



Rochester Hills

Minutes

Planning Commission

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Rochester Hills, MI
48309
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Home Page:
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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, May 20, 2014

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, David Reece, C. Neall Schroeder and Emmet Yukon

Absent 1 - Nicholas Kaltsounis

Quorum present.

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

Chairperson Boswell announced that if anyone wished to speak at one of the Public Hearings, that a card should be filled out and turned in to the Recording Secretary.

APPROVAL OF MINUTES

2014-0178 April 15, 2014 Regular Meeting

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

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

Absent 1 - Kaltsounis

COMMUNICATIONS

- A) Planning & Zoning News dated March 2014
- B) Final 2015-2020 Capital Improvement Plan

C) Letter from A. Grassi, dated May 20, 2014 re: Danielle's Day Care

NEW BUSINESS

2014-0173 Public Hearing and request for a Conditional Land Use Recommendation - City File No. 14-007 - Danielle's Day Care, to permit a group home child care center with up to 12 children, located at 2869 Hartline Dr., north of Auburn between Crooks and Livernois, Parcel No. 15-28-453-100, zoned R-4, One-Family Residential, Danielle Johnston, Applicant

(Reference: Staff Report prepared by James Breuckman, dated May 16, 2014 and associated documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Danielle Johnston, 2869 Hartline, Rochester Hills, MI 48309.

Ms. Johnston introduced herself, and stated that she was applying for a Conditional Land Use (CLU) to expand her day care from six children to up to 12 children.

Mr. Breuckman advised that going from six to 12 children for a day care required a CLU permit. There were some specific requirements in the Ordinance that applied, and those were listed in the Staff Report. Some were yes or no answers as to whether or not the requirements could be met, such as the licensing by the State and the separation requirements. The third criteria regarded compatibility with the neighborhood. It stated, "Any State licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it was located." Mr. Breuckman acknowledged that going to 12 children could bring in more traffic to the site, but the house was not being expanded and was proposed to remain as it existed. Staff was not aware of any issues with the current operation. There had been no complaints, and it had been operating in a quiet manner.

Mr. Breuckman further advised that there were some specific requirements for the outdoor play area, and that there should be an adequate area for drop-off and pick-up. The lot had enough area for the play area in the backyard, and the site had a u-shaped driveway for at least six or seven cars at one time. There were general requirements for CLUs, which were also listed in the Staff Report. He read, "Will promote the intent and purpose of the Ordinance; will be designed, constructed, operated, maintained and managed so as to be compatible, harmonious

and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole; will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service; will not be detrimental, hazardous or disturbing to existing or future neighboring land uses, persons, property or the public welfare; and it will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.” The key one was whether it would be detrimental to the neighborhood. There was no increased drain on public facilities. Mr. Breuckman pointed out that there was a motion in the packet, should the Commissioners be amenable to recommending approval of the CLU, and he said he would be happy to answer any questions.

Chairperson Boswell asked Ms. Johnston if she would like to add anything. Ms. Johnston said that she had brought three neighbors who were in support of the expansion of her day care. One lived right next door and shared a fence; one lived two houses down; and one was kiddy corner to her. They were home during the day, and they knew there was not a lot of noise, and there would not be more noise. She added that there should be very little traffic. The families that came to her now had one child, and they wanted to expand their families, so she needed to expand her day care to make room for them. She advised that she was only open from 7:30 a.m. to 5:30 p.m., and most of the families were gone by 4:00 p.m. She stressed that it was a quiet day care and asked if there were any other questions.

Mr. Yukon asked how many providers worked with Ms. Johnston. Ms. Johnston said that currently, it was just her, and once she was licensed for 12, she would hire an assistant. Mr. Yukon asked if there would be 12 children at all times, or if they would come and go during the day. Ms. Johnston asked that children come for eight hours a day. There might be only six kids on certain days. Mr. Yukon had noticed that Ms. Johnson would use the finished basement. He asked Staff about the permissible egress for safety.

Mr. Breuckman said that it was really a Building Code issue, and Staff would defer to the Building Department and also to what the State would require. It was not regulated through zoning, so he was not really sure.

Mr. Yukon asked if the windows for egress were allowable. Mr. Breuckman said that he did not know.

Ms. Johnston responded that she had already had an inspection for a license for six, and it had passed the State requirements regarding the egress. Mr. Breuckman suggested that if Mr. Yukon was concerned, they could add a condition of approval that the day care operation complied with all State and Building Code requirements. Mr. Yukon agreed, because if part of the day care was in the basement and there was a problem and they had to get out, he would be concerned. Ms. Johnston noted that the children were three years and under, and they could all use the egress to get out. They practiced using it. Mr. Yukon asked the height of the window from the floor, and Ms. Johnston said it was about 2 ½ feet, although she had not measured it.

When he drove by Ms. Johnston's house, Mr. Yukon noticed that there was a chain link fence. He asked if that was for the outside area. He also noticed a grill and he asked if that was cordoned off. Ms. Johnson clarified that they separated the fence into two parts, so the children could not go on the sides of the house, because then they would be out of her sight. There were two fences, and one section held the grill and landscaping stones, which they would be getting rid of. There was a lock on the gate, so there was no access for the children to the grill area.

Mr. Yukon questioned how they would frame the condition for the egress. Mr. Breuckman said that when there were issues inside of a building, they would typically be regulated by the Building Code. He suggested that the condition state that the day care must meet State licensing requirements and any Building Code requirements. Mr. Yukon said that he would be in support of that condition.

Mr. Hetrick agreed that he would also support the condition. He asked Mr. Breuckman about facilities, such as bathrooms, when going from six to 12 children, and if the State licensing required any upgrades for those. Mr. Breuckman was not sure. Ms. Johnston said that there was essentially the same set of rules. She advised that there were three bathrooms. She talked with her licensing agent, who said that the hardest part was getting approved by the City, and after that, the process was fairly easy. If the State was not going to allow something for her current day care, they would not allow it for the expanded license. Mr. Hetrick asked how long she had been operating the day care, and Ms. Johnston answered two-and-a-half years. Mr. Hetrick had noticed a kennel in the yard, and he asked if that was separated also. Ms. Johnston

advised that they had gotten rid of the kennel. They planned to lay sod there and make it the barbeque area.

Mr. Schroeder considered that 12 children was a lot of kids, and he did not feel it was a relatively big space. He only saw one bathroom on the plan. Ms. Johnston said that there were two upstairs and one on the main floor. Mr. Schroeder asked if the children would have to go upstairs to the bedroom area to use the bathrooms. Ms. Johnston said that they would only use two of the bathrooms; the kids would not use her master bathroom. She agreed that some of the kids did go upstairs. She had an open balcony, and she could see the bathroom door upstairs. Mr. Schroeder assumed the children took naps, and he asked if there were pads on the floor. Ms. Johnston confirmed that there were rest mats per licensed regulations. Mr. Schroeder clarified that the basement was not damp. Ms. Johnston stated that it was not, and that it was carpeted and dry walled. Mr. Schroeder said that he noticed stairs going to the garage. Ms. Johnston said that the stairway went up, and there was a separate door to the garage. Someone could go right out into the main living area. There were three exits on the main living area - the sliding door, the front door and the garage door. The downstairs just happened to go right up to the garage door. She also had a fire ladder on the second floor, so children could climb down if they had to.

Mr. Hooper referenced the letter from the neighbor. He assumed that it was not one of the neighbors present. Ms. Johnston agreed, and said that the letter writer owned the house to the north of Ms. Johnston, but she had never met her, and she did not live there. It was a rental property. Ms. Johnston spoke with the tenant who lived there, and she was in support of the day care. The owner had not lived there for at least six years.

Chairperson Boswell advised that a Conditional Land Use request called for a Public Hearing, which he then opened at 7:17 p.m.

Sandra Marino, 2875 Hartline, Rochester Hills, MI 48309. *Ms. Marino stated that she lived right next door to Ms. Johnston. She had seen her with the children outside, and they were very well supervised. It was not a noisy situation. In fact, a lot of laughter was heard, which she thought was very pleasant. There was not a lot of traffic added by the day care, and she did not expect that there would be a lot more with the expansion. Ms. Marino said that she really admired Ms. Johnston for the work she did with the children. She was excellent, and if Ms. Marino had a young child, she would want Ms. Johnston to take care of her child. Ms. Marino stated that she had no objection, and she reiterated that she lived right next door.*

She agreed that Ms. Johnston should be allowed to expand.

Annamarie McCaslin, 2887 Hartline Dr., Rochester Hills, MI 48309.

Ms. McCaslin said that she was just present to say that she totally agreed with Ms. Marino. Ms. Johnston was excellent with the children. They did not scream and carry on, and there was always laughter. Ms. McCaslin was in her backyard a lot, and she felt that Ms. Johnston deserved to expand if that was what she would like to do.

Seeing no one else coming forward, Chairperson Boswell closed the Public Hearing at 7:18 p.m.

Mr. Reece asked Mr. Breuckman what the upper limit would be for the number of children Ms. Johnston could have in her home. Mr. Breuckman advised that it was 12. There were two levels that the State set. One was 1-6 and the other was 7-12. Once there were more than 12 children, it would not be a home-based business any longer.

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. 14-007 (Johnston Day Care) the Planning Commission **recommends** to City Council **approval** of the **conditional land use**, based on plans dated received by the Planning Department on April 11, 2014, with the following six (6) findings and the following one (1) condition:

Findings

1. *The proposed use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.*
2. *The proposed use has been designed to be compatible, harmonious and appropriate with the existing character of the general vicinity and adjacent uses of land.*
3. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
4. *The development should not be detrimental, hazardous or unreasonably disturbing to existing land uses, persons, property or*

the public welfare.

