



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Ed Anzek, Gerard Dettloff, Nicholas O. Kaltsounis,
Stephanie Morita, David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, December 18, 2018

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 9 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Ryan Schultz

Quorum present.

Also present: Sara Roediger, Director of Planning & Econ. Dev.
Kristen Kapelanski, Manager of Planning
John Staran, City Attorney
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2018-0583](#) November 7, 2018 Special Meeting

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

COMMUNICATIONS

- A) *Email from W. DeWitt, dated 12/17/18 re: Master Plan*
- B) *Email from M. Larroquette dated 12/18/18 re: Brewster Village*

Chairperson Brnabic announced that the applicant for agenda item 2018-0584 (Rochester Hills Research Park) asked to be moved back to the January 2019 meeting, and it was removed as a discussion item.

NEW BUSINESS

2018-0152

Public Hearing and request for Preliminary Planned Unit Development Recommendation - City File No. 18-015 - 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

Reference: Staff Report prepared by Kristen Kapelanski, dated December 14, 2018 and 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 stated that the applicant proposed construction of a 30-unit, detached, general condo development located on the west side of Brewster north of Walton, and the Planned Unit Development option was being utilized. She noted that the property was split-zoned with single-family residential and special purpose. The applicant had requested four modifications from Ordinance provisions as part of the PUD request. The proposed density was eight units more than would typically be allowed under the single-family designation. The front yard setback was ten feet less, and the rear yard setback 20 feet less than what was normally permitted under R-3 zoning. The plan indicated that 11.7% of the onsite regulated trees would be preserved, where typically, 37% was required to be preserved. She stated that the plan was otherwise generally in compliance with Ordinance requirements. The applicant would also be using shared regional detention with the Shadow Woods subdivision to the north. The basin would be modified and upgraded, and any outstanding maintenance issues would be taken care of. There was also a small public plaza with a bike repair station proposed on Brewster Rd. She advised that the applicant was seeking recommendation of the Preliminary PUD Concept Plan. A Natural Features Setback Modification and Tree Removal Permit would be requested at Final PUD review. Staff reviews recommended approval, and she felt that the proposal would act as a good transitional use from the multi-family to the south to the single-family to the north. She said that she was available for any questions.

Mr. Loughrin recapped that he had been before the Commissioners back in May 2018 to have a discussion before formally submitting. He noted that the plan had changed slightly, and the density had been reduced from 32 to 30 units. They now proposed detached condominiums rather than duplexes. The architecture had been redesigned, but the street pattern was basically the same. He also noted that the setbacks had been increased on the north and west property lines to the Shadow Woods open space area to more than 20 feet. He said that he was pleased to report that they had tentatively settled on a detention pond agreement with the Shadow Woods HOA to improve the existing pond to update it and be able to accommodate Brewster Village. There was a

welcoming entry, which they did not previously have, and sidewalks on both sides of the streets. They thought that it was a better plan overall. They felt that with the split zoning and with such a small site that a PUD was the most ideal zoning category. He pointed out that the Master Plan called the area for Residential 2.5 and multi-family. Combining those densities, they could have six dwelling units per acre, and they were proposing 4.2. He explained that the product was geared toward downsizing area residents looking to stay in the City. They did not see too much similar, new product for people who wanted to stay in the community, and he felt that it was a great spot for it and a good transitional use. He reiterated that the elevations had been upgraded. There would be hardy board, stone and brick. They hoped to be developing the site in the spring and open sales in the summer of 2019. They believed that there was justification for using a PUD, and the public benefits were the repair of the neighboring pond; having a buffer between single-family and a higher intensity land use; the bike repair and amenity on Brewster Rd.; having a cohesive development with split zoned property; providing connected ADA sidewalks throughout; and adding a housing option for residents that was underserved. They realized that there were still a few things to address if they went to the final stage. They had been working with the Shadow Woods HOA quite a bit. There had been questions about what the perimeter would look like adjacent to the open space area, and he said that they were open to anything. They had a little more room than they had before to do some plantings behind the units. They did not really want to put trees right up to the units, and there was a storm system right next to the property line that would inhibit them from putting in trees along the property line. They were more than willing to work with the HOA to put some landscaping potentially on their property with an easement for the future homeowners to maintain it if was desired. He said that there might be some questions about the Brewster Rd. geometrics. They relied on their traffic consultants as to what should be required for Brewster. The traffic study called out that no left turn lane would be required, but they would do whatever was required, and they were not for that or against it. He thought that was something they could work out in the final stage. He said that he would be happy to answer any questions.

Chairperson Brnabic asked the average size of the condo units, and Mr. Loughrin advised that they would be about 1,850 s.f. They would all be ranches, and they were not anticipating having options for a second story. Someone could add a finished basement, which would add square-footage. Chairperson Brnabic asked what the price point would be, and Mr. Loughrin said that it would be in the low to mid \$400k's. He said that he would love that to be lower, but construction costs made it challenging. Chairperson Brnabic said that with the higher density proposed, she would like to see the price point lowered, especially since they would be using a PUD. The demand in the community might be for ranches, but for more affordable ranch housing. She indicated that she would be more on board with a lower price point.

