

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

2019-0061

Request for Approval of the PUD Agreement for Brewster Village Condominiums, City File No. 18-015, a proposed 30-unit development on 7.3 acres, located north of Walton, on the west side of Brewster, zoned SP Special Purpose and R-1 and R-3 One Family Residential, Parcel Nos. 15-08-376-015 and 15-08-331-041, Robertson Brothers Homes, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated February 15, 2019 and PUD Agreement, site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Tim Loughrin, Robertson Brothers Homes, 6905 Telegraph Rd., Suite 200, Bloomfield Hills, MI 48301.

Ms. Kapelanski advised that the applicant was proposing to construct a 30-unit detached condominium development on the west side of Brewster north of Walton utilizing the Planned Unit Development (PUD) provisions. The property was currently split-zoned between single-family residential and special purpose. The Planning Commission recommended approval, and the City Council subsequently granted approval of the Preliminary PUD Plan on January 7, 2019. The plan had generally remained the same with some minor modifications. A major modification was that a left turn lane had been added to Brewster, which had been recommended by the Planning Commission. She noted that a Tree Removal Permit was required for the removal of 234 regulated trees, all of which would be replaced on site. A Natural Features Setback Modification was also required for 450 linear feet which was mostly occupied by mowed lawn area. She went over the four requests, and advised that staff reviews all recommended approval, as the development was generally in compliance with the approved Preliminary PUD Concept Plan and other Ordinance provisions.

Mr. Loughrin commented that they were excited to develop in Rochester Hills. After receiving approval, they provided Final Plans and addressed all comments. They had a signed agreement in place for shared detention with the Shadow Woods HOA. That would be recorded after the final approvals and prior to issuance of a Land Improvement Permit. There had been a condition of approval to work with the Shadow Woods' neighboring residents regarding an easement on their property for

screening. He had proposed a 20-foot easement on the north and west sides to be able to plant a double row of evergreen trees. They concentrated on what people would see looking into the property. They were working on the agreement, which would also be recorded. They updated the Environmental Impact Statement and added the left turn lane, based on input from the Commission. He felt that it would be very beneficial for the development. The PUD Agreement had been finalized with the City Attorney, and they had provided the Master Deed and By-Laws, which were reviewed and approved.

Mr. Loughrin noted that the product was geared towards downsizing area residents who wished to stay in the area. They felt that there were many public benefits to the project to justify using a PUD, including the neighboring storm and working with the residents on a landscape buffer. He felt that it would be an appropriate transition from the higher intensity use at the Samaritus property to the south. Another benefit was the bike and pedestrian amenity along Brewster Rd. The Brewster Village HOA would maintain it, and it would be for anyone's use. He stated that it would be a cohesive development of split-zoned properties, and he felt that a PUD was a logical vehicle to make that happen. They were adding ADA accessible sidewalks. A big component was that it would be a housing option for residents that were currently underserved. He believed that the Planning Commission and City Council had voiced that it was a positive component. There would be quality architecture to complement and enhance the area. There would be 1,830 s.f. ranches, which he felt were highly in demand, but there was not much of that product in the marketplace. They would use hardy brick, stone and high quality elements.

Mr. Kaltsounis said that he did not see a plan for the trees proposed for the neighbors' property including the density, type of trees, etc. Ms. Kapelanski agreed that it would have to be finalized. Mr. Kaltsounis said that if the project went forward, he would like to make sure a tree screening plan was proposed in detail before it went to Council. It should show the types of trees, the dimensions and where they would go, so it was documented.

Ms. Morita said that she liked the idea of that, but it would put Council in the position of having to review the plan. Mr. Kaltsounis suggested that it could be approved and recommended by staff before going to Council. Ms. Morita added that the easement for that would have to be recorded prior to issuance of a Land Improvement Permit.

Ms. Roediger noted that from the handout Mr. Loughrin had passed out, there would be 39 evergreen trees at 10 feet in height spaced 17 feet on center. Mr. Kaltsounis saw that, but he reiterated that the handout would have to be implemented into the plans and approved by staff prior to Council. Mr. Loughrin stressed that he did not have a formal signoff from the neighbor. What he had shown was very close, but it might have to be modified slightly. Mr. Kaltsounis maintained that it had been an important aspect for the Commissioners.

Mr. Reece clarified that the Commissioners were looking for an executed agreement between Robertson Brothers and the Shadow Woods HOA that showed what would be put in. Ms. Kapelanski agreed that was correct. Mr. Loughrin added that it would be done prior to getting a Land Improvement Permit. Ms. Morita stated that there would be no sense asking for the agreement to be executed before they even had site plan approval.

Chairperson Brnabic called a speaker to come forward at 8:03 p.m.

Maximiliano Larroquette, 2678 Winter Park Rd., Rochester Hills, MI 48309 *Mr. Larroquette said that he did believe in the democratic process and how they were following it in order to proceed with the development. He was present and spoke at the December 18, 2018 meeting. He heard about the landscaping and the easement, but he and another resident did not hear that the landscaping was going to be on Shadow Woods' property. They would be taking 20 feet away from Shadow Woods and giving it to the developer. He claimed that the developer would be getting increased density, reduced setbacks from 30 to 20 feet and taking 20 feet from Shadow Woods' property. He asked why both sides would not be benefitting if the lines were proposed barriers. He claimed that it would provide a lot of privacy for the developer. He asked why the screening had to be only on the side that was not being rezoned. He was in favor of developing according to the Master Plan. He asked why they were not following the Master Plan and keeping the setbacks and property lines where they were.*

Chairperson Brnabic said that she would like "ranch style" added to detached condominium homes on page 4 under the description of the development. Also, on page 11 for Signage, b and c, the last line for b said "and shall remain to the end of the sales period of the development" and c stated "during the sales period." She asked if there was supposed to be a difference between those two statements. Mr. Loughrin believed that it was just remiss, and he said that it would be made consistent.