5. *The proposed development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*
6. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*

Condition:

1. *The applicant must comply with all State licensing and Building Code regulations.*

Mr. Hooper stated that he was in support, and that it was very impressive that Ms. Johnston's neighbors supported her. He said that it was great to hear a testimony, and it was not too common these days. He wished her good luck.

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, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

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

2006-0226

Public Hearing and request for Preliminary Planned Unit Development and Conceptual Site Plan Recommendation - City File No. 03-009 - Enclaves of Rochester Hills, a proposed 26-unit residential development on two parcels totaling approximately 30 acres, located on the east side of Rochester Road, north of Tienken (north of Cross Creek Sub), zoned R-E, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC, applicant.

(Reference: Staff Report prepared by James Breuckman, dated May 16, 2014 and Preliminary PUD Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Tom Cooney, TJ Realvest, LLC, 54153 Deer Ridge Ct., Rochester, MI 48307 and Ralph Nunez, Design Team Ltd., 975 E. Maple Rd., Suite 210, Birmingham, MI 48009.

Chairperson Boswell asked the applicants to introduce themselves, and afterwards, Mr. Breuckman said that it might be useful for them to walk the Commissioners through their proposal before he spoke.

Mr. Nunez noted that the property, consisting of two parcels, was 30.5 acres on Rochester Road north of Tienken. When they originally came before the Commissioners, it was based on a previous submittal that had attached units. After that, they determined to propose a single-family development. Mr. Nunez subsequently found out that the wetlands had changed drastically, and the Planning Department Staff suggested that they should be re-verified. Mr. Nunez said that it was great for the development, because it reduced the wetlands from almost 11 acres to about 6 ½. It was verified by King and McGregor, the City's wetland consultant and the MDEQ.

Mr. Nunez pointed out the revised plan and wetlands. He joked that they almost lost their wetland consultant because the vegetation was so severe. They were able to minimize the wetland impact to the site. There were heavy woodlands throughout. There were a large number of ash and elm trees that had died over the years. When they started, the client and Staff wanted to make sure that the project had an up north feel. He showed a picture of a rural road up north, which was 22 feet wide. There were no curbs or sidewalks, and people walked and biked on the pavement. They had not had any problems with fire trucks going through it, and they did not need 37 feet of pavement. The project proposed 26-foot private roads, including the sidewalk.

Mr. Nunez noted the Tree Top Lane road through the northern parcel, and said that there was a cross access easement for the people to the north and east of the proposed development. They also proposed a cul-de-sac length of 690 feet, so they would need a waiver from the 600-foot City requirement. The main entrance would be a boulevard entrance into the southern parcel. There would be four homes adjacent to that court. He discussed the location of the storm water detention and protecting the substantial trees. There would be a wall adjacent to the detention because of the grading and slope. The homes would be lower there. There would also be a retaining wall required on lots 5-10 from three to seven feet high. There would only be a minimal wetland crossing, and they were able to reduce the wetland impact by lot five and move lots over. There was an existing wetland crossing at Tree Top Lane, and they would need a Wetland Use Permit in part for the crossing to get into lot 24, which was surrounded on two sides by wetlands.

Mr. Nunez related that they were currently going through the top five acres to complete the tree survey. They felt comfortable that they would retain 37% of the regulated trees, and any tree that was taken off the site would be replaced on site. They would put in ten-foot tall pine trees. There would be substantial buffering along the southern property line adjacent to homes in Cross Creek. They would add vegetation along the north/south property line and also along lots on the east. When they removed the vegetation, they would add trees by some of the higher quality trees, such as walnut, and those trees would grow in the shade of the larger trees. They wanted a larger setback from Rochester Road to keep the up north feel. The smallest setback would be on lot one, which was 40 feet. Lot 26 had a setback of over 240 feet, and lot two was over 125 feet. The homes would be large but vegetated.

Mr. Nunez advised that there would be a guard house at the boulevard entrance with stone and brick and decorative fencing. An eight-foot wide safety path would be installed along the entire length of the property.

Mr. Nunez showed a cross section on the north portion of the property, and said that each lot in the development would have an additional amount of trees planted. They would have six deciduous trees and ten evergreen trees per lot. Since they would be custom built homes, they did a test plan with the size of a home laid out within the lot and additional trees. Regarding the road, they wished to do something similar to what the City had done for its entryway. There was no curb and gutter or a standard sidewalk. They would do a 26-foot pavement with a painted shoulder. The shoulder would be designed to support a fire truck, and it would allow someone to walk or ride a bike. He had talked with a transportation expert who told him that for this type of development, with only 26 homes, there would be about 400 trips. He believed that they really only needed 22 feet for pavement. Regarding parking, there would be side entry garages, and room for parking. The expert's recommendation was that they painted both sides of the road. Mr. Nunez discussed density, and said that under RE (Residential Estate) zoning, there could be 30 homes allowed, and they were proposing 26. He asked if there were any questions.

Chairperson Boswell asked Mr. Breuckman if he had anything to add. Mr. Breuckman talked about the Planned Unit Development (PUD) process. At this stage, the Planning Commission was being asked to make a favorable recommendation of the PUD Concept Plan. The site plans were fairly well developed, but the Commission would really just be

approving the development layout, the street layout and the density, and at Final approval, the Tree Removal Permit, Final Site Plans, Wetland Use Permit and PUD Agreement would be taken care of. He felt that the Commission and Staff had enough information to know that the plan would work, and Staff was confident that all the other things needed could be done consistent with the Concept Plan. When the applicant bought the property about ten years ago, the site was zoned R-1, and it was rezoned to RE during the 2009 Zoning Ordinance update, so the density was reduced by the City. The applicant had no vested right, because there were no approvals, but Mr. Breuckman felt that it should be somewhat of a consideration.

Mr. Breuckman next talked about the criteria for a PUD and the Commission's discretionary decision regarding the Concept Plan. It would be whether or not the PUD promoted the land use goals and objectives of the City; whether the applicable provisions of the PUD Ordinance were met; that there was adequate means of disposing of sanitary sewage, and that supplying water, the road system and storm water system were adequate. In terms of the layout, he thought that the applicants had done a remarkable job of avoiding almost all of the wetlands. The cul-de-sac would require a length waiver, which had been done in the past. In terms of the street design, the facts were that it was a self-contained development, the streets would be private, and there were only 26 units proposed. The traffic volume would be low, and Staff was confident that the street design would work. A lot of the older neighborhoods in the City, such as Christian Hills, already had a road profile that was 22 feet wide with no sidewalks, with a much larger number of units that connected to multiple streets and cross-through traffic. The proposed development would not have cut-through traffic. They were working with the City's Transportation Engineer to get on board, and as a way of addressing the street design issue, the motion included specified that the street design should comply with an appropriate guideline for a speed of 25 mph. He referenced a "bible" of green transportation engineering, which had guidelines for geometric design for low volume, local roads, and he felt it would be appropriate for the proposed application. The final details could be worked out moving forward with the Transportation Engineer, and they were very close to meeting the standards for low volume local roads.

Mr. Breuckman noted that the City's wetland consultant (ASTI) had reviewed the plans and the wetland delineation by King and McGregor. ASTI had some recommendations, mostly about delineating wetland edges so there was not encroachment where there was not a retaining

wall. One thing from ASTI that was not a detail type item was that they were recommending that unit 24 be eliminated due to the wetland crossing for the driveway. There were lots like 24 in the City, and the DEQ had approved a driveway crossing for those, so it was not an unprecedented request for a unit like 24. Staff was a little agnostic about whether lot 24 should remain. It was fairly secluded, and it was probably a premium unit for the developer. Staff was looking for guidance from the Planning Commission as to whether lot 24 should remain or be removed.

In terms of tree removal, Mr. Breuckman noted that the applicants would have to meet the 37% requirement for preservation. He was confident that could be worked out when the survey for the northern parcel was done. If they had to preserve trees somewhere else on the site, they would have to do that, and it could be worked out at final review. He mentioned the use of retaining walls, which the applicants were proposing, and he recalled that the Commission had approved setback modifications for those in the past. The wall delineated the edge between the wetland area and the lot, such that it ran the water away from the natural feature. The point of the natural features setback requirement was to provide buffering to take care of runoff and catch as much of it so it did not go into the wetlands. The retaining wall would direct the water away from the wetland and into the storm water basin system. Mr. Breuckman noted that the net density was less than one unit per acre. He concluded by going over the conditions of approval in the motion provided, including that the applicant would need a Tree Removal Permit, Steep Slope Permit, Wetland Use Permit, PUD Agreement approval and Natural Features Setback Modifications, which would be handled at Final PUD. He added that the Concept Plan Recommendation would be an approval of the idea, so the applicant did not have to do a lot of detailed engineering and spend money without knowing whether or not the plan was viable and approvable. He said that he would be happy to answer any questions.

Mr. Schroeder asked the applicants if they would clear the dead trees and scrub. Mr. Nunez said that for trees in the naturalized areas, they would probably leave them. Mr. Schroeder asked if there were any dead trees or scrub within the woodland areas. Mr. Nunez agreed that there were some in the upland area that were dead that would be removed. There were ash trees that were already down, and they would want them to degrade by themselves - they were great for wood ducks and insects and the topsoil. They wanted to make sure that none of them were blocking the water, however. In his opinion, Mr. Schroeder felt that they should take some of the scrub and dead trees out for the preservation of the

good trees.