Mr. Loughrin pointed out that the previous plan with duplexes forced a two-story unit next to a ranch. That was why they went to ranches; the cost got outrageous when a second floor was added. He suggested that townhomes would be a good use, but he knew that the neighborhood did not want them, so he felt that they had the best use for the property. Chairperson Brnabic asked if

the property was master planned for up to 2.8 units per acre. Ms. Kapelanski said that the Master Plan also showed split zoning with a portion shown as Residential 3 at 2.8 units per acre and the other portion master planned for multiple-family. She did not have the answer for the whole site.

Chairperson Brnabic noted that they had not hit the percentage the Ordinance required for tree preservation (37%). The Environmental Impact Statement said that vegetation was slim, and that there were few trees which would be taken down. She stated that it was not an accurate statement. as they planned to take down over 88% of the trees. There was a total of 265, and they would be removing 234. She realized that the original proposal would only save 4.5%, but she found the statement in the EIS inaccurate and somewhat agitating.

Mr. Loughrin claimed that it was not meant that way. They would need to mass grade the site to use it efficiently. They would keep as much as they could on the south portion behind unit six. They would pay into the Tree Fund and replace any tree they removed. He said that he understood what Chairperson Brnabic was saying, but he maintained that it was not meant to be disparaging by any means. Chairperson Brnabic wished it had been stated appropriately.

Mr. Schroeder said that Mr. Loughrin mentioned no left turns, and he asked if that meant out of the sub. Mr. Loughrin said that he meant that there would not be a dedicated left turn lane on Brewster, as it was not warranted in the traffic study. There would be a decel lane. Mr. Schroeder said that he liked the idea of the trees and an easement. He asked about the window access shown on the plans and about a rear door. Mr. Loughrin explained the bay window, window wells for the basement and door location options. He said that they were still flushing out some of the architectural details. Mr. Schroeder asked if there could be a deck off the great room. Mr. Loughrin agreed, and said that the sun room could be expanded. They would create a building envelope that would include a 15-foot area in the back for a private space, so the area behind the unit could have a deck or patio. It would be within the setbacks. Mr. Schroeder asked if he knew what the HOA fees would be. Mr. Loughrin said that in line with their other similar projects, it would be about \$250 per month. It could be higher if water was included. Mr. Schroeder asked if there was space to park a car on the street between the driveways. Mr. Loughrin agreed that there was, because there would be a 20-foot separation between the buildings. They could have room for one or two cars based on where the garages were. Mr. Schroeder commented that it was unusual, and he felt that there would be adequate parking.

Ms. Morita asked for confirmation that the applicants were not intending to store stormwater on their site but would be using the neighbors' property. Mr. Loughrin said that they would be paying a considerable cost to repair the Shadow Woods' pond. Cattails had taken over, and they were offering to clean out the entire pond and clean out another one as well and build it to today's standards to include runoff from the proposed development. Their 30 homeowners would pay into the maintenance agreement in perpetuity based on the amount of volume added on a monthly basis. Ms. Morita stated that they would need an agreement and easements with the HOA. Mr. Loughrin agreed, and said that an agreement with the HOA board was tentatively signed. The

City had reviewed it and signed off. They had it in escrow, because they had not actually purchased the property. Ms. Morita asked how the landscape easements were being handled for the neighbors' property. Mr. Loughrin said that it was still up in the air. He thought that they needed consensus from the board, but they were more than willing to do what was right. They would need an easement for something on the Shadow Woods property, but they would agree to maintain the vegetation in perpetuity. They saw it more of a final detail that they could work out with them. Ms. Morita asked how wide the roads were, and Mr. Loughrin said that they would be 26 feet wide. Ms. Morita asked if there would be parking only on one side of the road, and Mr. Loughrin said they would allow it on one side everywhere. Ms. Morita suggested that the whole subdivision would have to have signage restricting parking to only one side. If the project moved favorably, she said that she would like to add a condition that the detention pond agreement and easements with the HOA in a form acceptable to the City were executed and recorded with the Register of Deeds prior to issuance of a Land Improvement Permit. There should also be a recorded easement for landscaping on the neighbors' property prior to issuance of a Land Improvement Permit.

Chairperson Brnabic opened the Public Hearing at 7:30 p.m.

Steve Yuhasz, 2736 Broadmoor Dr., Rochester Hills, MI 48309 Mr. Yuhasz noted that he was the Maintenance Chair for the Shadow Woods HOA. In regards to the open space, there was a concern from a resident in regards to it becoming a dog dumping area and people potentially using property they were not paying for. He agreed that there was a tentative agreement for the detention, but that was all. He remembered that at the May meeting, Mr. Schultz had set the tone about not wanting fences or thorny bushes. Mr. Yuhasz said that they would like something amicable to all parties, but he did not think it should be wide open to their open space. He emailed Mr. Loughrin about the passing lane, and he was told that it would not be required. Mr. Yuhasz did not see how that could not be required. He felt that there should be some accommodation for a passing lane going north and for left turn traffic. There was only one ingress/egress for the property, and he mentioned that it would have been nice if they could have connected to Walton, and he felt that logically, anyone trying to travel a two-lane road with hilly conditions knew that traffic would back up. He mentioned a concern about hours of construction. He believed that the City had an Ordinance for that. He reminded that there were older people living in the Samaritas property and a lot of other residents around there. Some complained about grass cutting, so he felt that there should be extra consideration regarding construction.

