert the existing McComb, which was being extended into Grace Parc, also into a no parking zone on both sides. He reiterated that it would be a hardship on the current owners.

Mr. Schroeder advised that the fire lane requirement was only for one side, and it usually was for the side where the hydrants were. He indicated that there should always be access for a fire truck and a hydrant. He stressed that it would not be on both sides. He could not recall how many homes would cause the creation of a fire lane.

Mr. Breuckman added that the City's public street standards also met the requirements for fire lane access. Regarding the comment about wetlands, he had checked the City's wetland inventory, and it did not show anything on those properties to the west. He noted that there could be some, but the City did not have an indication that there was, and verification would have to be done to address that comment. Mr. Schroeder reminded that wetland mitigation was a possibility, and a developer could relocate wetlands to allow a street to go through.

Mr. Kaltsounis asked Ms. Bismack if she currently owned both properties, which she confirmed. Mr. Kaltsounis stated that the FPP was very consistent with the TPP, and whether the Commissioners liked the way the development looked or not was not the subject matter at hand. The Commissioner's task was to determine how close the proposed FPP was to the approved TPP from 2005 and to determine whether it had changed towards the negative for the City. The idea of the development was not on the table, and since the Plat had remained the same, he followed the process which was to move approval:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 04-011 (Grace Parc Subdivision), the Planning Commission **recommends approval of the Final Preliminary Plat**, based on plans dated received by the Planning Department on May 16, 2013 with the following two (2) findings and subject to the following five (5) conditions.

Findings

1. *The final preliminary plat is consistent with the street and lot layout of the previously approved tentative preliminary plat.*
2. *The final preliminary plat conforms or can reasonably be made to conform to all applicable City ordinances, standards, regulations, and requirements once all review comments in or referenced by this letter are addressed.*

Conditions

1. *Address landscaping and tree removal comments from this letter.*
2. *Submit tree preservation easements for City Attorney review and approval, and record such easements with the County Register of Deeds prior to issuance of a land improvement permit.*
3. *Address Fire review comments dated May 20, 2013; Building comments dated May 29, 2013; Survey comments dated June 7, 2013, and Engineering comments dated June 4, 2013.*
4. *Provide cash bond in an amount to be determined once the cost estimate for all proposed landscaping is provided on the plans.*
5. *Payment by the applicant of \$2,800, as adjusted if necessary by Staff, for one street tree per lot. Such payment to be provided prior to issuance of a land improvement permit.*

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

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

Absent 1 - Yukon

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

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

- 2013-0264** Request for Preliminary Planned Unit Development (PUD) and Conceptual Site Plan Recommendation - City File No. 13-009 - Villas of Shadow Pines, a proposed 28-unit residential development on 9.8 acres located on the north side of South Boulevard, between Adams and Crooks, zoned R-4, One-Family Residential, Parcel No. 15-31-400-018, Shadow Pines, LLC, Applicant
(Reference: Staff Report prepared by James Breuckman, dated July 10, 2013 and PUD Concept Plans had been placed on file and by reference became part of the record thereof.)

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

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

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

Mr. Mosher related that the density would be 2.8 units per acre, excluding the wetlands. They were requesting a Buffer Modification. They had met

with the MDEQ regarding filling in about 1/3 of an acre of the wetlands, and they had a very good indication that it would be approved, subject to Site Plan Approval. They were trying to finalize the Concept Plan to move to the engineering and technical review process. He said that he would be happy to answer any questions.

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

Mr. Breuckman commented that it sort of worked like a Rezoning, in that they would develop detailed plans after approval. Mr. Breuckman referred to the Staff Report, which provided an overview of the Concept Plan PUD process. The development would have a net density of about 2.84 units per acre and when the 2 ½ acres of wetlands were taken out, the resulting net density would be 3.8 units. If the applicants received a wetland fill permit, the resulting density would be about 3.64 units per acre. He noted page three of the report, which talked about the PUD qualification criteria. Those were set forth in the Ordinance for the Commission when reviewing the plan. There were a number of them, and he said that he would be happy to clarify any. He highlighted item 2: "The PUD option shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards." He pointed out that the site was unique, and the layout was challenging with natural features. There was 400 feet of road that would have to be built before someone could even start to develop anything. He felt that because of the site's challenges, the PUD was a good option to consider. He noted criteria 3: "The PUD option may be used only when the proposed land use will not materially add service