Mr. Schroeder asked if there would be any mitigation on site. Mr. Nunez agreed, and said that it would be less than 1/3 of an acre. Mr. Schroeder asked if they would be responsible for maintaining Tree Top Lane. Mr. Nunez confirmed that they would, until it went off their property. Then the owners to the east would be responsible. Mr. Schroeder agreed that for the approach to lot 24, there would be a minor amount of wetland impact. He suggested that it could be added to another area of mitigation. Mr. Nunez said that they would like to keep the lot. If they did not meet the 37% tree preservation, they would lose the lot, but he would like to keep it on the plan with a caveat.

Mr. Schroeder referred to the painted shoulder bike path, and he stated that it would be short lived. Within a few years, the paint would be gone. Mr. Nunez claimed that they would look at other options, whether it would be integrated with the road cross section or something else. He agreed there would be ongoing maintenance with paint. Mr. Schroeder said that he worked with projects where coloring in the asphalt was used, but he thought it would be hard to do with the proposed project. Regarding retaining walls, Mr. Schroeder asked if they intended to make them vertical or more flattened out. Mr. Nunez said that they would make them more naturalized, probably constructed out of boulders with gravel behind and a filter cloth so it kept the soil in place. The view from the home looking back would be of a more natural looking one. Mr. Schroeder suggested that if they put a slope to it, it would make it more natural. Mr. Nunez agreed that it would be tilted back.

Mr. Schroeder asked if there would be natural drainage off of the property. Mr. Nunez explained that drainage would continue through the wetland course and exit at the southeast corner of the property. He added that the wetland body continued out across the subdivision to the south.

Mr. Hetrick mentioned that Mr. Nunez said that the property would meet the standard for one acre per lot, but he thought that Mr. Breuckman had suggested otherwise. He asked if it would meet the RE standard. Mr. Breuckman said that if it met the RE standard, they would not do a PUD. The lots were smaller than an acre, which allowed for preservation of open space. Mr. Hetrick said that was the first reason for doing a PUD, and he asked if things like the retaining walls and extra length for the cul-de-sac were other reasons.

Mr. Nunez said that the reason for the cul-de-sac length was the water

main. They were bringing the water main through the site, and it dead-ended. The next property over did not have water, and the question was whether they could extend the water main if the City were to add it for the neighbor. They brought the cul-de-sac to the far end for that purpose. There was a loop system in the water main. That would include sanitary and water. Mr. Hetrick clarified that the PUD would include that lot 24 would go away if the plan did not meet the 37% requirement, and Mr. Nunez agreed that was correct. Mr. Hetrick asked if the street size was another element of the contract, which Mr. Nunez confirmed.

Ms. Brnabic said that she noticed that the lot frontages within the development were at least 100 feet, with the exception of 12 and 22 which were 83 and 92 feet. She stated that she did not care for the lots two, three and four on Enclave Ct., which seemed fairly dense. Lot two only had a 34.5-foot frontage. It seemed to her that having two units there would be better than three. Mr. Nunez said that originally, they had an additional three units that extended into the upland area. They met the rear yard setback for lots two, three and four, and they were adding additional buffering between the lots and the residents to the south. Ms. Brnabic referred to lot two, with a 34.5-foot front width, and she asked how many feet it extended at that size before the lot widened. Mr. Nunez said that it was approximately 120 feet from the intersection to the back property line. Ms. Brnabic asked how far it was to that point. Mr. Nunez said that was about 60 feet. Ms. Brnabic asked what the lot dimensions were. Mr. Nunez said that he did not have those, but he would make sure they were on the Final Plans. Ms. Brnabic was still not sure if she particularly cared for that area, especially compared with the rest of the development.

Mr. Reece thought that for where the applicants were today and the amount of effort they had put into it, that it was a very well thought out plan. Obviously, the plan showed a lot of care in terms of preserving as much of the property as they could. He thought it would be a high-end development with only 26 homes. He asked what indication the applicants had from the wetlands surveyor that caused the change in the wetlands. He asked if it was due to climatic changes or inaccurate information originally. Mr. Nunez said that it was a combination. When their forester went out to double check, a lot of the ash trees were actually walnut trees. That threw up the first flag. He was not quite sure about the change. He said that there was a small wetland that took the roadway drainage off of Rochester Rd. at one point, and he did not know if it was because of the severity of the weeds and the climbing vine that was choking everything. It was hard to see another person ten feet ahead on

the property. He did not just trust his wetland consultant, and that was why they had a second study done and also had the DEQ involved. He reminded that it had been seven years between surveys, and vegetation could have filled in or it could have been mismarked originally.

Mr. Reese said that he was fine with keeping lot 24 if they could get the tree count to work. If they could not, he would consider what Ms. Brnabic said and let lot two go and preserve as many of the trees as possible on lot two. That area of the development would then be a little less dense. Mr. Nunez said that they could certainly look at that.

Mr. Reece had noticed in the write-up a minimum price point of \$650,000.00. Mr. Cooney believed that was correct. Mr. Reece asked the average size of the homes. Mr. Cooney said they had talked about ranches at a minimum of 3,000 square feet and colonials or splits would be 4,000. Mr. Reece presumed that the vast majority of the elevations would be masonry with natural siding. Mr. Cooney agreed, and added that they had just completed a project in Rochester called Deer Ridge, between 24 and 25 Mile Rd. on the west side of Dequindre. He indicated that Enclaves would be of similar construction. There would be integrated stone work and a high level of quality.

Chairperson Boswell stated that this item entailed a Public Hearing, and he opened the Public Hearing at 8:03 p.m.

Eric Bogedin, 40 Cross Creek, Rochester Hills, MI 48306 *Mr. Bogedin stated that he was a homeowner of Cross Creek, which was directly to the south of the proposed project. He agreed that lots two, three and four were pretty dense. He thought that there were plenty of woods and wetlands that could be reorganized so the homes could possibly be moved to the north a little. If one lot was dropped, it would have less of an impact and preserve the backyards of the homes in Cross Creek. He commented that there had been some stirring up of the coyotes. They had not seen any in their backyard, but the development would bring them in. He had an oak tree in his backyard that was about 100 years old, and he asked if they could consider saving that. It was tagged as tree 10,000 in the survey. He knew there were a lot of dead trees in the wetlands directly behind his home, which was south of the retention pond. He thought that if they were cleaned up 50%, it could improve things. He said that he applauded the consideration in the plan, and he thought that the impact would be insignificant to him, but there might be an impact to the first four or five houses on Cross Creek Blvd. from lots two, three and four. He asked if there could be some reconsideration given to that part*

of the development.

Paul Riley, 36 Cross Creek, Rochester Hills, MI 48306 Mr. Riley said that he had lived in his home since September 1989 when the subdivision first opened for sale. He had reviewed the plan, and in general, he thought it was a very nice plan. He was looking forward to the development going in behind him, which he never thought he would hear himself say after it was so natural for all those years. He asked if there would be City water, which was confirmed. He asked if there would be a decel lane from Cross Creek all the way to the development. Mr. Anzek answered that it would not be continuous. The lane for the Enclaves would start after the one for Cross Creek ended. Mr. Riley asked if they would be condos or single-family homes and was told single-family homes. Mr. Riley asked if there was a timeframe for the project. Mr. Cooney said that they would love to put a shovel in the ground in the fall. Mr. Riley said that he hoped that they continued with the high quality plan he had seen so far, and that the professionals made sure it progressed that way.

Robert Bloomingdale, 6360 Rochester Rd., Rochester Hills, MI 48309 Mr. Bloomingdale noted that he lived across the street from the proposed property. His property had 1,000 feet of frontage that ran parallel. They would probably be impacted as much and probably more than anyone by the development. They had owned the property since 1996. They moved there because they enjoyed the wildlife. They had 16 acres and shared it with the deer and turkeys and the rest of the animals. They had some concerns about how the project would impact their area. He could not say he was for the project, and he would not say he was against it, but he felt it would have a significant impact. The wetlands drained his property, that is, his property tried to drain under Rochester Rd. and into the wetland. He had standing water in his yard as a result of the widening and resurfacing of Rochester Rd. a couple of years ago. He wanted to be sure that the wetland continued to drain as it should. Also, north of Tree Top, there was a wetland that drained across. He was not sure if anyone had done a study as to how it would impact the wildlife. There was less and less space for the animals, and he did not know if that was a consideration. He mentioned that the shoulder along Rochester Rd. did not have a sidewalk. They observed a lot of people trying to ride bikes or walk, and there was no way to get north from Cross Creek without going in the shoulder. To him, it was a hazardous situation, and someday someone would get a little too close to traffic. He thought that if the development went forward, that it should be a very serious consideration as to how they moved people along that shoulder. He felt that the

development would have a significant impact on the character of Rochester Rd. It was now wild and rural, and they used to say that they lived at the edge of civilization. There used to be no stop lights to the north of them until 32 Mile. The development would basically be bringing a subdivision across the street from them. He repeated that he was not saying he was for or against it, but it was something they had to be concerned about. He felt that having trees planted along Rochester Rd. would be comforting to them, depending on the size. They would be interested to know how it would be screened. He asked what would happen if and when Rochester Rd. was widened. If there was no room to move to the east, he claimed that any widening would move towards his property. He stated that he would be looking at both entrances from his property, and that before they got too enthralled with the project, they should look at it seriously.