Terry Lanker, 583 Snowmass, Rochester Hills, MI 48309 Mr. Lanker stated that he was the President of the HOA. He thanked the Commissioners and residents for the opportunity to address them. He felt that Robertson Brothers could be really good neighbors. Pulte came first but did not treat them well, and Robertson did. The first thing he told Robertson was that the subdivision had always gotten stormwater from the subject site into their detention pond, but they never got any money for it. With Robertson to share, there was an opportunity, and they would help Shadow Woods pay to clean out their pond and clean the north detention pond as part of the agreement. He thought that it was a very

good deal, perhaps an \$80k benefit to the subdivision. The lack of a left turn lane was a problem. When going north towards Powderhorn Ridge, there was a left turn lane. North of that, there was another subdivision that had a left turn lane. He could not see why there would not be one for the proposed development. He remarked that he would like to help the traffic engineers do their jobs. He thought that there should be a meeting with all the residents that bordered the subject site to see what they wanted for buffering. They could find out if they wanted border shrubs or not or something else. He noted the letter from ASTI Environmental about the DEQ permit. He did not know if that involved the clean out of their detention pond, but he knew that a DEQ permit would be needed to do that. The letter stated that they might not need one, but he maintained that they would. He had a contractor to clean it, but he told him to hold off, because Robertson might pay for it, and one of the stumbling things was that they needed a DEQ permit.

Maximiliano Larroquette, 2678 Winter Park Rd., Rochester Hills, MI 48309

Mr. Larroquette said that he was present because he had some concerns about the project. He commented that he would have to look at it, so he had a vested interest. He said that the project was asking for a lot of concessions to change the zoning. He asked what else the City and the subdivision would see in terms of benefits besides tax revenue. He reviewed the drawings, and the trees looked quite large, but it stated that they were only three inches in diameter. He asked how tall the trees would be and their diameter. He said that it was mentioned that fencing was not allowed, but since the zoning was being changed, he wondered if they could talk about adding fencing. He claimed that there would be a 22% increase in water to their pond, and he wondered if the subdivision understood that the pond would have to be increased by that much. He wondered where the land would come from. He asked why it could not come from the Robertson Brothers land with perhaps a land exchange. It was discussed that 37% of the trees should remain, and that they were only keeping 11%. He said that there was a lot of deer, fox and coyote there. He stated that by increasing the pond, the only thing they would see increased in natural life was mosquitos. He mentioned that they had seen traffic increase from the early 2000's. At that time, there were 1,200 vehicles per day. In the last study, it showed 1,800 vehicles per day. There were speed bumps on Powderhorn, but they were not doing the job. He felt that more traffic control devices were needed. He claimed that at \$400k, the condos would be the most expensive in the City. He wondered if they were sure the market would hold and sell at that price, since the surrounding homes with full yards could barely sell for that much.

Paul Goelz, 328 Powderhorn Ct., Rochester Hills, MI 48309 Mr. Goelz said that his prime concern was traffic going north on Brewster and turning left into the development. He felt that it would be easily solved with a bypass lane. He kept hearing it was needed, but he had not heard that it would happen. He thought it would be addressed by the City more than the developer, but he felt that it was an issue with rush hour going north on Brewster. He stated that it could back all the way up to the light. He indicated that it was his only concern with the proposal.

Chairperson Brnabic closed the Public Hearing at 7:42 p.m.

Chairperson Brnabic asked Mr. Loughrin if he would address the questions. Mr. Loughrin said that they were working with the HOA, but he was okay having a stipulation about working with the City and the HOA and the property owners. He pointed out an existing tree stand that they would not touch, which would block a lot of the view. He reiterated that they were willing to do whatever everyone thought made sense. As far as the future homeowners using the adjacent open space, he offered that they would be mature residents, and it would not be something they would typically do. There would be walking paths in the development, so he was not concerned about that. They had been developing for 70 years, and it was never a problem. He said that they would be open to whatever was required with regards to a left turn lane. They would meet the City's Ordinance for construction. Regarding the DEQ permit, they would not put their reputation on the line and do work on a pond without DEQ approval, and they would abide by any regulations. As far as what benefits the project would bring, he thought that it was a land use that was a very good benefit as far as meeting a need in the community. The size of plantings were required by the landscape code, but they were willing to plant more. He explained that no more land area would be used for the pond. The pipe from the pond would be raised one foot, which would allow the pond to take on an extra foot of volume. The area would not be affected. Mosquitos would be less, because they were cleaning it out. Regarding the home prices, he said that they had been in business for 70 years, and they knew what they were doing. They had a good reputation. He realized it was a lot of money per square foot, but people were looking for that specific type of product, and they were willing to pay a premium for it. They were comfortable with the pricing.

Chairperson Brnabic said that there was a concern about construction. Mr. Loughrin said that they would meet the City's Ordinance. They hired reputable contractors. He acknowledged that it could take up to two years to move through construction, because they built as they sold. They would try to do the best they could to be good neighbors. Chairperson Brnabic said that it was good to hear that they were viewed as being a good neighbor.

Mr. Kaltsounis said that Mr. Loughrin was asking for a lot of exceptions from the PUD criteria, probably more than he had ever seen for a PUD. He read from Article 138.7103, "The PUD option may be used only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Master Land Use Plan. The applicant must demonstrate to the satisfaction of the City that the added loads will be accommodated or mitigated by the applicant as part of the PUD." He said that they would be putting in twice the recommended loads. Ms. Kapelanski said that was not true for the multiple-family portion. She said they had to look at it as a mix, as the Master Plan anticipated. Mr. Kaltsounis said that even though it was two parcels, he was looking at it as one larger. Mr. Loughrin said that under RM-1 and Residential 2.5, they came up with 6.6 units per acre.

