



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

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Legislative File No: 2013-0264 V5

TO: Mayor and City Council Members

FROM: Ed Anzek, Director of Planning and Economic Development, ext. 2572

DATE: August 19, 2014

SUBJECT: Request for Final Approval of the Planned Unit Development (PUD) Agreement – City File No. 13-009 – Villas at Shadow Pines, a proposed 28-unit residential development, Shadow Pines, LLC, Applicant

REQUEST:

Approval of a Final Planned Unit Development (PUD) Agreement for Villas at Shadow Pines, a proposed 28-unit residential development consisting of fourteen, two-unit buildings on 9.8 acres, located on South Boulevard, between Adams and Crooks Rd. The site abuts the Pine Trace Golf Course.

BACKGROUND:

This is the second step in the two-step PUD process. At the first stage, PUD Concept Plan review, the Planning Commission and City Council determined that the concept plan met the qualifying criteria for use of the PUD option and the major elements of the development such as density, layout and building design with the understanding that the details would be reviewed during step two (Final). City Council approved the PUD Concept Plan for the Villas on July 29, 2013.

After going through a technical review, during which it was determined that the Final Plans were consistent with the Conceptual Plans and the details regarding trees, wetlands and the PUD Agreement were assessed, the applicants appeared before the Planning Commission for a Public Hearing on May 20, 2014. During the Public Hearing, Mr. Mike Bylen, the contractual operator of Pine Trace Golf Club, raised some concerns about the proximity of hole 11 of the course to the proposed development and golf balls potentially hitting homes/people. The applicants had hired a golf course architect who indicated that with some modifications to hole 11, the safety concerns could be alleviated, and the applicants were willing to pay up to \$40,000 for those modifications on golf course property. Mr. Bylen disagreed. After much discussion, the Commission postponed the decisions for Final PUD Agreement Recommendation, Tree Removal Permit, Wetland Use Permit Recommendation and Final Site Plan Recommendation until the applicants and Mr. Bylen met to discuss an amenable solution. The applicants appeared again before the Commissioners on June 17, 2014 and presented a mutually agreed solution. Please refer to the Planning Commission Minutes for further details.

The applicants proposed mitigating hole 11 by adding tall trees, berming and a 4-foot fence along the property line to direct golfers to hit away from the proposed development. The Planning Commission was satisfied with this progress and all recommendations were approved. A Tree Removal Permit was also granted by the Planning Commission at the June 17, 2014 meeting

A few days after that Planning Commission meeting it was learned that Mr. Bylen intended to go forward with a high net fence along the common property line. Knowing that action was not the understanding of the intent of the escrow pledge, the applicant was asked to meet with Mr. Bylen to clarify matters.

As you can see from the accompanying letter from Mr. Polyzois, it was his understanding that the pledge of monies and trees was intended to be in lieu of the net. Since Mr. Bylen and Mr. Polyzois could not agree the paragraph for off-site improvements to mitigate a net becomes moot. Mr. Polyzois has amended the PUD Agreement by removing paragraph 6. h.

Mr. Staran and I met and discussed this matter and both concluded that this change was significant enough to bring the Agreement back before the Planning Commission for a re-recommendation.

Following is a letter from Mr. Polyzois and a revised PUD Agreement that has been reviewed by Mr. Staran. The only change is the removal of Paragraph 6(h). The matter appeared before the Planning Commission on August 18, 2014, at which time the PUD Agreement was recommended for approval. Final Approval of the Revised PUD Agreement is now being brought forward for City Council's consideration, along with request for a Wetland Use Permit and Final Site Plan Approval (please see Legistar File Nos. 2014-0179 and 2014-0210).

RECOMMENDATION:

The proposed Final PUD Agreement was determined to meet the criteria and objectives of the Zoning Ordinance, and the Planning Commission recommended approval of the Final PUD Agreement for Villas at Shadow Pines, City File No. 13-009 subject to the findings and conditions noted in the Planning Commission's recommendation and listed in the attached resolution.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		