Peter Duz, 130 Tree Top Lane, Rochester Hills, MI 48306 Mr. Duz stated that he was a resident of Tree Top Lane, which was proposed to be used as part of the subdivision entrance. He said that no one had asked them about using that road as an easement. He claimed that it was a private easement for three residences, and they were surprised by the fact that it would be used as an entrance to the subdivision. He thought there would have to be a road separate from their existing little subdivision. For them, it was part of being up north and away from the City and the green space around their property, which they had enjoyed for several years. His property would abut up against four or five of the proposed lots on the north side, and he wondered what type of barrier there would be as a buffer between the properties. When Rochester Rd. was widened, he believed that there was a plan for a bike path to go all the way to Mead Rd., but that was never done. There was definitely a concern about pedestrian and bike traffic, especially with more residences going in. They would need a sidewalk or something there to keep it safe. He brought up again that no one had asked them about using their road as an easement, and he would like to know a little more about that.

Chairperson Boswell closed the Public Hearing at 8:16 p.m. He asked Mr. Nunez to address the comments.

Mr. Nunez said that it was their understanding that the parcel the applicants owned had a cross access easement agreement. He said that he was not an attorney, but the agreement gave them access from Rochester Rd. to the eastern property. It was currently an asphalt road that ran east/west. He agreed that he had not spoken with the property owners regarding this matter. Regarding the bike path, the project

proposed an eight-foot wide pathway one foot off the property line, and it would run the entire length of the subdivision. Mr. Nunez commented that Mr. Bloomingdale had a beautiful home (across Rochester Rd.). He had seen some of the turkeys, which were huge. The bank was elevated on that side, and Mr. Bloomingdale was correct; walking there was not a great idea. He felt that the pedestrian pathway on their side would help. He mentioned that if they did an RE development, they could meet all the standards, but they would not be required to put trees along the frontage, and the homes would be a lot closer to the road. They had tried to respect the fact that there were neighbors, and the City had been adamant about keeping the development as rural as possible. They would be planting inside an existing tree canopy. They could not bring in large caliper trees, because it would do more damage to the roots. It would take a while for the trees, and some would be deer food, but they were putting in over 300 plantings. With regards to a wildlife impact, they had not done a study. One speaker mentioned a large oak tree, and Mr. Nunez said that they had a burr oak tree that probably had a 64" caliper. They were not planning any vegetation removal in that area, and he would talk to his forester about promoting healthier woodlands, and he would have more answers the next time they came back. They should have had a better picture to show the adjacent lots. The setbacks for the adjacent lots were relatively small, and the lots had small backyards. They would be placing evergreens, ornamentals and deciduous trees along there, and the evergreens would be installed at ten feet.

Ms. Brnabic wanted to make sure that the applicants would make an effort to talk with the neighbors in regards to the cross access agreement so they had a better understanding. She indicated that it was a very nice development, and she was impressed. She hoped lot 24 would work out, but she would still like them to consider eliminating one unit between lots two and four.

Mr. Reece stated that they should make sure that on the landscaping plans for the entrance, that there was not an issue with car lights shining into Mr. Bloomingdale's home. If there was an issue with drainage along Rochester Rd. currently, he wondered if the City could go out and look at Mr. Bloomingdale's property. He stated that he would rather address the situation now rather than after the subdivision began, because he would not want to see unhappy people.

Hearing no further discussion, Mr. Schroeder moved the following with an added condition regarding tree removal and adding/removing a lot. He said, for the benefit of the people in attendance, that regarding drainage,

it was a requirement in the review of the development of a plan. Drainage would have to be accommodated in the overall design.

Mr. Hetrick asked about finding number two, and if he could assume that things like screening for the homes in Cross Creek would be covered under that finding, which Mr. Breuckman confirmed.

MOTION by Schroeder, seconded by Hetrick, in the matter of City File No. 03-009 (Enclaves of Rochester Hills), the Planning Commission **recommends** to City Council **approval** of the **PUD Concept Plan** based on plans dated received by the Planning Department on April 21, 2014, with the following three (3) findings and subject to the following five (5) conditions.

Findings

- 1. The proposed PUD will allow more of the natural features to be preserved in their existing state than would be possible using conventional development and design standards.*
- 2. The proposed development layout and design will result in a superior site layout compared to what could be achieved using conventional standards.*
- 3. The PUD represents an aesthetic improvement and will create a more beautiful development than could be built using conventional standards.*

Conditions

- 1. Concept plan approval is for up to 26 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 final site plan, whichever is most appropriate.*
- 3. The street design modification is granted subject to the streets being designed to an appropriate set of low-speed, low-volume street design guidelines, and as approved by the City's Traffic Engineer.*
- 4. Obtaining a Tree Removal Permit, Wetland Use Permit, Natural*

Features Setback Modifications, and Steep Slope Permit as part of the final site plan review process.

5. *Review the tree preservation with the intent of keeping lot 24 and if necessary, explore the elimination of either lot two, three or four.*

Mr. Schroeder said that as it related to the gentleman across the street (Mr. Bloomingdale), it had been done in the past where a developer had gotten with a resident and put in a berm with trees to block headlight glare. Mr. Cooney advised that his (Mr. Bloomingdale's) property was elevated quite a bit higher. Mr. Nunez said that they would bring photos. If there was going to be a nuisance, with the owner's permission, they would plant some additional trees on his side of the road.

Mr. Reece recommended that the applicants worked with the City's Forestry Department in terms of going in to the lowland areas to see what trees could be cleared. He realized they did not want to make a big disturbance, and there was a fine line involved when walking through that area. If they met with the Forestry Department, they could determine what could be sustained and preserved.

A motion was made by Schroeder, seconded by Hetrick, 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, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

Chairperson Boswell stated for the record that the motion had passed unanimously. He said that he was really impressed with the plan. He knew they had done a lot of work, and he felt that the neighbors would be happy once everything was completed.

2013-0264

Request for Recommendation of a Final Planned Unit Development Agreement - City File No. 13-009 - Villas at Shadow Pines, a proposed 28-unit residential development on 9.8 acres located on the north side of South Boulevard, between Adams and Crooks, zoned R-4, One-Family Residential, Parcel No. 15-31-400-018, Shadow Pines, LLC, Applicant

(Reference: Staff Report prepared by James Breuckman, dated May 12, 2014 and Final PUD Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Mark Gesuale, Shadow Pines, LLC, 14955 Technology Dr., Shelby Twp., MI 48315; Bill Mosher, Apex Engineering,

P.O. Box 1182, Birmingham, MI 48312 and Ralph Nunez, Design Team Ltd., 975 E. Maple Rd., Suite 210, Birmingham, MI 48009.

Mr. Breuckman commented that it was another PUD, but it was at the detail stage now (Final). He advised that the Preliminary had received approval from City Council on July 29, 2013. Subsequent to that, the applicant had been doing a lot to make the site work. One of the things that had taken some careful consideration was that the proprietor of Pine Trace Golf Course, Mike Bylen, had been watching the proposal with interest. Mr. Bylen had expressed some concerns about the interface between the development and the golf course about errant shots coming off of hole number 11, which was right next to the proposal. Staff requested that the developer engage a golf course design professional to look at the plans and at the relationship between the proposed development and the golf course. Staff also asked the developer to work as best as they could to come up with an agreement with Mr. Bylen on a proposed layout. He noted that the golf architect's report was included in the packet. After receiving a copy, Mr. Bylen submitted a letter, also included in the packet. Mr. Breuckman felt that was the biggest issue going forward. He turned it back to the applicants to walk through the plans.

Mr. Nunez noted that the site was before the Commissioners for duplexes. He pointed out the main entrance from South Boulevard. He said that he was not involved in the original design; they were brought in after the Preliminary Concept approval. They had been working on the landscape plans and with the golf course architect. When he went to the site, he noticed a fence that was constructed by the golf course that was on the applicant's property. The golf cart path was also over the property line. It was being maintained as grass. He said that his client had made several phone calls to Mr. Bylen to try and reconcile differences between the golf course and the development, and those were not returned. He acknowledged that there could be an impact from golf balls to the residents, but he said that complaints usually came when the residents were there first. The fact was that the golf course did exist, and the people who wanted to live there would choose to live by a golf course because they loved the sport.

Mr. Nunez advised that there would be significant plantings. They talked with a neighbor on South Boulevard to ask for a piece of his property to square off their property. The neighbors were very accommodating, and it gave the applicants room to add additional vegetation. There would be vegetation along the perimeter boundaries adjacent to the residential.

Along the golf course side, there would be a mixture of evergreens and deciduous trees. One of the recommendations from the golf course architect was to place some large deciduous trees at key locations along the golf course side in order to direct balls away from the homes. Mr. Nunez pointed out the entryway, where there would be a guard house and mail kiosk. The road pattern would include cul-de-sacs with potential to go to the property to the east. He added that there would be a new decorative fence at the entryway with some brick work and columns that would run the length to the first house. There would be flowering roses in that area. There were utilities, but they would have loved to be able to place more trees there. There would be a buffer of evergreens, ornamentals and deciduous trees along the rear yards on the western side. On the southern property line, they would put in another buffer. He noted that the irrigation and cost estimates would be included prior to final approval by Staff. He said that he had worked with a consultant regarding how many units could be placed on a golf course. Back in the 1980's, there was a \$50,000 premium to have a home on a golf course. Mr. Bylen's letter stated that no residential should be around a golf course, but there were many golf course communities with residential units around them. He believed that if people lived near a golf course, they knew there could be balls hitting a house. He did not want to make light of the fact that someone could be killed, because it had happened before, but they tried to make every attempt to make it a good community for the City. He asked Mr. Chris Wilczynski of C.W. Golf Architecture to come forward.