Mr. Kaltsounis read, "A PUD shall meet as many of the following objectives as deemed appropriate by the City: Preserve, dedicate or set aside open space or natural features due to their exceptional characteristics or environmental significance." He asked if there was any open space being set aside. Mr.

Loughrin said that there would be. Since they were general condos, a lot of area around them was open space, which would be maintained by the HOA. Mr. Kaltsounis said that open space was property outside of setbacks of homes where a house would not be built. He asked if there was any open area outside of the setbacks. Mr. Loughrin said that there really were not setbacks, because the footprint of the house was all someone would own. Mr. Kaltsounis read, "To guarantee provision of a public improvement that would not otherwise be required to further the public health, safety or welfare.. or alleviate an existing or potential problem relating to public facilities." He understood they would upgrade the pond, but he pointed out that it was part of an HOA and not really a public facility, which was a gray area to him. He read, "To promote the goals and objectives of the Master Land Use Plan and other applicable long range plans such as the Master Thoroughfare Plan." He stated that the left turn lane had to happen for him. He read, "To permanently establish land use patterns that are compatible with or will protect existing or planned uses." He felt that the proposal would be much different than what was around it. He read, "To provide alternative uses for parcels that can provide transition or buffers to residential areas and to encourage redevelopment of sites where an orderly transition or change of use is desirable." He felt that was another gray area. He read, "To enhance the aesthetic appearance of the City through quality building design and site development." He claimed that the City would have to allow a lot of exceptions for the project to go through.

Mr. Loughrin indicated that a PUD was a give and take and should be considered on a case-by-case basis. He agreed that there were some deviations needed, but it was from the existing zoning category, which he did not think was necessarily appropriate. He thought that the deviation from the RM-1 zoning was well under a lot of the requirements, as far as setbacks, densities, etc. It was up to the Planning Commission to decide if it was something they wanted in the community, and he was arguing that it was. He felt that it was a very good transitional use and not a gray area. It was use of an otherwise undevelopable property with two different zonings that he did not think would ever develop otherwise. The City identified a portion of the site as multiple-family, so it would have more density than Shadow Woods. He felt that they met a lot of the gray areas, but specifically the transitional use.

Mr. Kaltsounis noted that Mr. Loughrin had mentioned that a PUD was a give and take. A lot of developers had come before the Commission and offered things such as more brick on the building, open space, parks or benches. He asked what they had offered. Mr. Loughrin said that they would use quite a bit of brick and hardy and stone, and they were not cheapening it at all. They had to juggle how much they could provide with the elevations and the price. He thought that the elevations were very attractive. They were offering an amenity along Brewster with a pedestrian refuge area with some seating and a bike repair station. He added that it would be for anyone to use. He said that they did not have a lot of room to do much on the site. They added sidewalks where they did not have them before. There would be no fences on the property to wall people in, and the community would be completely open. Mr. Kaltsounis said that he was on the fence at this point, but he looked forward to hearing from his colleagues. He did not see the development as meeting any of the PUD objectives. Mr. Loughrin responded that staff had reviewed and approved it, and

they had gone through a six-month vetting process. He felt that they were proposing something that the neighborhood was not objecting to. He said that he understood Mr. Kaltsounis' concerns, but he respectfully disagreed that they did not meet the criteria.

Mr. Hooper recalled that when they saw the project as a discussion item in May, it was for attached townhomes, and they were now single-family ranches. He explained that a condo designation referred to how a property was developed. For all intents and purposes, the condos looked identical to homes in a subdivision. A lot of subs in Rochester Hills were done as site condos, but they were essentially homes. People thought of condos as something smaller, but the proposal was for 1,800 s.f. homes. The tradeoff was that setbacks were reduced to achieve 1,800 s.f. ranch-style homes. He knew that in the last couple of years of looking at different homes that ranches were in hot demand. He knew they would be an absolute win for the community. He thought that the situation where an HOA took care of everything outside the detached buildings was a win-win. He saw another win in the shared detention pond. He believed that was significant, and he was very happy that the Shadow Woods HOA had worked with the developer. Typically, the Commission did not see a lot of that communication. He felt that adding a passing lane should be a condition of approval, and the applicant had already agreed to it. Trees had come up, and he knew the City was looking at updating its Tree Ordinance. There was a balancing act. A property owner had rights to develop his property, and the City wanted to maintain tree canopy, and they had been trying to find a balance since 1988 and maintain 37%. They found recently that subdivisions were developed saving 37% of the trees, but then builders doing the individual home sites cut all the trees. The 37% was not achieved in essence, but it was legal. He stated that people living in Shadow Woods could go out and cut every tree on their lot without a permit. The applicant would be replacing all the trees with new trees for screening purposes. Mr. Lanker had proposed a meeting with the residents and the developer, and Mr. Hooper felt that was appropriate. They should work together to see if there was a consensus. The easement situation might work out to get more screening. He thought that should be a condition as well. In his view, the project was acceptable under the PUD guidelines. He did not think apartments or townhouses would be appropriate there, but single-family, detached, ranch homes would be an absolute win in his view. They would like to see less expensive homes, but it was the sign of the times. He knew that new construction for a ranch home in some areas was pushing it to half-a-million dollars. With the proposed reduced setbacks, he felt that \$400-450k was probably appropriate, depending on the interior finishes. He summarized that he supported the project; the passing lane should be a condition; and additional screening on the adjacent properties should be agreed to by the residents, the HOA and the developer and shown on a plan.