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

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

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

Mr. Hooper asked if the sanitary sewer was public or private. Mr. Mosher advised that it was private. Mr. Hooper asked if there would be a lift station that the City would maintain. Mr. Mosher believed that the County would maintain it, but Mr. Hooper believed that the City’s DPS Department would. Mr. Schroeder agreed, and he said that the County would only do the interceptors. Mr. Mosher talked about the length of the culvert, and said that there was only nine feet of depth on the existing sanitary sewer in South Boulevard. Mr. Hooper said that it struck him out

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

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

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

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

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

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

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

be affected in the long run.

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

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

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

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

Findings

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

Conditions

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

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

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

Mr. Reece echoed what Mr. Schroeder said about meeting with the neighbor, noting that there was more than one neighbor. Mr. Reece recommended that the applicant get all their names and contact information and met with all of them. He said that the process would go significantly smoother for the Commissioners, which tended to go smoother for everyone. He stated that they had a great plan and what looked like a high quality, high price point development, and he did not

think it would be a detriment to the area, but he strongly asked that they worked with the neighbors and found out their concerns. The applicant obviously had economic impacts that he had to meet, but Mr. Reece reiterated that they should meet with all of the neighbors.

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

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

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

Absent 1 - Yukon

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

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

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

ANY OTHER BUSINESS

Mr. Kaltsounis thanked Staff for looking into the home that unfortunately caught fire. They were doing some work this week, and the storage unit was out. The bus-sized pile was about half of what it was, so hopefully that process would continue. He asked Staff to also look into the Shell on Crooks Rd. and M-59. The awning seemed to be leaning a little, and it did not look too good. He was not sure if it was a structural issue or not.

Mr. Hooper said that he would talk to Mr. Breuckman and Mr. Anzek later about it, but he mentioned that the City was getting a second hookah

lounge. He was told that other cities had Ordinances enacted regarding the operation and development of those.

Mr. Anzek said that Staff was researching it. He did not think that the one or two in town had been issues, and they were permitted. The Building Department had taken the lead on it, and they were looking at Royal Oak. They would probably make a presentation at Council.

Mr. Hooper wondered if it was a planning issue or strictly a legislative issue by Council. Mr. Anzek said they were researching to see if it pertained to a Building Code. Mr. Hooper said that he did not want to over-react, and he had never been in one. He presumed they were like cigar bars. Mr. Anzek said that in Bloomer Park, Mr. Hartner told him that some folks partook openly at family reunions, and it was a common practice. Mr. Schroeder joked that one had to wonder what was in the hookahs.

Ms. Brnabic mentioned that she had seen part of a Council meeting about a week ago in regards to Mr. Bill Gilbert and the City Place PUD. Mr. Gilbert was requesting a recommendation from Council, and she asked what he was trying to do.

Mr. Hooper said that Mr. Gilbert came to Council for a discussion. Planning Commission had recommended the PUD several times over the years. The last plan had a component that they could have up to 50,000 square feet of retail and 345,000 square feet of development over the entire 28 acres.

Mr. Anzek explained that the plan from 2010 was more defined regarding the distance from Eddington Farms depending on the use. The original PUD showed four-story live/work units that fronted on Rochester Road with townhomes behind it. Mr. Gilbert could not market that, and then the economy went down. He had some interest from Robertson Brothers, but that did not go forward. In 2010, Mr. Gilbert came back and said that he needed more flexibility, and he could not get financing. Staff worked with him for a while and the neighbors expressed concerns about distance. In that 2010 PUD, language was added at Mr. Gilbert's request that the Eddington Farms Homeowner's Association be an approval body regarding the realignment of Eddington Blvd. The neighbors had been very resistant about doing that. Mr. Gilbert's point of coming to Council recently was to say that he needed to make that happen to make the property marketable, but the neighbors were saying no. Mr. Gilbert filed for a Rezoning for the property, but that was not the proper mechanism to

eliminate the PUD contract. He told Mr. Gilbert that he would have to go before City Council about the status of the PUD. Council gave direction that Mr. Gilbert should work with the Eddington Farms residents and put together a plan showing how Eddington Blvd. would be realigned with Drexelgate and get their opinion and bring it back to Council. There were a lot of options to be discussed, and at some point in time, it would come back to the Planning Commission.