Mr. Wilczynski stated that he was a golf course architect. He was hired by the applicants to review the relationship between the condos and hole number 11 of the golf course. During his review, he looked at aerial maps and analyzed that hole in relation to the residential. There was a safety cone, which was a standard used in his industry for a number of years. About 25 years ago, it was a 300-foot cone and today, he advised that it was 350 feet. He noted that he recently did two golf courses in Florida, and they used 350-foot corridors at every hole, and every hole had homes down both sides. When a safety cone was laid over hole 11, the eastern side sat right on the property line or right at the back of the proposed units. His analysis stated that it was right on the edge, and he believed that the condos were acceptable with regard to their proposed location. There was a chance for balls to come into those areas. He commented that golf was an inherently unsafe sport. There was no control over how fast someone swung at a golf ball, or if someone stood on a tee and purposely aimed toward the homes. It could absolutely happen, and that was the game of golf. People tried their best to aim to

the right location to avoid hitting homes, however. There were some recommendations in his report that could be done to enhance the golf hole to make less errant shots going over toward the condos. The main tee was currently misaligned quite a bit to the right. It should be realigned back to the left toward the center of the fairway. He also believed that some bunkers could be placed to the right of the hole to direct golfers away from the right side. The report put together by the Pine Trace Golf Course's architect talked about the center point of the golf hole, and he agreed there was a center point. He said that whenever they developed a new course, there would be a center point for where the fairway would go. There was a left and right boundary defined off of that. They could not arbitrarily move that point as far right as someone wanted, which would expand the safety cone further right or left - there had to be a center point. The center point that was being used currently for hole 11 was too far to the right, and it needed to be shifted back to the left. He believed that the width between the pond and the proposed condos was a fair, safe and functional dimensional width. In the report from the other golf course architect, it talked about the safety cone needing to be centered from the edge of the pond over 150 feet, and Mr. Wilczynski disagreed with that. At the two golf courses in Florida, there were plenty of ponds. The only way to create a golf course in Florida was to dig ponds to create the soil to build the course. Almost every hole had a pond, and the average dimension between the edge of the pond and the lot lines was 200-250 feet. That was exactly what the current situation had between hole 11 and the condos. He also talked about the tee elevation and adding a middle tee. The 11th hole was meant to be a short par 4 - it measured 340 feet from the back and 275 from the front. Typically, on shorter par 4s, golfers either tried to go for the green or tried to lay up with a conservative club such as an iron or fairway metal. Because of the white tees and the main tees being where they were placed, a lot of people were hitting a driver. He recommended adding a middle tee, which was being done universally across all golf courses in the United States. It would make the game more fun and playable by adding a forward tee. If the tee was not moved forward, a majority of the golfers would not use a driver and hit up to the ideal landing spot, because they had to swing from so far back. He was also recommending lowering the elevation. When tees were placed higher in elevation, the slice would go higher or further to the right. If the tee was lower, it would help frame and keep everything within the cone they had defined. He mentioned that he had been doing courses for 25 years, and he had been around golf his whole life. He had been an expert witness for other projects where there were similar concerns, and he emphasized that there were a lot tighter relationships in the golf world in residential communities than what the project was proposed at. He

asked if there were any questions.

Mr. Nunez said that his clients had taken it very seriously as far as taking a hard look and making any adjustments they needed. They had been working very closely with Planning to make sure it was as safe as it could be.

Mr. Reece asked if the aerial map in the packet could be put on the overhead. He asked if, in the upper corner of the development, it was the green for number 10. Mr. Nunez said that it was for nine. Mr. Nunez pointed out the tee box for number 11. Mr. Reece said that the average weekend golfer's errant shot was a slice, so it would be to the right along the property line. He asked if the fairway would be the area adjacent to the pond (to the right). He asked if that was a normal layout or pattern for a shot.

Mr. Wilczynski said that he would not say it was a true statement. The fairway was extremely wide, perhaps 180 feet wide. When professional golf tournaments were played, the fairway was only about 90 feet wide. Most fairways were about 100 feet wide. Mr. Reece said that he just wanted to get a feel for where the average landing area was for hole 11, and if it was at the kidney shaped indentation of the pond. He asked if the approach area to the green was over the water, which was confirmed. Mr. Wilczynski said that the closer someone played to the water, the shorter the second shot would be. Mr. Reece mentioned that he had just played golf in Florida over four days, and he did not see the situation here as being much different from the courses he played there. Mr. Wilczynski noted that about five years ago, he did a renovation of a golf course in Naples, and every corridor was 250-300 feet wide.

Mr. Hetrick said that one of the things mentioned earlier was about putting trees along the edge to provide a buffer as a way for the trees to stop errant shots and drop them onto the fairway. He asked if the trees would help protect the residents, based on the work Mr. Wilczynski had done. Mr. Wilczynski said it would protect them when they were at a full, mature size. That was the downside of planting new trees - it would take them a long time to mature. He found that when trees were planted closer to the tees, it actually helped knock balls down sooner. There was one big tree near the tee they planned to keep, but if they could plant some in that area, it would also redirect people to the left. Mr. Hetrick asked if the trees they could plant close to the tee box would be on the property line, or if they would be part of the golf course property. Mr. Wilczynski advised that there was space between the tees and the property line to plant additional

trees.

Mr. Schroeder asked what Staff's position was regarding the golf course issue. Mr. Breuckman responded that Staff had asked the applicant to retain the golf course architect to guide them through it. He was not sure Staff had a position necessarily on the report from the golf course architect. They did review the City's exposure with the City Attorney (Mr. Staran), and the City Attorney was confident that the City would not be taking on any liability. He used the term "coming to the nuisance." The golf course was there, and then the houses would be built. Mr. Breuckman felt that the recommendations were reasonable, such as narrowing the fairway. There was a stand of trees off the right side of the fairway and on the property line, and if he was golfing there, that would be his aiming point, because there was no consequence now. If the fairway was narrowed with bunkers, it would cause him to shift his aim point more towards the hole. The applicants were offering to put \$40,000.00 in an escrow account that the proprietor of the golf course could use to implement those recommendations from the golf course architect. He thought that showed a good faith effort on their part.

Mr. Hetrick brought up the PUD language. He had reviewed Mr. Staran's commentary about the increase in size of the footprint, and he would tend to agree. He stated that a 20% increase in footprint would be unacceptable and that ideally, 10% would work. The elements around the golf course design seemed to be down a path. Another recommendation was about adding a timeline for completion. He asked the applicants if they had seen those comments and if they were objectionable or not. He wondered if the applicants had any comments.

Mr. Jim Polyzois, a partner in the project, advised that they would incorporate Mr. Staran's recommendations into the PUD Agreement. They revised the draft, and it would be submitted very soon.

Ms. Brnabic said with regard to those comments, as far as the timeframe, she was curious whether they had a date for commencement and completion. Mr. Polyzois said that they would like to commence this summer. Ms. Brnabic said that a timeline had to be spelled out in the PUD Agreement. Mr. Polyzois said they had not finalized it, but it would be their intention to accelerate the process so they could capture the momentum of the real estate market. It was not a very big project, and they were confident it could move right along. Ms. Brnabic referred to page four, where it said that the project would be developed in multiple phases. She asked how many phases they contemplated. Mr. Polyzois

said that it would be done at one time. Ms. Brnabic read from the Agreement, "The project may be developed in multiple phases as shown on the Final PUD Plan." She clarified that it would be done at one time and not in phases.

Chairperson Boswell stated that there were two items that called for a Public Hearing, and he combined both of those and opened the Public Hearing at 9:03 p.m.

Dan Heemsoth, 3084 South Blvd. W., Rochester Hills, MI 48309 Mr. Heemsoth noted that his property bordered units 1B, 2A and 3B. He had addressed the Planning Commission previously, because he had some concerns, and he did not know the scope of the project. The Commissioners asked the applicants to work with Mr. Heemsoth, and he wanted to let them know that they had been doing that since that night. He said that it had been a pleasure working with the applicants. They had addressed a lot of his concerns. He appreciated the help from the Commissioners, and he appreciated the help from the applicants.

Michael Bylen, 184 Tartan, Rochester Hills, MI 48309 Mr. Bylen stated that he was the leasee of Pine Trace Golf Club. He was also present when Pine Trace was built, so he was intimately involved in its original design and construction, and he had operated it since that time. He wanted to clear up some misstatements. He advised that the fence was installed by the City long before he became the leasee. He said that he met with Mr. Gesuale last fall to express his concerns, which he had re-expressed in his letter. He told Mr. Gesuale that the first three buildings were in a danger zone. He said that he got one phone call from the applicants, and he returned the call. That was the extent of trying to get ahold of him. He said that he worked seven days a week in season and five days a week out of season. He maintained that it was really easy to get ahold of him. He lived in Rochester Hills, and he worked all the time. In his letter, he said that he had no issue with development. He grew up near the Hillcrest development, and he thought it was a very thoughtful development. He worked closely with the people that did Pine Trace Village, worked with the people who developed the condos north of hole one, and was there when Walnut Brook Estates was built. There was also a new development to the east of the Villas, and he had no issue at all with that. Many residents of Pine Trace Village were his customers, as were people from Walnut Brook Estates. He employed people that lived in the condos to the north, and he looked forward to new residents who would hopefully become customers. He said that he was a businessman, and he had no issue with someone developing the subject property. He

had a big issue with the way it was designed, however. He was not trying to stop the development; he was trying to bring attention to the very real concerns he had about the safety of the units being located in an area that got hammered by golf balls. At the end of his letter, he stated that he did not believe that it could not go forward. He just believed that the City would be unwise to approve it as it was. He thought that it was interesting that Staff had not taken a position about what they thought about the safety of the development. Had he known that they were seeking the counsel of a golf course architect, he would have had his architects meet with them. He did get a copy of Mr. Wilczynski's letter, which he sent to his architect to review. Mr. Bylen said that there were many inconsistencies in the way that Mr. Wilczynski applied the standards that golf course architects used today. They were pointed out by Mr. Forrest, and concurred by Mr. Hills, of Hills & Forrest International Golf Course Architects, whom he stated combined, had 25 times the experience of Mr. Wilczynski. He commented that there was no doubt that the units adjacent to hole 11 would get hit. It was not just the units; it was the property line. People used their backyards. He said that although there was a dogleg point that was used under construction, there was nothing in the fairway that showed people when they were teeing off where the center line was. He said that the cone of playability would start at the right side of the water and the left side of the hole. That meant that the 350 feet went well beyond the property line and even well beyond the units themselves, especially the first three or four units. When he expressed his concern, it was his understanding that the applicants would try to redesign and come back. The plan nine months later had not substantially changed in any way. Instead of trying to redesign it and take safety concerns into account, the applicants sought an architect they felt could allay the Commission's concerns about safety. He thought that Mr. Wilczynski's letter was aptly refuted, and he believed that if Mr. Staran had seen the second letter, he might not feel quite as cavalier about the City not having any liability. Mr. Bylen felt that the entire development needed to be replanned, and it needed to be redesigned taking into consideration the very real safety concerns that existed. He claimed that it was not a matter of if - it was when. When he and Mr. Gesuale stood out there, not even for five minutes, someone teed off at number 11 and hit it right into the area where the units would be. Mr. Bylen's superintendent, who was one of the quietest people he knew, said that it just hit unit two. On a busy day, there might be 30-40 balls that went over there. He said that he tried to buy that land when they developed the golf course. When they leased the land, they had 193 acres, and they were told by the City that there was 30 acres of wetlands. The DNR said there were 63. They did 11 routings to do the course, and his architects remembered very well how difficult the project

was to design. They needed extra land, and they sought the land to the west of the driveway, and the owners did not want to sell. They sought the land from Mr. Eldon, and they were told the majority of the land was wetland, and they did not need any more wetlands. If the project went through as designed, he was very certain that there would be injury. He was very certain that the City was accepting a risk that went beyond settled case law. There was some positive case law in Michigan for golf courses and against people in those areas. He thought that in this particular case, the safety zone was so clearly beyond the property line that the City would be accepting a risk. He indicated that the applicants would develop the property and say "buyer beware." He said that was fine for them, but the City, its residents and its attorney would be dealing with it for a long time. He stated that without a doubt, it was a dangerous situation. He was asking that it not be approved as designed. Staff should get the counsel of the original architect and architects who were world renown with a great deal of experience. They would be happy to talk with Staff and Mr. Gesuale and his architect, so the project could be designed that still met their needs but also incorporated safety. He reiterated that he was not asking for the project to go away, and he was happy it was being developed. He was just opposed to the way it was currently laid out.

Chairperson Boswell closed the Public Hearing at 9:16 p.m.

Mr. Bylen asked if he could comment again. He said that \$40,000.00 in an escrow account was one thing, but not bringing it to the attention of the people who leased the property or owned the property was quite another thing. He asked Mr. Wilczynski if he was stating affirmatively that he believed there was a safe situation with the proposed development as currently designed.

Mr. Wilczynski felt that through his report that he did state that. He also stated that things should be done to modify the 11th hold to limit the potential for ball trespass along that side. It was clearly right on the edge of the safety cone. He said that he worked with Mr. Hills and Mr. Forrest for almost 25 years. They did at least 200 golf course communities, and every one had ponds that laid within the safety cone. They could not apply the rule where the safety cone started at the edge of the pond and went over. There was not a developer around that would give up 550 feet of width with a pond and a safety cone for golf course development. He could show the plans for the course he did in Florida. Every hole had ponds where the safety cone overlapped the pond, which effectively narrowed the width. He stated that 200 feet was a lot of width to play the game of golf.

Mr. Hooper saw competing interests, but they were trying to find the best development they could. Going back to the original course, Mr. Hooper wondered about Mr. Hills and Mr. Forrest knowingly designing a course that would have golf balls exiting the City property into vacant land. Their argument was that the cone knowingly went off the property.

Mr. Bylen responded that it was their understanding from the City and the original property owner that it was wetlands, and it would not be developed. That was why they did it. Mr. Hooper thought that there was a case where a golf course was originally designed where balls were knowingly leaving the property and going onto private property. The new owners had a right to develop their property, but Mr. Bylen's perspective was that the City should not allow that development because he was there first. The applicants were offering money, and he did not know if \$40,000 was the right number or not, so some adjustments might be made to the course to bring it to the point where golf balls would not leave the City property.

Mr. Bylen said that he was not making a statement that the property owner should not develop the property. He also doubted that there was a full appreciation for the amount of balls that would go there. When it was first designed, it was a different time. It was the advent of metal woods, and the technology of the game today had changed, so balls did fly farther, including farther in the wrong direction. Mr. Hooper agreed with that. Mr. Bylen said that no one knowingly designed a hole with the idea that they would be there first and no one would ever develop. He was again not suggesting that a development could not go there; he was suggesting that, in particular, the first three units were in a poor, unsafe area. Mr. Hooper said that might happen unless some adjustments were made. Mr. Bylen did not know if adjustments would rectify anything or not. He believed that there was a wetland issue with one of the first three units, and the applicants were asking to place a unit in a wetland area. Mr. Breuckman advised that there were very two long fingers of wetlands there. Mr. Bylen indicated that the applicants were asking for an exemption from the existing ordinance to place a unit in an unsafe area.

Mr. Hooper said that he was just trying to find a happy medium. As golf club and golf ball technology advanced, so did golf courses. Golf courses were modified over time to take into account the advances. Mr. Bylen agreed that the design of golf courses had definitely changed in the last 25 years. That was primarily due to the advent of the technology that had been applied to golf clubs and golf balls. Mr. Hooper said that it went

to his original question. He wondered if Mr. Forrest designed the original course with the current technology in mind that would not purposely put a ball into someone's private property. Mr. Bylen said that it was designed in 1985. He believed that the first metal wood came out in 1983. It was a different game. Many of the great courses that were played on tour for years no longer played because the ball flew so far. He had no issues with all the developments around the course, and he never spoke against one of them. As a businessman, he really did not like having to come and talk like he was. However, he felt that there would be a long term issue, and people would be injured, and that the City needed to take that into consideration. He emphasized again that the project needed to be redesigned. If the applicant had to lose a few units, that might have to happen.

Mr. Hooper asked about altering the golf hole. Mr. Bylen said that he was not sure, short of making it a par 3, if it would stop golf balls from flying over there. The changes that had been suggested, which were to try to avert a person's eye to the left and to try to acclimate them from the tee further left did not hold a lot of merit. He pointed out a tree inside the property line in between the back tee on 11 and the homes, and said that the canopy of that tree was 50 feet in the air. It stopped nothing. He indicated that there was no effective way to screen the units short of a very large black pole with nylon netting.

Mr. Schroeder stressed that it should have been considered in the original design. He stated that the property owner had a right to use his property. He felt that there should be a recognition and cooperation by Mr. Bylen to deal with the neighbor. Mr. Bylen said that there had been, but he had not been contacted since last October. Mr. Schroeder said that he should make contact then. Mr. Bylen said that he would be happy to sit down and talk with the applicants. He had tried to get together with Staff as well. He did not want the development to stop. Mr. Schroeder said that it was Mr. Bylen's problem as well as their consideration, and Mr. Bylen should get involved and get it resolved. Mr. Bylen reiterated that he would be happy to meet with the gentlemen.

Mr. Polyzois said that since Mr. Breuckman advised them of Mr. Bylen's concerns about what they were trying to do with the property, they had a meeting, and Mr. Bylen expressed his concerns. They tried to figure out how they could possibly deviate from what they were proposing. They met again, and the common theme during the two meetings was that even though Mr. Bylen gave the appearance that he wanted to work with them, at the end of the day, he did not really want anything to happen, because

it would be an inconvenience to him. Mr. Polyzois reflected what would happen if the development was in place first and Mr. Bylen came before the Commissioners to construct a golf course. Mr. Polyzois was pretty certain that the position of the tee box and the hole layout would be totally different. Now that they were trying to develop their property and comply with everything that was being asked, they were the ones being asked to make concessions for things that were defective with the hole. Mr. Bylen had even admitted and implied that he never thought the property would ever be used, and that was why it was geared in a manner to have balls travel into the subject property. He was being asked to make changes when he felt it was Mr. Bylen that should make changes. Mr. Polyzois was willing to put up money to make those changes. They were ready to go with it last fall, and they called Mr. Bylen twice with no response back. They advised Planning that they were going to proceed. They would first get a golf course architect to assure them that what they were doing was within their right and within the safety of their residents. They would proceed like every other golf course development. Now that they were at the end of the road, Mr. Bylen was coming across as being sincere and wanting to sit down with them and bring his architects to help them develop a plan. Mr. Polyzois said that Mr. Bylen needed to look at his own course.

Mr. Hetrick asked Mr. Polyzois if he were to eliminate one unit what would happen. Mr. Nunez said that if they lost one unit, that would not be good enough. They would lose another and another and another. Mr. Hetrick said that he was just asking about one. Mr. Nunez did not think that would change the situation. They planned the buffer as best as they could, and they made recommendations about planting on the City's property. They asked about redesigning the tee and the hole. There was currently no penalty other than that someone would lose a ball. He pointed out the area where the golf course was coming way into the property, and said that it was being mowed. There was debris pushed into the wetlands. They were using the property, but it was not their property. Mr. Hetrick asked what limitations they would have for working with the lessee to change the hole. Mr. Polyzois said that they would love to plant many trees on the hole and incorporate a lot of the recommendations that Mr. Wilczynski made. Mr. Polyzois said that he would sit down with Mr. Bylen and his architects to figure out how they could modify the hole. Mr. Hetrick asked Mr. Bylen if it would be acceptable if the applicants were willing to work with him to adjust the hole.

Mr. Bylen thought it was acceptable. He said again that he would be happy to sit down and talk with them. At the same time, he felt that the applicants needed to be willing to forgo one-three units or find another

way to design the project so the first three units were in another location. Perhaps they could move the road or mitigate the wetlands differently. Mr. Hetrick said that it was not clear that three units was acceptable to the applicants. Mr. Bylen said that he should have left it at "yes, he was willing to work with them." He thought they had to likewise, and be willing to give as well. Mr. Hetrick said that he thought the applicants said that if they had to eliminate a unit to make it work, it appeared to be within their purview to do that. Mr. Polyzois said that they had not said that. Mr. Hetrick said that he was trying to find the common ground. If the course was willing to adjust the hole, and the applicant was willing to put money into making a change to the hole and that eliminated the problem and the units could be built, it seemed as if that would be a good thing and everyone would be acceptable. Mr. Bylen said that it did not matter to him how many units they had. It merely mattered where some of the units were located. He was not present to say lower the number of units. If they could design it differently, there would be no demand to give up any units. He was not saying he would change the hole if they eliminated units. He was trying to be very positive and say that it could be worked out, but the location of the first three units would put homeowners in jeopardy.

Mr. Breuckman pointed out that Staff did meet with the applicants and Mr. Bylen in the office at least once. They met with the applicants many more times. They went through six or seven design concepts for the site to try to figure out how the design could be changed. Unfortunately, the way the wetlands laid out precluded any real design solution. The two fingers of wetland were proposed to be mitigated. In order to meaningfully change the layout of the site, they would have to go into the main body of the wetland. Then they would have to increase the amount of mitigation and fill, and DEQ required mitigation in a multiple. It was extremely difficult to get any other layout other than the one that was before them. They spent hours with the applicants. He did not want to go down the path of "there could be design changes." The only solution would be to eliminate buildings or alter the golf course. He observed that they were a bit between a rock and a hard place.

Mr. Bylen asked if mitigation could be done on the golf course. Mr. Breuckman was not sure the DEQ would be amenable to that. Mr. Bylen noted that it was contiguous wetland.

Mr. Hetrick said that it seemed to him, since there was support to help Mr. Bylen adjust the hole so it was safer in lieu of not changing the design, that they needed to be able to put that into the Agreement. Wetland mitigation would throw another dimension into it that they had not

considered. At the end of the day, it seemed like if there was agreement to support adjusting the hole so that it was safer, at a minimum, it had to be in the Agreement. Mr. Polyzois said it was in the Agreement.

Mr. Bylen asked what would happen if the changes happened to be \$80,000. Mr. Hetrick also wondered what the limitation would be for the escrow from the developer's perspective. Mr. Polyzois said that he had his architect itemize what he felt it would cost, and that was where he got the \$40,000.

Mr. Bylen said that the question still stood - what would happen if it was \$80,000. Mr. Polyzois replied that what Mr. Wilczynski was proposing was a few sand traps, tearing down the tee box and aligning it towards the actual green and shrinking the fairway and planting trees. They were not looking at constructing an entire new hole.

Mr. Wilczynski agreed that he did a detailed cost estimate based upon those items, and it would not be significant. It was rebuilding one tee, adding a new tee, adding two bunkers and removing grass in the fairway and putting in a new grass specie. He stated that he did it for a living, and he worked with contractors all the time. Mr. Hetrick wondered about splitting it down the middle and if it was \$60,000, he asked if the applicants would be good with that. Mr. Polyzois said that would be fine.

Mr. Bylen said that in all likelihood, they would have to move the cart path, and if they were going to do any planting of any meaning, they would have to reshape the berms. They would have to acclimate the entire golf hole. If there was going to be any agreement to that, there would be some substantial berming to the south, especially from the first unit. It would probably extend on a northwest corridor, which meant that the cart path would have to be moved. He stressed that there was a little more than just putting bunkers in and changing the tees. When they changed tees, they would have to change irrigation. He had not designed a lot of golf courses, but he had built three. He was well aware of cost overruns. He thought that it should bear whatever was agreed. He was happy to use a contractor that the applicants knew and respected and get it done. They (the applicants) could see all the bills and, he remarked, pay all the bills.

Ms. Brnabic asked Mr. Bylen if he had seen a copy of the proposed design modifications for hole 11. Mr. Bylen said that he had seen Mr. Wilczynski's letter with the proposal. Ms. Brnabic asked if the golf course ever had its layout changed or redesigned in the last 30 years. Mr. Bylen said that they had not made any substantial changes to anything. They

might have added onto the back of the fifth tee, and they added a second tee on number seven. Ms. Brnabic stated that as had been suggested, everyone needed to talk with each other and try to remedy the situation - to see if there was a remedy that was agreeable. She said that she would imagine that the change in technology did play a role in what was going on. However, at the same time, the applicants had a right to develop their property. Mr. Bylen had a right to his safety concerns, because it had been 30 years, and things had changed. She was hoping that the redesign of hole 11 would remedy the major safety concerns. She was not suggesting that something could not happen. Sitting on the Planning Commission, she was always concerned about safety. Before they moved forward, she would like to see that there had been some discussion between the applicants and Mr. Bylen and maybe a possible remedy. It might not get worked out, but it had been seven months since they had talked. They had a proposal for some changes, but no one had sat down together, and that was part of the problem. She indicated that she would like to see things worked out with consideration for safety and the applicants' rights.

Mr. Reece thought that Mr. Breuckman was right in terms of the layout. Short of reconfiguring a major portion of the wetlands, and even if they would be allowed to mitigate them on the golf course, he thought it would be a fairly cost prohibitive option. He thought the solution was that the two parties needed to sit down, come up with a consensus agreement on the redesign of the hole, get a cost estimate that everyone was in agreement with, and come back to the Commission with a plan. He asked if Mr. Staran had seen Mr. Bylen's letter, noting that it was dated only a few days ago. Mr. Breuckman stated that he had not. Mr. Reece would like to know that Mr. Staran reviewed the letter from Mr. Bylen and commented on it, and the applicants could come back next month with a plan everyone agreed with. In terms of the redesign of the hole, he wanted to make sure they understood what the cost implications would be. If it was \$40,000, that would be great. If it was \$60,000 or even \$120,000, he felt that the developers would want to know what it was, and Mr. Bylen would want to know as well. Mr. Bylen agreed. Mr. Reece felt that nothing would get accomplished at the meeting.

Mr. Polyzois stated that it was unfortunate that it took seven months to get to this point. Mr. Reece agreed that it was unfortunate that a developer and the neighbor could not get together and get it resolved so that when they came before the Commission, there was some consensus agreement. He offered that they could go forward, but he would guess that the Planning Commission was not going to approve it as it was. They

could come back in one month with an approved agreement that the Commission could wrap its arms around and say that they agreed with it.

Mr. Polyzois asked what would happen if they could not agree on something. Mr. Reece indicated that they would have to roll the dice and bring the plan forward and take their chances on what the Commission would say. Mr. Polyzois said that it was what it was. He said that they would have to sit down with Mr. Bylen, but for Mr. Polyzois to absorb all costs and responsibility for modifying a hole that, in all likelihood, was designed defectively, and probably would not have been designed as it was had the condo complex been in place first, was putting an unnecessary burden on him. He could not be held hostage because he was not going to concede to what Mr. Bylen and his architects dictated that Mr. Polyzois needed to do to get the project through. It was almost like a conditional approval, and if he could not work things out with his neighbor, what he had been working on might not come to fruition.

Mr. Reece did not see it as a "who was there first" scenario. They could argue all night that the hole was designed wrong, and that technology was different when it was designed. Mr. Polyzois' architect admitted that they were right on the edge of safety. He asked Mr. Polyzois if he was comfortable with that.

Mr. Polyzois said that he was. The safety cones were not on top of a structure; that was why they hired someone independent. They got the results, and he met with Mr. Breuckman. They felt good about what they had, and they proceeded forward. Mr. Reece again offered that they could proceed. If Mr. Polyzois was confident that the development as proposed was safe, Mr. Reece indicated that they could go forward.

Mr. Polyzois advised that they would give it a sincere approach and talk with Mr. Bylen face to face. Hopefully, that would produce results that satisfied his concerns and allowed Mr. Polyzois to move forward in the manner he would like. That was the goal, and Mr. Polyzois said that he was available tomorrow. He stated that time was of the essence, and he was responsive and respectful as to what he had to do to make things work.

Mr. Reece reminded Mr. Bylen that it needed to be a two-way discussion, not one.

Mr. Bylen said that he was really concerned that, after being a lifetime resident of the community and running a business that paid the City more

money than any other entity in the City, that he was somehow being labeled in a bad light. He stressed that he had not been contacted by the applicants in months. For Mr. Polyzois to characterize Mr. Bylen as someone holding him hostage was objectionable to Mr. Bylen. For the City to infer that it would be a one-way conversation was not true. He had stated in his letter and he stated publicly, that he was not opposed to the development. He would like to be able to work it out.

Chairperson Boswell did not want things to go too far regarding the "he said, he said" and with the going back and forth. Chairperson Boswell said that Mr. Polyzois said he was willing to meet with Mr. Bylen as early as tomorrow. As far as the Commission was concerned, it should have already been done. If tomorrow was the day, they should get it done and come back, and the Commission would take a look at things. Chairperson Boswell said that he also found it interesting that 30 years ago, the City said something to the effect that there were wetlands, and the subject property would never get developed. They heard a lot of heresay about certain lands that would never get developed, but those things did happen.

Mr. Bylen said that he did not want to be criticized in a month if he did not meet with the applicants tomorrow. He would be happy to meet, but his architects were not available to meet tomorrow. Mr. Polyzois said that it was a figure of speech. Mr. Bylen advised that Mr. Forrest (his architect) would have come to the meeting, but he was out of town. His firm was in Toledo, and he was very accessible.

Hearing no further discussion, Mr. Hetrick moved to postpone the four items related to Villas of Shadow Pines, seconded by Mr. Schroeder. Ms. Brnabic wanted to make sure the developers agreed to the postponement, which they did. Ms. Brnabic summarized that the Commission was asking, within a reasonable amount of time, that the two parties meet. If it took more than one meeting, so be it. The Commissioners were just saying that by the time the applicants came back, hopefully things would be reasonably worked out. She was not sure if the costs would exceed the estimate. She suggested that perhaps there could be shared responsibility. She was very hopeful that the next time, they would have a better idea of the situation.

Chairperson Boswell said that he would very much like either Mr. Breuckman or Mr. Anzek in the meeting. Mr. Nunez agreed.

Chairperson Boswell called for a voice vote, which was unanimously in favor of postponing the matter of City File No. 13-009.

Chairperson Boswell stated for the record that the motion had carried.

- 2014-0180** Request for a Tree Removal Permit - City File No. 13-009 - Villas at Shadow Pines, to remove and replace as many as 138 regulated trees associated with the construction of a 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

Postponed

- 2014-0179** Request for Recommendation of a Wetland Use Permit - City File No. 13-009 - Villas at Shadow Pines, for impacts to approximately .47 acres for 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

Postponed

- 2014-0210** Request for Final Site Plan Approval Recommendation - City File No. 13-009 - Villas at Shadow Pines

Postponed

- 2014-0098** Public Hearing and request for a Recommendation regarding Ordinance Amendments - Amendments to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to the C-1, Commercial Improvement district, including Sections 138-6.300, Principal Uses Permitted; 138-6301, Conditional Uses; 138-6.302, Required Conditions; and Section 138-6.303, Area Bulk and Development Regulations, James Breuckman, Manager of Planning
(Reference: Memo prepared by James Breuckman, dated May 13, 2014 and C-1 zoning amendments had been placed on file and by reference became part of the record thereof.)

Mr. Anzek indicated that before they got started, he wanted to make everyone aware that it would be Mr. Breuckman's last meeting. For those who had not heard, Mr. Breuckman had accepted the position of City Manager with Pleasant Ridge. Mr. Anzek maintained that Mr. Breuckman's wisdom and unique skill set would be sorely missed by the Planning Department, and it would be a tough position to fill. Chairperson Boswell asked if the position had been filled, and Mr. Anzek

joked that the Mayor would not let him hire three people.

Mr. Breuckman noted that the C-1 district amendments were the same as presented last month. The C-1 district would be tied more to the uses permitted in the Flexible Business 2 Overlay district, which did not exist when C-1 was created in the 1980's. The FB-2 district had a range of uses that were more appropriate for the existing and potential character of the C-1 district. The setbacks were more in keeping with the existing pattern of the C-1 district. He asked if there were any questions.

Hearing none, Chairperson Boswell opened the Public Hearing at 10:05 p.m. Seeing no one come forward, he closed the Public Hearing.

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

MOTION *by Hetrick seconded by Schroeder, the Rochester Hills Planning Commission hereby recommends to City Council approval of an Ordinance to amend sections of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan as discussed at the Public Hearing held on May 20, 2014. The proposed amendments are to the CI Commercial Improvement district, and the sections to be amended are 138-6.300 Principal Uses Permitted, 138-6.301 Conditional Uses, 138-6.302 Required Conditions, and Section 138-6.303 Area, Bulk, and Development Regulations and to repeal conflicting or inconsistent ordinances and prescribe a penalty for violations.*

Recommended for Approval to the City Council Regular Meeting

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

Absent 1 - Kaltsounis

2014-0099

Public Hearing and request for a Recommendation regarding Ordinance Amendments - Amendments to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, including Administrative and Organizational Procedures, Standards for Site Plan Approval, office parking in the Industrial, Research and Technology districts and for various sections to incorporate the Regional Employment Center (REC) districts, James Breuckman, Manager of Planning

(Reference: Memo prepared by James Breuckman, dated May 13, 2014 and zoning amendments had been placed on file and by reference became part of the record thereof.)

Mr. Breuckman noted that the amendments had been introduced to the Planning Commission last month. The Public Hearing was scheduled, and the amendments were put in Ordinance format. If there were any issues, there would be revisions, and it would be brought back at a future meeting, but if they were ready, they could take them forward to Council. Rather than going through the amendments line by line, he asked if there were any questions or concerns.

Mr. Brueckman pointed out the map that was included, which showed the proposed areas to be amended. Those properties would be rezoned from I, Industrial to REC-W (Regional Employment Center). There were four REC districts, which corresponded to the districts in the REC Development Plan. They were choosing not to rezone any of the Corridor Interchange or Mixed Use areas at this time. They would rather leave it to the property owner to request a rezoning. In the meantime, they were asking to rezone all the Industrial-zoned properties, except those on Avon Industrial, which had some unique differences from the rest. Rezoning to REC-W would allow the industrial park property owners to take advantage of some of the flexibility that the REC-W zoning district offered, in terms of reduced setbacks and with the potential for slightly more building area to be approved administratively. He felt that was a good thing to promote redevelopment in the industrial parks.

Mr. Breuckman advised that the list of uses in the REC-W and the Industrial district were exactly the same, so it was a minor change, all to the benefit of the property owners. Staff sent letters to all the property owners apprising them of the change. He did get some phone calls, and he explained what the City was doing. Staff did not receive any letters in opposition, and he took that as a good sign. He asked if there were any questions.

Mr. Schroeder asked if Mr. Stolaruk owned properties on Avon Industrial. Mr. Breuckman agreed, and said that he also owned property on Star Batt, which was to the east of Avon Industrial. Mr. Schroeder asked the difference between the properties on either side of Crooks.

Mr. Anzek said it was the intended use in the plan. Staff was hoping that Avon Industrial would be assembled and become part of any redevelopment of the former Suburban Softball site. They did not want to lock it into an industrial or manufacturing type of use, but to be more open toward office and corridor uses. Mr. Breuckman said that they also did not want to allow some of the benefits of reduced setbacks to encourage reinvestment in those properties as they stood.

Mr. Hooper asked about the City-owned property on Hamlin, and why that was not included. Mr. Breuckman said that it was already zoned ORT, Office, Research and Technology, which had more flexibility than the REC-W or Industrial zoning had. Mr. Anzek said that there had been some bites on that property, and they were working with a potential client.

Mr. Hooper asked if the former Suburban Softball site was also zoned ORT. Mr. Anzek said it was residential, but it was governed by a Consent Judgment, which called out the uses.

Mr. Breuckman pointed out some parcels on Crooks zoned B-4, including the Burger King, Red Roof Inn and McDonald's, which were not included in the rezoning.

Chairperson Boswell opened the Public Hearing at 10:12 p.m. Seeing no one come forward, he closed the Public Hearing.

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

MOTION *by Hetrick, seconded by Schroeder, the Rochester Hills Planning Commission hereby recommends to City Council approval of an Ordinance to amend sections of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan as discussed at the Public Hearing held on May 20, 2014.*

Sections to be amended or created include 138-2.200 Site Plan Review, 138-2.203 Standards for Site Plan Approval, 138-4.100 Zoning Districts Established, 138-4.216 REC-W Regional Employment Center Workplace District, 138-4.217 REC-C Regional Employment Center M-59 Corridor District, 138-4.218 REC-I Regional Employment Center Interchange District, 138-4.219 REC-M Regional Employment Center Mixed Use District, 138-4.302 Table of Permitted Uses - REC Districts, 138-4.430 Outdoor Storage, 138-5.100 Schedule of Regulations, Article 6, Chapter 6 REC - Regional Employment Center, 138-11.102 Location of Spaces, 138-11.204 Minimum Parking Requirements, 138-11.303 Off-Street Loading, 138-11.304 Pavement Striping, 138-12.300 Buffer Requirements, to update table numbers and references as necessary, to amend the zoning map to rezone certain parcels of land from I, Industrial to REC-W, Regional Employment Center Workplace, and to repeal conflicting Ordinances and prescribe a penalty for violations.

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, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

Chairperson Boswell stated for the record that both motions had passed unanimously.

ANY OTHER BUSINESS

Mr. Breuckman said that it had really been great working at the City, and leaving was not part of the plan, but sometimes things popped up in life. He wanted to thank the Commissioners. He had worked with a lot of Planning Commissions over the years, and he believed that the City Council and Planning Commission in Rochester Hills had always been at the very top. He said he would miss everyone, and the Commissioners thanked Mr. Breuckman and wished him well.

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for June 17, 2014.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Reece, Chairperson Boswell adjourned the Regular Meeting at 10:15 p.m.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary
Rochester Hills Planning Commission