Mr. Schroeder felt that it was a terrific development and a terrific area for it. He knew that it was a product in high demand, and in his age bracket, people would be flocking to it. He knew that it would be of high quality, and he liked the cooperation. He also believed that a passing lane should be required. They should look at eliminating truck traffic on Brewster if at all possible, because Brewster was a solid residential road with no commercial, and it should be viewed in that manner. Noting one entrance, he talked about a time when he got

stuck in a sub in a major snow storm because it was closed down, and there was only one way out. He suggested that the entrance should be a boulevard to have two roadways. He would like to see pine trees limited as they were just an inexpensive way to meet tree requirements. There should be some, but not a proliferation. He felt that it was a great use, and that it would sell out fast.

Mr. Reece advised Mr. Loughrin to get in touch with the residents and work out the landscaping. He did not think it was probable that no one from Shadow Woods had ever walked a dog on the subject site. He believed that people that bought the units would be people they would want as neighbors, and they did not need fences to keep out good neighbors. He agreed about the left turn lane. He also agreed that it was a good transitional use for the property. He said that he would much rather see single-family residential than anything else there. It was a good price point that would attract great neighbors. He said that he would like to see units 15 and 6 eliminated to create more green space. That would address some of Mr. Kaltsounis' concerns, and the City would get some park area back with more trees. He would also like to see 22 and 23 eliminated, but he realized that probably might not be realistic.

Mr. Anzek concurred with Mr. Hooper. He felt that a PUD was appropriate. He reminded the Commissioners that prior to the discussion in May, they met with Pulte, who proposed a three-story townhome similar to Barrington Park. The Commission took strong objection to that, and even suggested that they should pursue a PUD with duplexes or single-family homes because of the irregularity of the land. Pulte argued that because 60% of the land was planned for apartments that three-story townhomes at 16 units per acre was a viable option. He felt that the proposal would be excellent for the site and an excellent balance between Samaritus and the apartments and Shadow Woods and work very well.

Mr. Kaltsounis said that he had heard his colleagues, and he agreed with some of their comments. Hearing no further discussion, he moved the following, seconded by Mr. Hooper.

MOTION by Kaltsounis, seconded by Hooper, in the matter of 18-015 (Brewster Village PUD), the Planning Commission **recommends** that **City Council approves** the PUD Concept plans dated received November 14, 2018, with the following eight (8) findings and subject to the following thirteen (13) conditions.

Findings

1. *The proposed PUD Concept Plan meets the criteria for use of the PUD option.*
2. *The proposed PUD Concept Plan meets the submittal requirements for a PUD concept plan.*
3. *The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*

4. *The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
5. *The proposed development is consistent with the Master Land Use Plan to provide an alternate housing option.*
6. *The density allowing 30 units, scaled to match the height and size of other units in the area and acting as a transition, is modified as part of the PUD.*
7. *The minimum front and rear yard setbacks are modified as part of the PUD to allow flexibility and higher quality development.*
8. *The minimum percentage of trees to be preserved is modified as part of the PUD.*

Conditions

1. *Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.*
2. *The site plans, including but not limited to landscaping, engineering, tree removal and wetland use/buffer modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.*
3. *The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.*
4. *Confer with the DEQ to determine whether activities associated with the detention pond, including dredging, will require a Part 303 Permit, prior to issuance of a Land Improvement Permit.*
5. *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.*
6. *Recommendation by the Planning Commission and approval by City Council of a PUD Agreement, as approved by the City Attorney, at Final PUD review.*
7. *Payment of \$216.75 per unit (\$6,503) into the City's Tree Fund, prior to issuance of a Land Improvement Permit.*
8. *Provide landscape and irrigation bond in the amount of \$108,608 plus inspection fees, as adjusted as necessary, prior to issuance of a Land Improvement Permit.*
9. *Address comments from applicable City Staff memos, prior to Final PUD*

submittal.

10. *Provide an executed agreement with the Shadow Woods Homeowner’s Association for the detention pond in a form acceptable to the City and recorded with the Register of Deeds prior to issuance of a Land Improvement Permit.*

11. *Provide an executed easement for landscaping on the neighbors’ property in a form acceptable to the City and recorded with the Register of Deeds prior to issuance of a Land Improvement Permit.*

12. *Left turn lane be added to Brewster Rd. as approved by staff and paid for by the developer, prior to final Engineering approval.*

13. *Update the Environmental Impact Statement to reflect accurate statements regarding tree preservation and removal, prior to the matter going to City Council.*

Ms. Roediger reminded that the Preliminary was the first step, and it would come back to the Planning Commission. A lot of the conditions could be sorted out through the Final PUD.

Mr. Reece asked Mr. Loughrin if there was any consideration for eliminating the two units he mentioned. Mr. Loughrin said that they were not prepared, at this point, to lose any units. They had reduced them, but he could not make that determination. He could bring it back to the owners to discuss.

Mr. Schroeder mentioned that the speed limit on Brewster had been reduced from 45 to 35 mph when they developed Danish Village.

Voice Vote:

Ayes: All
Nays: None
Absent: None

MOTION CARRIED

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated Mr. Loughrin and wished him good luck.

UNFINISHED BUSINESS

2018-0095 Public Hearing for the 2018 Master Land Use Plan

(Reference: Memo prepared by Sara Roediger, dated December 14, 2018 and memo and Master Plan prepared by Giffels Webster had been

placed on file and by reference became part of the record thereof.)

Present for the discussion were Jill Bahm, and Eric Fazzini of Giffels Webster, 1025 E. Maple, Birmingham, MI 48009.

Ms. Bahm gave an overview and some outcomes of the Master Plan process. She noted that a little over a year ago, they held visioning sessions with the Youth Council, staff, the Planning Commission and City Council. The outcomes from those provided the guiding themes. The themes were about becoming and maintaining the City as an age-friendly community, to be able to provide current and future residents of all ages with a variety of options for housing, transportation, goods and services, community facilities and resources. It was about sustainability, to direct growth, development and redevelopment in ways that preserved natural features, reduced storm water runoff and enhanced non-motorized transportation. They began the discussion about transportation, not traffic in the way it came up through the process, but more broadly speaking to connectivity throughout the City and anticipating how changing technology would impact mobility. Once they had the guiding themes, they did a review of the background information. They looked at demographics and things that had changed in the City since the last Master Plan update five years ago. There was a market assessment done in conjunction with the Auburn Rd. Corridor Study in 2016, and the information was updated for the Master Plan discussion. They looked through previous Master Plan documents, including the Environmental Concerns Inventory, the Natural Features Inventory and the M-59 Corridor Study. They realized that public input would be very important, so they offered a variety of opportunities for the public to provide input. They put up an online survey that ran from January to April 2018, which was completed by 750 people. They presented another online tool called Picture This, which was an online mapping platform that gave people in the community the opportunity to upload a picture and tag it to a place in the community of things people liked, including things they liked in places other than the City. There were only about 18 people who responded to that. They held an Open House in April 2018 at Rochester College. They had participation from folks on the Planning Commission and City Council as well as the public to review some of the background information from the visioning sessions. They began to explore some concepts about land use. They made that information available online and gave people the opportunity to provide input. They handed out surveys to fourth graders taking a tour of City Hall. They asked the kids their favorite places in the City, what they wanted to see in their neighborhoods and if they wanted to live in the City when they grew up,

among other things, and they used the top ten responses. The most favorite places in the City were kids' homes, The Village, downtown Rochester, parks, library, a movie theater, Dairy Queen, Gamestop and Starbucks. When asked what they would like to see in their neighborhood, a lot answered a theme or water park. It really meant that they wanted places where they could interact and hang out. Others taking the online survey also wanted places to interact, to preserve natural features and to be able to enjoy the community. They also held an art contest for children 5-18 years. They were asked to draw a picture or take a photograph of their favorite places in Rochester Hills. The winning entries were included in the Master Plan. They held another Open House in September 2018. They were focused on changes to the Future Land Use Map and draft and the redevelopment sites, and they did not make any changes to the draft following the Open House. Ms. Bahm stated that the plan contained several elements that were important. The Goals and Objectives from 2012 were refined and reformatted to better encapsulate the goals and to better consider how to achieve them. She noted that the changes to the Future Land Use Map were summarized on page 74 of the draft. They refined some of the categories for consistency. They clarified the Flex categories and tweaked some names a little. They added a new residential category, R-5, to accommodate additional housing types and densities. It would be more for the missing middle of the residential densities already in the community. R-5 would allow four to six dwelling units per acre that should provide another opportunity for housing, which was important to many respondents from the beginning of the process.

Ms. Bahm talked about the three redevelopment sites. They presented some site backgrounds and some precedent images and had a discussion of form and site considerations. They were intended to guide redevelopment in the future to provide residents and developers the opportunity to see what the City had in mind and how redevelopment in those areas could achieve Master Plan goals. The plan discussed the planned and built density of residential dwellings per acre throughout the City. There was a low of 0.8 dwellings per acre for single-family residential, and a high of 20 dwellings per acre for multiple-family in certain areas of the City. She noted that housing was very important throughout the process to the community. The Plan discussed the desirable housing types that aimed to meet the needs of residents of all ages and abilities. They wanted to make sure they were including single-family homes, the missing middle housing, walkability, multiple-family and mixed-use housing. She talked about the next steps. They would hold the Public Hearing, which would be the final opportunity for residents and business owners to comment. It was anticipated that at

the joint meeting in January, the Plan would be adopted. She said that they would be happy to answer any questions.

Chairperson Brnabic opened the Public Hearing at 8:31 p.m.

Melinda Hill, 436 Streamview Ct., Rochester Hills, MI 48309 *Ms. Hill stated that she had been a resident of Rochester Hills for 41 years, and she had seen many changes. She was a member of the Planning Commission for a number of years and helped develop several Master Plans. She thought that the City had done a great job at molding and promoting itself as a wonderful place to live, work and play, and she said that it was certainly a premier community. However, she maintained that they could not be everything to everyone. She knew that there were a lot of different desires by many people within and outside of the community who would like to live in Rochester Hills, but she stated that it did not always mean that they should try to accommodate everyone - either they would be "here" or they would not. She had a few concerns with the Plan. She believed that prior Plans had some sort of policy and direction on certain issues, one being preservation. All of that had been wiped from the Plan, and she did not even see a map of any of the historic districts. In the Plan, the word preservation was mentioned a number of times, but there were no sections pertaining to historic preservation. She also did not see much regarding sustainability of the City's existing public spaces, meaning maintenance for invasive species that seemed to be appearing all over the City. She saw a lack of maintenance for a lot of the boulevards and throughways and along the roadsides. She claimed that it was not as good as it could be. One thing she had a great concern about was the new R-5 district. She questioned why the Andover Woods area was placed into that category. She had lived in the Estate district for 31 years. She decided to reinvest in the community and she downsized to an R-2, quarter-acre lot. She lived near Andover Woods, which was put into R-5. It had been part of a one-family cluster, which included Streamview, Rochelle Park, Sanctuary and the Summit above Kings Cove. Streamview was also put into R-5. Rochelle Park was R-4, Sanctuary was multiple-family and Summit was RCD. Multiple-family allowed manufactured housing mobile home parks, and they were now allowed in R-5. The only other places zoned multiple-family were Meadowfield Condos, Wexford and Oakridge. The two mobile home parks had been moved to R-5. In R-5, there were two segments of undeveloped property, two mobile home parks, Streamview and Andover Woods. Andover Woods had a total of 26 acres and 42 units, which equated to 1.6 per acre. She did not see how R-5 was a fit for the area, and she did not think it was an appropriate area for that. She was upset*

by it, because she felt that it would pull down the housing values in that area and open the door for the potential of manufactured housing. She did not see how it fit that parcel at all. She was also concerned about small scale business that was not overly defined, especially along Walton. The southwest corner of Rochdale and Walton had been contentious for a lot of years, and she saw no reason for that to be changed. There was no other commercial going west until Adams. She concluded that she really wished they would take Andover Woods out of the R-5 designation.

Tom Nelson, 3453 Alpine, Troy, MI 48084 Mr. Nelson said that he really appreciated how conscientious everyone was. He listened to the interaction with the previous developer, and he had interactions with the City, which he said were most positive. He said that he was present to support the Master Plan. He remembered when he got his driver's license, and it was Avon Township. He stated that times changed, and he thought the City officials had spent a lot of time and effort to make the community as nice as it could be. That was why it was one of the best communities in the country. He had four clients who were property owners at Walton and Rochdale. He said that there was office across Walton, and their parcels were surrounded by office and commercial. The property was zoned R-1, and it was being proposed for FB-1. He claimed that there were 38,000 cars that went by those residential parcels every day, and he did not think that it was reasonable to continue the R-1 zoning, which was what the Master Plan was proposing to change. He reiterated that he supported the Master Plan in its entirety, and he appreciated being able to speak.

William McHarg, 65801 Dequindre, Oakland, MI and owner of Parcel 15-16-202-005 on Walton Mr. McHarg agreed that 38,000 cars went by the property every day. He said that to the east, there was office, and it had always been office, and they had been good neighbors. He complimented Giffels Webster for outstanding, 100+ pages of very comprehensive information, and commented that they did a "heck" of a job.

Randall McGillis, 327 Rochdale S., Rochester Hills, MI 48309 Mr. McGillis stated that he was the President of the Rochdale Homeowner's Association. He did not like the idea of changing the zoning on Rochdale and Walton. They had deed restrictions that prevented anything but R-1 zoning. He did not understand how they could change it if their restrictions outdid the City's ability to change the zoning. They heard from people who had a vested interest in making money if it were

changed. They were a very nice subdivision, and they did not want to lose their property. There were houses built on Walton, and he asked if they would put in two more lawyer's or medical offices there. If someone needed specialized assistance, if they could not find it on Walton, it must be for something no one had ever heard of. There were doctors and lawyers everywhere. He did not see the benefit of changing the zoning except for people that were out to make a buck. He stated that the subdivision was against it. They believed that their building and use restrictions keeping everything as R-1 would take precedence.

Debbie Corey, 933 W. Third St., Rochester, MI 48307 Ms. Corey stated that she was present on behalf of Michael Plourde, who owned the parcel at the 26 Rochdale. She read his note, "As part of the proposed Master Plan, I am requesting that Rochester Hills incorporate my property at 26 Rochdale to be rezoned to business flexible. An aerial view of the corner of Walton and Rochdale reveals a dramatic view of the extensive commercial properties on each of the northwest, northeast and southeast corners of Walton and Rochdale. 26 Rochdale stands alone as an isolated residential site. Some might recall that McKenna and Associates proposed 26 Rochdale to be rezoned as part of the 2012 Master Plan. A few homeowners objected as the Plan was revealed, and the proposed rezoning of Rochdale was promptly eliminated. I recall a few homeowners believing a rezoning would cause properties extending into the subdivision to be rezoned. That would not be the case, as there exists a natural boundary to the south at Ashton St. An aerial view of the east side of Rochdale across from the subject property reveals the parking lot of the medical offices which extend to Ashton St. The proposed site is approximately one-half an acre. Rezoning of the property would easily reserve the character of the existing fully developed subdivision." Ms. Corey added that as a realtor in the Rochester community for over 24 years, she could professionally say that the rezoning of the property at 26 Rochdale to commercial would in no way affect the value of the subdivision or the value of the individual homes. She claimed that the proximity of the property clearly showed that it was a standalone property and not part of the residential subdivision.