Chairperson Brnabic noted that a five-year timeframe from start to finish was stated, and she would also like it added that there would be a five-year maximum timeframe for marketing signs. If there was a problem, and an extension was needed, she felt that the City would cooperate, if there was a good reason. She knew of incidences where marketing signs did not come down. She asked Mr. Loughrin if he agreed, which he did. Chairperson Brnabic assumed that staff would submit the changes to the City Attorney for review.

Mr. Reece considered that if there was going to be a five-year timeframe for signage, that they should add the word "maintenance" of the signs so they were taken care of during that time. Mr. Loughrin said that it would not be an issue at all.

Mr. Kaltsounis stated that it was the Commission's responsibility to go over the Final PUD Plan to make sure that it was done in the same light as the approved Preliminary PUD Plan. He thought that a lot of the items were consistent and in the same direction as what had been approved.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received February 12, 2019 with the following five (5) findings and subject to the following five (5) conditions.

Findings

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD Concept Plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions

1. City Council approval of the PUD Agreement.
2. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.

3. *All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.*
4. *The Agreement shall be revised to include the clerical items discussed at the meeting, including adding ranch style homes into the description and correcting page 11, Signage, b and c to make it consistent, to be approved by the City Attorney, prior to the matter going to City Council.*
5. *A plan for the maintenance and eventual removal of the marketing signs within five years shall be added to the PUD Agreement and approved by the City Attorney, prior to the matter going to City Council.*

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

2019-0064

Request for a Tree Removal Permit - City File No. 18-015 - for the removal and replacement of as many as 234 trees for Brewster Village Condominiums, a proposed 30-unit development on 7.3 acres, located north of Walton, on the west side of Brewster, zoned SP Special Purpose and R-1 and R-3 One Family Residential, Parcel Nos. 15-08-376-015 and 15-08-331-041, Robertson Brothers Homes, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on January 25, 2019, with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to remove and replace 234 regulated trees on site.*

Conditions

1. *Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$216.75 per tree.*

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

2019-0062

Request for Natural Features Setback Modifications - City File No. 18-015 - for approximately 450 linear feet for development of Brewster Village Condominiums

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impacts to as much as 450 linear feet of natural features setbacks associated with the development, based on plans dated received by the Planning Department on January 25, 2019, with the following three (3) findings and subject to the following one (1) condition.

Findings

1. *Natural Features Setback Modifications are needed in mowed lawn areas of the development.*
2. *The Planning Commission has the ability to waive the natural features setback modifications as a part of accepting the site being developed as a PUD.*
3. *The City's environmental consultant, ASTI, has determined that the natural features areas are of poor floristic quality.*

Condition

1. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

2018-0152

Request for Final Planned Unit Development Site Plan Recommendation - Brewster Village Condominiums, a proposed 30-unit development on 7.3 acres located north of Walton, on the west side of Brewster, zoned SP Special Purpose and R-1 and R-3 One Family Residential, Parcel Nos. 15-08-376-015 and 15-08-331-041, Robertson Brothers Homes, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 18-015 (Brewster Village Condominiums PUD), the Planning

Commission **recommends** that City Council **approves** the **Site Plan**, dated received January 25, 2019 by the Planning and Economic Development Department, with the following five (5) findings and subject to the following seven (7) conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of the driveway providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Plan promotes the goals and objectives of the Master Plan by providing an alternative housing option.

Conditions

1. City Council approval of the Final Site Plans.
2. Provide landscape bond in the amount of \$108,240.00, plus inspection fees, for landscaping and irrigation, as adjusted as necessary by the City, prior to issuance of a Land Improvement Permit by Engineering.
3. Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.
4. Payment of \$6,502 into the tree fund for street trees prior to issuance of a Land Improvement Permit by Engineering.
5. Address all applicable comments from City departments and outside agency review letters, prior to final approval by staff.
6. That a tree screening plan for the neighboring property be added per staff approval, before the matter goes to City Council.
7. An executed agreement for tree screening between the applicant and

the neighboring HOA shall be in place and approved by staff prior to issuance of a Land Improvement Permit.

Mr. Schroeder asked if the Commission had addressed Mr. Larroquette's concerns. Ms. Roediger stated that the landscaping was shown on the Shadow Woods property, which had been discussed previously. The applicant had been working with the HOA about the regional detention, and there was concern about having a separation between their open space and the proposed development. The applicant offered to put screening on their property if they agreed, and it had been in negotiations.

Mr. Loughrin agreed that he had been having conversations with the neighborhood. A fence came up, but no one really wanted a fence, and the neighbors were agreeable to the screening.

Mr. Schroeder asked the current price point for the homes. Mr. Loughrin said that it was a little early to tell, but he assumed they would be in the \$400k's based on their experience. He commented that they could never win with that argument, and they would like to make it cheaper, but it was the reality.

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

Aye 8 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece and Schroeder

Excused 1 - Schultz

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously, and she thanked Mr. Loughrin. Mr. Hooper thanked him for their investment in the City.

2019-0065

Public Hearing and request for Preliminary Planned Unit Development and Conceptual Site Plan Recommendation - City File No. 18-016 - Rochester Hills Trio, a proposed mixed use development consisting of residential units, office and retail space on 5.77 acres located at the northeast corner of Auburn and Livernois Rds., zoned B-1 Local Business with an FB-2 Flexible Business Overlay and RM-1 Multiple Family Residential with an FB-1 Flexible Business Overlay, Parcel No. 15-27-351-009, Designhaus Architecture, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated February 15, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Peter Stuhldreier and Mike Pizzola, Designhaus Architecture, 301 Walnut, Rochester, MI 48307 and Mr.