Ms. Brnabic asked if Mr. Anzek could explain "layers." They talked about the current Master Plan and if it had been in place, or something about that.

Mr. Anzek noted that in 1998, the Master Land Use Plan talked about the area from Yorktown to Hamlin being developed in harmony as a mixed-use type of development. There were several property owners along there. The City could not force them all to get together, but it could be developed piece meal as long as it was coordinated by design. It had to be complimentary and of the same caliber and quality. It became a discretionary judgment with the PUD. Mr. Gilbert started in 2001 working on concepts with Staff. They worked with him for a year and a half before they came to the Planning Commission. To make a PUD work in 2003, it required the underlying zoning to support the uses that were proposed in the PUD. Because retail was proposed, Staff recommended that the underlying zoning had to become B-2. It had been R-4 previously. The B-2 Rezoning was tied to the PUD Agreement, with a reverter clause. When it was amended in 2010, it was after the 2007 Master Land Use Plan identified Flexible Business 2. They used that as the more appropriate level for what Mr. Gilbert had approved in the 2003 PUD. In 2010, Mr. Gilbert self-imposed B-1 as to what would be built there, which was primarily residential and office. The recent zoning change request was asking for B-2. The question was whether the FB-2 was based on the PUD or the conditions. That had to be answered, and it would probably be brought to the Planning Commission for the discussion about what would be appropriate on Rochester Rd. That was what layering was.

Ms. Brnabic said that because she did not view the whole meeting, she was trying to determine how Mr. Gilbert wound up in front of Council versus going to the Planning Commission first. She wondered why they were at Council with a request instead of finding out whether the Planning Commission had a recommendation.

Mr. Hooper stated that Mr. Gilbert wanted to revise the PUD contract. Mr. Anzek said that it went to Council, because the agreement is between Mr.

Gilbert and Council. Mr. Gilbert had to find out if Council was even interested. Staff recommended that he write a letter to Mr. Hooper to ask to be placed on the agenda.

Mr. Schroeder stated that Eddington Blvd. should be lined up with Drexelgate, and there should be a signal there. Mr. Hooper said that he agreed 100%. Mr. Kaltsounis thought that the Eddington Farms clause was interesting. Mr. Hooper said it was part of the contract now, and Mr. Gilbert's initial offer at the last meeting was if he was given more retail, he would pay for re-aligning the boulevard. If the City did not give him that, the City would be expected to chip in some money. Mr. Hooper said that there was a long way to go, but the direction given to Mr. Gilbert was that he needed to put a plan together. He had to start the ball rolling. At the end of the meeting, Mr. Gilbert described some things he wanted to do, but he should have stated that at the beginning. He had to show the neighbors exactly what he wanted to do and what it would look like.

Mr. Anzek advised that Mr. Gilbert had put together a drawing showing the realignment, etc., and showed it to the City's Engineers last week. They discussed a serpentine re-alignment, a dual roundabout re-alignment or two T-square intersections. The T-intersection was the most efficient. Subsequent to that, Mr. Gilbert scheduled a meeting with the Homeowner's Association, but he received an email this morning saying they had cancelled.

Mr. Hooper did not think they would ever meet with him. Mr. Anzek thought there was a solution, and he felt most acknowledged that re-alignment of the road would be the best thing. It might not be the most attractive for the Eddington Farms entryway, but he did not think it was used that much because it was such a dangerous intersection. He maintained that it would be back in front of the Planning Commission at some point in time.

NEXT MEETING DATE

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

ADJOURNMENT

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

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary