



Rochester Hills Minutes City Council Regular Meeting

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*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, July 19, 2006

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:32 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Others Present:

*Bryan Barnett, Mayor
Derek Delacourt, Deputy Director of Planning
Julie Jenuwine, Director of Finance
Jane Leslie, City Clerk
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council hereby approves the Agenda of the Regular Rochester Hills City Council Meeting of July 19, 2006 as presented.

A motion was made by Duistermars, seconded by Yalamanchi, to Approve the Agenda as Presented.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

PUBLIC COMMENT

Ms. Deanna Hilbert, 3234 Quail Ridge Circle, noted her concern that the REI project was approved by the Planning Commission at midnight the previous evening. She noted that although many concerns were raised by the Planning Commission, and many conditions were attached to the site plan, it was still approved. She further questioned the process by which City Council voted to go into a Closed Session meeting noting that they did not read the resolution prior to voting on the issue. She then raised a concern that the Closed Session would be held on a Thursday, rather than before or after a regular Council meeting held on a Wednesday.

City Attorney John Staran clarified that the purpose of the Closed Session to which Ms. Hilbert referred would be to discuss a written attorney/client privileged communication and that there are no restrictions as to when a municipality can hold a Closed Session meeting.

He stressed that Council often does hold such meetings in conjunction with regular meetings, but that is a matter of convenience not a rule. He further noted that if the resolution to hold a Closed Session was adopted incorrectly then that matter should be corrected prior to the Closed Session.

***Ms. Melinda Hill**, 1481 Mill Race, expressed her concern that important City matters are not receiving appropriate attention. She specifically noted that the Planning Commission packets are not made available prior to the meetings, as is the case with City Council packets. While she noted that the Planning Commission recording secretary provides "excellent minutes" of the proceedings, they are available only after the fact. She also asked Mayor Barnett why two complex and controversial items, such as the REI project and the new DPS Facility, were scheduled for the same Planning Commission meeting requiring that interested parties be present beyond midnight. She urged the City administration to begin providing the Planning Commission meeting packets on the City's website and to begin televising the meetings. She further questioned why Mayor Barnett had not responded to the correspondence, phone calls and emails she had sent him.*

LEGISLATIVE & ADMINISTRATIVE COMMENTS

***Mayor Barnett** noted that he was unaware of any correspondence from Ms. Hill within the past 60 days. He further clarified that he does not set the agenda for the Planning Commission and directed her to contact Mr. William Boswell, Chairperson of that body.*

***Mr. Ambrozaitis** asked Mr. Staran to clarify the purpose of the Closed Session meeting to which Ms. Hilbert had referred during Public Comment.*

***City Attorney John Staran** explained that Council would be limited to discussing two attorney/client privileged communications neither of which related to the REI project or litigation.*

***Ms. Margaret Manz**, Recording Secretary, read the motion Council passed the previous week to go into Closed Session on July 20, 2006.*

***Mr. Hooper** provided a brief synopsis of the proceedings from the previous night's Planning Commission meeting noting that the REI discussion primarily focused on the process that was laid out by the Consent Judgment approved by the previous City Council. The unanimous approval of the site plan did condition that the plan return to the Planning Commission for review of the revised elevation and tree survey, which he noted constituted twelve of the conditions mentioned by Ms. Hilbert. He further noted that approximately eight conditions were dropped following the discussion. The Planning Commission primarily struggled with meeting the technical compliance of the plan as it relates to the ordinance in terms of the Consent Judgment.*

***Ms. Holder** noted that it has been her experience that the Planning Commission does not care to have their meetings televised, that they are a recommending body, and that it would be an increased cost to the City.*

***Mr. Ambrozaitis** indicated that he is a proponent of putting all ballot proposals on November elections. He further indicated that he supports placing the single waste hauler issue on a ballot and allowing the citizens to decide the issue. He then noted his support for televising the Planning Commission meetings.*

***Mr. Duistermars** noted that, while the Planning Commission is primarily a recommending body, there are certain matters for which the Planning Commission has the final approval.*

***Mr. Staran** confirmed this assertion noting that the Planning Commission has the final decision on site plans, certain waivers and permits, landscape buffer modifications,*

natural features setback modifications and the City's Master Land Use Plan as well as all of its components.

Mr. Hooper provided some history on the new DPS Facility noting various approvals, as well as the rescinding of Council's original budget approval and the resulting reduction in scope of the project. He then described the Planning Commission as a "very prestigious body."

Ms. Raschke asked that Council members treat those individuals who come before them with civility. She then announced that the vintage baseball team The Grangers would be playing a game at the Museum on July 29th.

Mayor Barnett described a welcoming event for a new business entering Rochester Hills that included a press conference and reception. He noted that the business, Hi-Lex, would be bringing 95 new high-tech jobs to the community with plans to expand by another 50 employees in the near future. He further noted that Rochester Hills has the lowest unemployment rate in Oakland County and the fifth lowest in the State.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

PRESENTATIONS

2006-0448

Presentation on Clinton River Valley Heritage Area

Attachments: Agenda Summary.pdf; Vision Information.pdf

Mr. Greg Doyle and **Mr. Rod Wilson** of the Rochester-Avon Historical Society, provided a presentation regarding the **Clinton River Valley Heritage Area Vision:**

Create a historic tourist destination point along the Clinton River Valley:

- Creates a focus on history in Rochester.
- Generates economic activity.
- Educates residents and creates appreciation for our historic resources.

Key Elements:

- Covered bridge
- Veterans Memorial Pointe
- Rochester College Farmstead
- Rochester Elevator
- Rochester Paper Mill
- Parke Davis Barn
- Clinton Kalamazoo Canal ruins
- Stone shelter
- Yates Cider Mill

Phase One:

- Relocation of the Rochester Elevator

Phase Two:

- Rochester Elevator adaptive reuse

Phase Three:

- Covered bridge

Phase Four:

- Parke Davis Barn Relocation

Phase Five:

- Link to Van Hoosen Farm site

Phase Six:

- Connection to Rochester College Farmstead site

Cost:

- Phase One = \$150,000
- Phase Two = \$1,000,000 to \$1,500,000
- Phase Three = \$100,000
- Phase Four = \$1,000,000 to \$1,250,000
- Phase Five = \$20,000
- Phase Six = \$10,000

- Total Project Cost = \$2,280,000 to \$3,030,000

Rochester Grain Elevator

- New site secured
- Fundraising
- Move preparation
- Move
- Foundation build
- Utility hook up
- Adaptive reuse

Rochester Grain Elevator: Adaptive Reuse

- Welcome Center
- Genealogy
- Food service
- Meeting space
- Bike rental
- Exhibits
- Other non-profit office space

Presented**CONSENT AGENDA**

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

2006-0532

Approval of Minutes - Regular City Council Meeting - March 1, 2006

Attachments: Min CC 030106.pdf; 0532 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on March 1, 2006 be approved as presented.

Enactment No: RES0239-2006

2004-1189

Request to approve new Outdoor Service in conjunction with a Class C Liquor License to be located at 3260-3270 S. Rochester Rd., Rochester Hills, MI for Christanthe Enterprises, Inc., known as C. J. Mahoney's.

Attachments: Agenda Summary.pdf; CJMahoneys Outdoor Service LCC.pdf; 120704 Agenda Summary.pdf; Application Info.pdf; Dance Ent Agmt.pdf; LCC Notice.pdf; AIS Resolution.pdf; 121504 Resolution.pdf; 1189 Minutes & Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council approves the request from Christanthe Enterprises Inc. for a new Outdoor Service in conjunction with 2006 Class C license with Dance-Entertainment Permit, located at 3260-3270 South Rochester Road, Rochester Hills, Michigan 48307, Oakland County, Michigan.

Enactment No: RES0240-2006

Passed The Consent Agenda

A motion was made by Raschke, seconded by Duistermars, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

ORDINANCE FOR ADOPTION

2005-0441

Acceptance for Second Reading and Adoption an Ordinance to Amend Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify review fees charged relative to subdivisions and unplatted land development, prescribe penalties for violations, and to repeal conflicting Ordinances

Attachments: Agenda Summary.pdf; First Reading Agenda Summary.pdf; Ordinance Amendment Chapter 110 - Development Fees.pdf; 071206 Memo Rouse.pdf; 0461 Resolution - First Reading.pdf; 0441 Resolution.pdf

A motion was made by Yalamanchi, seconded by Duistermars, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to Amend Chapter 110, Fees, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify review fees charged relative to subdivisions and unplatted land development, prescribe penalties for violations, and to repeal conflicting Ordinances, is hereby accepted for Second Reading and Adoption and shall become effective on Friday, July 28, 2006 the day following its publication on Thursday, July 27, 2006 in the Rochester Eccentric newspaper.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0241-2006

2006-0235

Acceptance for Second Reading and Adoption - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to conditionally rezone three parcels of land totaling approximately 4.38 acres, known as Parcel No. 15-14-351-061, a portion of Parcel No. 15-14-351-017 and a portion of Parcel No. 15-14-351-018, located on the east side of Rochester Road, north of Avon, from B-2, General Business, to B-3, Shopping Center Business, and to prescribe penalties for the violation thereof; Russ Shelton, Shelton Pontiac GMC Buick, applicant (City File No. 06-004)

Attachments: Agenda Summary Second Reading.pdf; 062106 Agenda Summary First Reading.pdf; Map aerial.pdf; Staff Report.pdf; Environmental Impact Statement.pdf; Letter Consent 02-16-06.pdf; Letter Shelton 05-17-06.pdf; Memo Casey 03-17-06.pdf; Purchase Agree.pdf; Ordina

A motion was made by Yalamanchi, seconded by Hooper, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone three parcels of land totaling approximately 4.38 acres, known as Parcel No. 15-14-351-061, a portion of Parcel No. 15-14-351-017 and a portion of Parcel No. 15-14-351-018, located on the east side of Rochester Road, north of Avon from B-2, General Business, to B-3, Shopping Center Business, is hereby accepted for Second Reading and Adoption and shall become effective on Friday, July 28, 2006 the day following its publication on Thursday, July 27, 2006 in the Rochester Eccentric newspaper.

Conditions:

- 1. The rezoned parcels shall be used only for Auto Dealership purposes, including, but not limited to, vehicle display, storage, and service.**
- 2. The rezoned parcels shall be combined with each other and Parcel No. 15-14-351-055 to the immediate north to form a single parcel.**

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0242-2006

APPOINTMENTS/NOMINATIONS

2006-0535

Appointment of Youth Members to the 2006/2007 Rochester Hills Government Youth Council (RHGYC)

Attachments: Agenda Summary.pdf; 080206 Agenda Summary.pdf; 0535 Resolution.pdf

Ms. Holder, Council Liaison to the Rochester Hills Government Youth Council, praised all of the applicants and noted, "We have here our future leaders."

Mayor Barnett also praised the Youth Council representatives and reminded Council of

the assistance they provided during the Festival of the Hills when several members collected surveys from attendees.

A motion was made by Duistermars, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved that the Rochester Hills City Council hereby concurs with the recommendation of the Rochester Hills Government Youth Council (RHGYC) Interview Team and Waives Article II, Membership and Terms, Section 1.a of the RHGYC Bylaws and Rules of Procedure to allow the appointment of fourteen (14) members to the RHGYC for the 2006/2007 term.

Be It Further Resolved the Rochester Hills City Council concurs with the recommendation of RHGYC Interview Team and appoints the following students to the RHGYC for the 2006/2007 term beginning September 1, 2006 and ending August 31, 2007:

<u>Name</u>	<u>School</u>	<u>Council District</u>
Saran Ahluwalia	Stoney Creek	2
Sarah Bachleda	Adams	1
Molly Graham	Marian	1
Kristina Hurst	Adams	2
Angie Jackson	Rochester	4
Kelley Kosuda	Rochester	2
Andy LeBlanc	Adams	2
Adam Lomasney	Adams	1
Ashley McCormick	ACE	4
Paras Patel	Avondale	3
Camille Smith-Winberry	Rochester	2
Jeff Wojcik	Stoney Creek	2
Pratyusha Yalamanchi	International Academy	1
Richard Yoon	Rochester	3

Be It Further Resolved that the RHGYC terms shall be one (1) year beginning September 1, 2006 and ending August 31, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0243-2006

NEW BUSINESS

2006-0320

Request for a "New from Quota" Class C License - Carrabba's Italian Grill located at 1460 N. Rochester Rd.

Attachments: Agenda Summary.pdf; Staff Report.pdf; Application.pdf; Lease Excerpt.pdf; Plans & Menu.pdf; Letters & Receipt.pdf; Dept Reports.pdf; LCC Resolution.pdf; 061306 DRAFT AIS Resol Ver 1.pdf; 061306 AIS Resol Ver 1 & DRAFT notes.pdf; 062706 AIS Resol Ver 2 & D

***Ms. Holder** provided background information explaining that Carrabba's had appeared before the Administration & Information Services Committee twice to request a quota Class C liquor license. Each time a decision was made to deny the request, however, a full Committee was not present at either meeting. Thus, the Committee passed a motion to send the matter to Council without a recommendation. Ms. Holder stressed her support for granting the request, noting the extensive investment the developer of City*

Walk had made in the community, further noting that Carrabba's is a well-established and respected dining establishment.

Mr. Scott Edwards, attorney for Plunkett & Cooney, PC, 38505 Woodward Avenue, Bloomfield Hills; **Mr. Mark Wibel**, Carrabba's/Mid East, Limited, 2202 North West Shore Boulevard, Tampa, Florida, partner; and **Mr. Paul Aragona**, City Walk LLC, 37020 Garfield, Clinton Township, developer, provided the following information about the development and the liquor license request:

- Carrabba's is part of the Outback Steakhouse "family" of restaurants, which also includes Cheeseburger in Paradise and Bonefish Grill.
- A unique feature of the Carrabba's organization is the involvement of local joint venture partners. In this case the restaurant manager will have an interest in the restaurant and will share in the profits.
- Rochester Hills was one of Carrabba's first choices for launching a restaurant, as it is a "very unique and wonderful market."
- The restaurant will employ 80 to 90 people.
- Carrabba's is a dinner-only operation.
- Outback purchased and transferred in a liquor license for their Outback Steakhouse location on Rochester Road.
- The Carrabba's restaurant will be an anchor of the City Walk development.
- The restaurant will provide the development with a broad-based appeal and will be a major traffic generator.
- The intersection improvements, as a result of the City Walk development in conjunction with the adjacent Papa Joe's development, represent a substantial investment in the community of private dollars; no tax dollars were expended and no tax breaks or public incentives were sought.
- The City Walk development and this restaurant will provide a great many new jobs.
- It was anticipated that this would be the only liquor license for this development.

While **Mr. Hooper** stated that Carrabba's is the type of restaurant Rochester Hills should support, he noted that the company has the financial resources to purchase a liquor license and transfer it into the City. He further noted that there are several more developments entering the City that may request a license and the City has only three licenses until 2012.

Mr. Duistermars expressed his support for granting the applicant's request, stressing that Mr. Aragona's development should be given the same consideration as the Papa Joe's development, which was required to purchase a license and then was granted one by the City. He reminded Council that the Outback organization had already purchased a license for their Rochester Hills Outback Steakhouse location. He further noted the extensive investment Mr. Aragona had made in the community. He also noted that the City is essentially built out and it is unlikely to receive a great many new licenses following the Census. He did not see the purpose of retaining licenses in the face of ever increasing requests that cannot be met.

Ms. Holder agreed with Mr. Duistermars, noting that the Council has been reluctant to grant these requests hoping to retain licenses for this very type of development. She noted that the City should "show our appreciation" for the developer's extensive investment in the

community. She expressed her hope that Council would consider the increase in revenues to area businesses, as more shoppers will be attracted to the area by this restaurant.

President Rosen echoed Mr. Hooper's sentiment that the restaurant has the financial resources to purchase a license. He also noted his belief that it is not a good business decision for Carrabba's to base their decision to locate in Rochester Hills on receipt of a quota liquor license.

Ms. Raschke expressed support for granting the liquor license and noted the positive improvement the two developments, City Walk and Papa Joe's, have brought to the Tienken Road/Rochester Road intersection.

Mr. Ambrozaitis expressed his belief that Council should retain their three remaining liquor licenses.

A motion was made by Duistermars, seconded by Holder, that this matter be Adopted by Resolution.

Resolved that the request from Carrabba's/Mid East, Limited Partnership (A Florida Limited Partnership), request for a new full year Class C License & SDM license with Sunday Sales, Official Permit (food), and Outdoor Service area to be located at the southeast corner of Rochester and Tienken, Rochester Hills, Michigan, 48307, Oakland County, Michigan be considered for approval "Above All Others" by the Michigan Liquor Control Commission.

It is the consensus of this legislative body that the application be Recommended for issuance.

The motion failed by the following vote:

Aye: Duistermars, Holder and Raschke

Nay: Ambrozaitis, Hooper, Rosen and Yalamanchi

Attachments: Agenda Summary.pdf; Staff Report.pdf; Application.pdf; Lease Excerpt.pdf; Plans & Menu.pdf; Letters & Receipt.pdf; Dept Reports.pdf; LCC Resolution.pdf; 061306 DRAFT AIS Resol Ver 1.pdf; 061306 AIS Resol Ver 1 & DRAFT notes.pdf; 062706 AIS Resol Ver 2 & D

A motion was made by Yalamanchi, seconded by Hooper, that this matter be Adopted by Resolution.

Resolved that the request from Carrabba's/Mid East, Limited Partnership (A Florida Limited Partnership), request for a new full year Class C License & SDM license with Sunday Sales, Official Permit (food), and Outdoor Service area to be located at the southeast corner of Rochester and Tienken, Rochester Hills, Michigan, 48307, Oakland County, Michigan be considered for disapproval "Above All Others" by the Michigan Liquor Control Commission.

It is the consensus of this legislative body that the application be not Recommended for issuance.

The motion carried by the following vote:

Aye: Ambrozaitis, Hooper, Rosen and Yalamanchi

Nay: Duistermars, Holder and Raschke

Enactment No: RES0246-2006

(Recess 9:14 p.m. - 9:29 p.m.)**2005-0490**

Request for approval of the Preliminary Planned Unit Development (PUD) for Oakville Estates (City File No. 04-037), a proposed 122-unit condominium development on 26 acres located north of School, east of John R, various parcels zoned R-3, One Family Residential, Oakville Estates, LLC, applicant.

Attachments: Agenday Summary.pdf; Map aerial.pdf; Report Staff PrePUD.pdf; Letter Cueter 05-30-06.pdf; PUD Agreement 05-10-06.pdf; Petition.pdf; PUD Ordinance 060905.pdf; PUD Plans 06-30-2006S.pdf; 0490 Minutes & Resolution.pdf

Mr. Gregory Cueter, Oakville Estates, LLC, 42850 Schoenherr Road, Sterling Heights, developer; **Mr. John Gaber**, Williams, Williams, Ruby & Plunkett, PC, 380 North Old Woodward Avenue, Birmingham, attorney; **Mr. Mark Mohrenweiser**, Design Team Ltd., 17255 West 10 Mile Road, Southfield, designer; and **Mr. John Wright**, MCS Associates, Inc., 44444 Mound Road, Sterling Heights, engineer, were present to represent the applicant.

Mr. Cueter provided the following information about the proposed PUD condominium development:

- The development combines nine parcels into 26 acres on School Road and John R Road.
- There is an old landfill to the east of the proposed development and light industrial uses to the north.
- There is a need in the community for ranch-style condominiums to serve the empty-nester and young professional population.
- This development has appeared before the Planning Commission twice previously, first as a rezoning request and second as a conditional rezoning request; both requests did not receive the support of the Planning Commission.
- City Council denied the conditional rezoning request, as conditional rezoning was a new concept at the time and no standards had been established.
- Despite the denials by the Planning Commission and the City Council, there was a great deal of support expressed for this type of project.
- The project was discussed during multiple Planning Commission workshops and modified extensively.
- The plan has been modified from the original 155 units to 122 units, with a density of 4.5 units per acre.
- The current density falls well within the limits of RM-1 zoning.
- There is 40% open space in the proposed development.
- The detention basin was moved to allow it to discharge into a new 66-inch storm sewer pipe on School Road.
- The structures facing School Road will be limited to a three-unit building and the side of a two-unit building.

- *The condominium development will generate fewer car trips than a residential community.*
- *The School Road entrance will be restricted for emergency access only, thus keeping that road rural and eliminating traffic, light and noise issues.*
- *The money that would have been spent paving School Road will be placed in the City's Local Road Fund.*
- *The development provides a "true transitional piece of property in this City."*

Mr. Gaber discussed the many ways in which the proposed development meets the PUD qualifying criteria:

- *This type of ranch-style condominium housing development is identified as needed in the Master Land Use Plan.*
- *The development preserves open space, including a 2.7-acre park in the northeast quadrant and a pathway for passive recreational use.*
- *Right-of-way on School Road and John R Road is being donated to the City by the developer for the purpose of paving and potentially widening those roads.*
- *Funding is being provided for the future paving of School Road.*
- *The John R pathway is being extended south to School Road.*
- *There is sufficient capacity for storm drainage into the new drain on School Road.*
- *A traffic impact study shows fewer car trips would be generated by this type of development.*
- *The development will have a private road relieving the City of any maintenance burden.*
- *This development will maintain the existing residential character of the community while providing diverse housing choices.*
- *This type of development will permanently establish land use patterns that will protect existing or planned areas.*
- *This development will provide a transitional buffer to the property.*
- *This development will enhance the aesthetic appearance of the City through quality building design and site development with brick exteriors, two-car garages and substantial landscape buffering.*
- *The layout of the development is conducive to a good traffic flow.*

Mr. Derek Delacourt, Deputy Director of Planning, briefly discussed the PUD process noting that the decision to approve is at the sole discretion of City Council. He noted that the conceptual plans meet the requirements of the PUD Ordinance, which is a basis to move forward with the process. He stressed that, although there have been at least one conceptual review and two technical reviews, there remains some technical compliance issues; however, the project has been reviewed enough to be brought forward to gain Council's input and decision as to whether the process should continue. Mr. Delacourt clarified for Council that the draft PUD agreement was provided to Council for informational purposes only, but was ready for approval. The next step in the process would be to submit the final site plans and the agreement.

PUBLIC COMMENT:

Mr. Raymond Anderson, 1480 Gravel Ridge, expressed his opposition to the development and noted that a petition signed by other concerned citizens opposing the plan had been submitted to City Council. He voiced his concerns regarding increased traffic on School Road. He also noted that the water from the detention basin draining into the Clinton River would be contaminated with weed killer and algaecides, and the Department of Natural Resources would not permit it. Finally, he noted that the area is home to a great deal of wildlife that would be disrupted by this development.

COUNCIL DISCUSSION:

Council members expressed the following:

- The City needs this type of development.
- The PUD process provides the City with more control over what is eventually developed.
- While the concept of the project is acceptable, the location may not be appropriate.
- Most of the Planning Commission members agreed there is a demand for this type of product.
- There is a question as to how this development will affect the rest of the neighborhood.
- Greater than 50% of that area is wetland and cannot be developed.
- A standard R-3 development would create more car trips than the proposed development would.
- Issues discussed at the Planning Commission, such as road width and parking amenities, were addressed sufficiently resulting in positives for the development.
- If the PUD is granted, the development should comply with R-3 zoning, particularly with regard to side yard setbacks.
- The detention basin draining into the sewer pipe must not poison the Clinton River.
- While not ideal, this development is much more palatable than many possible alternatives.
- The developer should make the effort to retain as many trees as possible on the site.
- John R Road should not be widened in that area.
- The road within the development should be 27 feet wide.
- For safety reasons, School Road should not remain closed.
- The Pathway program along John R Road should continue and not be delayed by this project.

Mr. Cueter, Mr. Gaber, Mr. Delacourt and City Attorney John Staran addressed Council's questions and concerns as follows:

- The open space allotment for this development includes spaces between buildings and common areas.

- *The City Attorney reviewed the draft PUD agreement and provided a great deal of feedback including suggested changes.*
- *The development will not disrupt School Road; it will remain rural until the City determines it needs paving.*
- *The City will receive money from the developer to be placed in the Local Road Fund for the eventual paving of School Road.*
- *The condominiums will be extremely high quality buildings.*
- *The price point of the units will be in the \$230,000 to \$240,000 range.*
- *All units will have basements, two bedrooms, two-car garages and some will offer a library.*
- *The Planning Commission did not support a development mix of single-family and multi-family homes.*
- *The Master Land Use Plan would not support a light industrial use in this area.*
- *The mandatory use of more environmentally friendly lawn maintenance chemicals can be written into the PUD agreement.*
- *While a pathway is planned for John R Road as part of the City's Pathways program, it may not yet be budgeted.*
- *Increasing the side yard setbacks would reduce the density of the project, likely increasing price points so substantially that the project would no longer be feasible.*
- *The recommendation from the City's Engineering Department is for a 24-foot road with a five-foot sidewalk through the development, which received unanimous support from the Planning Commission.*
- *As the road through the development will be private, requiring a 27-foot road will increase the maintenance burden on the condominium owners.*
- *School Road will remain closed until paved, providing only emergency access to the condominium development.*
- *It will be contained in the condominium bylaws that access from School Road must be maintained for emergency vehicles.*
- *There will be a center turn lane and deceleration lane off of John R Road into the development.*
- *The John R Road entrance was aligned with the entrance to the development on the opposite side of the road creating a small intersection.*

Mr. Yalamanchi questioned whether this matter could be "tabled" until more information was available.

Mr. Cueter stressed that this was only a preliminary approval.

Mr. Staran noted that this is a two-step process, with the first step establishing that this is an appropriate PUD project. The second step would address the details of the project itself.

President Rosen stated, "We are making the basic, fundamental decision that something a lot like this will happen."

Mr. Hooper moved the motion with nine findings and fourteen conditions and Ms. Raschke supported the motion.

Mr. Duistermars immediately made a motion to add a fifteenth condition to require that setbacks between buildings comply with R-3 zoning requirements.

There was no support for Mr. Duistermars's motion.

A motion was made by Hooper, seconded by Raschke, that this matter be Adopted by Resolution.

Whereas, the Planning Commission held a pre-application workshop regarding the proposed PUD on February 7, 2006; and

Whereas, the Planning Commission held a Public Hearing on June 20, 2006 for a preliminary review of a conceptual plan and outline of a Planned Unit Development (PUD) Agreement, identified major issues associated with the project, provided the applicant with preliminary direction and determined that the concept plan and the PUD outline generally qualify for PUD rezoning.

Resolved that the Rochester Hills City Council hereby concurs with the Planning Commission's determination that the concept plan generally qualifies for review and processing as a PUD zoning project and approves the PUD Concept Plan dated received June 13, 2006, for City File No. 04-037 (Oakville Estates), located east of John R and north of School Road and identified as Parcel Nos. 15-24-100-009 & 010; 15-24-100-018 & 019; 15-24-100-028 & 029; 15-24-100-037 & 038; 15-24-100-040, with the following findings and conditions (Oakville Estates, L.L.C, applicant).

Findings:

- 1. The proposed Conceptual Plan meets the criteria for use of the Planned Unit Development process.**
- 2. The applicant has met all of the requirements of the Preliminary Planned Unit Development submittal.**
- 3. The proposed Concept Plan has not been utilized to avoid applicable requirements of the City's Ordinance. The proposed use is consistent with the intent of the single-family Zoning District.**
- 4. The proposed Plan will not add facility loads above those contemplated by the Master Plan.**
- 5. The proposed Plan promotes the goals and objectives of the Master Plan.**
- 6. The proposed use is consistent with existing and future land use patterns.**
- 7. The proposed plan provides appropriate transition between the existing land uses surrounding the property.**
- 8. That utilization of the PUD process allows the City additional controls to ensure quality building design and site development.**
- 9. That this approval is for the Conceptual Plans only; the proposed PUD Agreement is for review only, and none of the language proposed is binding until Final PUD and Site Plan Approval by City Council.**

Conditions:

1. That all issues and requirements identified during the Conceptual Plan Review by Staff be addressed prior to Final Approval of the Planned Unit Development by City Council.
2. That any adjustments or changes to the proposed PUD Agreement by Staff, the Planning Commission, and City Council be addressed prior to Final PUD approval by City Council.
3. That the applicant submits full wetland mitigation and enhancement plans for review and recommendation prior to Final PUD and Site Plan approval by City Council.
4. That final location of access points and required off-site traffic improvements are to be reviewed and finalized for approval prior to Final PUD and Site Plan Approval by City Council.
5. That any required Wetland Use and/or Tree Removal Permit be reviewed and approved prior to Final Site Plan and Final PUD Approval by City Council.
6. That all engineering requirements for storm water retention and maintenance be reviewed and recommended for approval prior to Final Site Plan and Final PUD approval by City Council.
7. That all proposed landscaping and material be reviewed and recommended for approval by the City's Landscape Architect prior to Final PUD and Final Site Plan Approval by City Council.
8. That all applicable Fire Department requirements be met and approved by the City's Fire Department prior to Final Site Plan and Final PUD Approval by City Council.
9. Add a timeline for construction of the project to the PUD Agreement, to be reviewed and approved by the City prior to Final Site Plan and Final PUD Approval by Planning Commission and City Council.
10. Add dimensioned building elevations and label all materials on the revised plan, as typical of the renderings shown on June 20, 2006, to be reviewed and approved by Staff prior to Final Site Plan and Final PUD approval by Planning Commission and City Council.
11. Meet with property owner across from proposed School Road access to discuss screening his property, and include proposed offsite screening detail on Final Site Plan prior to Final PUD and Final Site Plan Approval by Planning Commission and City Council.
12. Show pathway amenities on the revised plan, including pedestrian circulation, to be reviewed and approved by Staff prior to Final Site Plan and Final PUD Approval by Planning Commission and City Council.
13. Add supplemental visitor parking to the revised plan, to be reviewed and approved by Staff prior to Final Site Plan and Final PUD Approval by Planning Commission and City Council.
14. Discuss with Staff viable connectivity options to abutting properties.

It Is Further Resolved that this determination is made pursuant to City Code Subsection 138-1003 and 138-1006 3a., and does not constitute, nor should it be construed, as final approval of the PUD proposal.

The motion carried by the following vote:

Aye: Ambrozaitis, Holder, Hooper and Raschke

Nay: Duistermars, Rosen and Yalamanchi

Enactment No: RES0247-2006

2006-0530

Approval of 2006-2007 Police School Liaison Program

Attachments: Agenda summary.pdf; 2006-07 Calculation.pdf; 0530 Resolution.pdf

Ms. Julie Jenuwine, Director of Finance, briefly described the Police School Liaison Program noting that it has been in effect since approximately 1982. She further explained that the officers are part of the 59 Oakland County Sheriff's Department deputies contracted to serve the City of Rochester Hills. She further explained that the two officers provided by the City of Rochester are paid through Rochester Hills at the contracted rate. She noted that the breakdown of contributions to the program by Rochester Hills, Rochester and Oakland Township is based on population numbers. She also noted that Rochester Community Schools pays for overtime for officers to attend extra activities such as school sporting events.

Ms. Holder noted that it has been discussed at the Rochester Hills/Auburn Hills Sister City Committee meetings that Avondale Schools be included in this program.

Mayor Barnett explained that the Avondale School District had voluntarily removed themselves from the program previously, however, there were ongoing discussions between representatives of the school district and Captain Bob Smith of the Oakland County Sheriff's Department.

A motion was made by Hooper, seconded by Raschke, that this matter be Adopted by Resolution.

Resolved, the City of Rochester Hills City Council hereby approves the Police Liaison 2006/2007 (school year) budget in the amount of \$591,335, of which as a member agency, the City of Rochester Hills' contribution is \$314,724 (71% of \$443,274) as presented.

Be It Further Resolved that the Mayor is authorized to execute the documentation on behalf of the City.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0248-2006

COUNCIL COMMITTEE REPORTS

Administration & Information Services Committee

Ms. Holder, Chair of the Administration & Information Services Committee, noted that the Committee was currently reviewing City Council's bylaws and had previously reviewed the liquor license request for Carrabba's Italian Grill.

Financial Services Committee

Ms. Holder, Chair of the Financial Services Committee, noted that the most recent meeting had been cancelled.

Public Safety Committee

Ms. Raschke, Chair of the Public Safety Committee, noted that Council members would be attending a joint meeting of three of the Committees including Public Safety on Saturday, July 22nd.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Work Session - Wednesday, July 26, 2006 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 11:23 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*MARGARET A. MANZ
Administrative Secretary
City Clerk's Office*

Approved as presented at the December 13, 2006 Regular City Council Meeting.