Muhammad Forconalhuk, 1473 Walton Blvd., Rochester Hills, MI 48309 Mr. Forconalhuk said that it was all commercial around him. In the evening, there was neon light from the offices across the street that stayed on all night. Before they fixed the joints on the road, his house would shake. There was a crack on the wall and when he went to fill it, he saw dust falling from the crack. The land along Walton was higher than the subdivision in the back, so he did not think it would affect anyone's

view. It would not affect the beauty if someone developed. He stated that it was not the place to live with family. It was peaceful a while ago, but it was now jam packed. It took him ten minutes to get out of his driveway to take his kids to school, which was close. People could not back out onto the road. He did not think the subdivision would lose much. There was a pond with green algae, and the swing fell down. He did not want his kids to go near it. He saw a few houses boarded up, and he saw trucks and plows, and it was not a place that was taken care of. If it was rezoned, it would bring business to Rochester Hills. There were condos, apartments, churches, banks and the fire station down Walton, and it was a commercial area. He felt that it would serve Rochester Hills well to add some nice commercial.

Joel Morris, 144 Orchardale, Rochester Hills, MI 48309 Mr. Morris said that he had been a builder in the local area for 20 years. There were concerns from a lot of people in the neighborhood. They knew how congested Walton had been getting over the years. In front of the two entrances to their neighborhood, it was proposed that the corner be rezoned to a higher traffic area. Across from their other entrance on Orchardale, next to the senior living center, there was another medical plaza going in. They already had issues coming in and out of the neighborhood. The people who backed up to the subject property would have a problem selling. If they sold with an acre of forest behind them, they would get more than selling with a cement wall and medical plaza behind them. If Mr. Forcanalhuk wanted to sell, that was great, but Mr. Morris claimed that the pond was not slimed over, and there were no houses in the neighborhood that were boarded up. There were people concerned about that section being rezoned. The deed restrictions stated that it should be R-1. He said that he did not get any information in the mail about the rezoning. Some people were concerned about not being part of the original process. He asked if there would be another meeting where a final decision would be made, and if they would be notified.

Michael Stachowiak, 107 Orchardale Dr., Rochester Hills, MI 48309 Mr. Stachowiak said that he had lived in his house for almost ten years. He and his wife were very drawn to the area. They were very proud to say that they lived in Rochester Hills. There were excellent schools and facilities. The municipality was great, as were the Police and Fire. They bought into the neighborhood with an understanding that it was zoned in a particular way. They were satisfied with the way it was zoned. They understood the density of the traffic, the high school and the hospital. They were known to them when they purchased their home. The changes came about without his knowledge, and he was not informed in any way

that the changes were coming about. He understood that there were business interests that stood to make a financial gain. He heard rather cavalierly that the neighborhood would not be affected by the change, even though someone stood to make a substantial profit by selling property by owners who did not even live near the area. He stated that he lived there, and it was his home. He already had problems with builders driving through the neighborhood recklessly, and he would now have to listen to construction traffic. There were wetlands adjacent to the subject property, and he wanted to make sure that they were protected. There were deer and coyotes, although he was not terribly concerned about them. He was concerned about the families that lived there. He said that he respected realtors and business developers, but he wondered why they should have a greater say based on profit over the neighborhood families that lived there and purchased homes there based on certain understandings. He understood that things changed, but he was not made aware of the changes. If he would have known about the changes, he might have purchased somewhere else. He could now face a deficit when trying to sell his home if it abutted up to a mixed-use medical or law office. One gentlemen said that he had neon shining in his window, and Mr. Stachowiak asked if that was going to be his future and in his backyard. He said that he appreciated them listening to him.

Herbert Von Rusten, 85 Orchardale, Rochester Hills, MI 48309 *Mr. Von Rusten said that he lived on Orchardale just behind the homes on Walton. He backed up to Rochdale. They were talking about rezoning the property behind the lot on the corner. He said that they purchased and built their house, and it was their retirement place. They had some trees in the back and a very nice natural view. He wondered what would go there. He asked if he would look at a parking lot. He did not think it was fair that it was being rezoned. They bought into the sub, and it was residential, and they thought that it would stay that way.*

Chairperson Brnabic closed the Public Hearing at 8:58 p.m. She asked Ms. Bahm if she wished to address any of the comments.

Ms. Bahm advised that there was an extensive effort to advise the community about the public input opportunities. She commented that it was not uncommon to hear otherwise at the Public Hearing. She wanted to reassure that there was an extensive effort on the part of the City to advise the community about all of the public input opportunities available throughout the last year. She clarified that it was not a rezoning. It would be changing the future land use designation. That was part of the Future Land Use Map that would guide the City in its decision making over a

10-15 year period. It did not have the force of law, and it did not change the zoning of the property. It would make it easier for the City to evaluate future requests, however. She wanted to clarify that there was distinction between the Future Land Use Map and a rezoning. If there was a rezoning request in the future, everyone within 300 feet of any property that made an application for a rezoning would get notification.

Ms. Roediger said that in response to questions about R-5 zoning, they talked quite a lot about establishing that category. They felt that it was a good, new future land use designation that would allow for the missing middle housing. They talked about affordability and smaller lots and attached units. They thought that R-5 was a good introduction to plan for future communities to have smaller lots and new housing trends, whether they were tiny homes or attached units and the more affordable housing they currently did not have available in the City. She knew that the Rochdale property had been talked about many times in the past. From a land use standpoint, and the Master Plan did lay out the future land use for properties and looking at neighboring uses on Walton, they felt that low intense office made sense at that location.

Mr. Kaltsounis stated that he appreciated everyone's input. During the process, there were several forums so people could express any concerns. A lot of what was added to the Master Plan was based upon what existed. There was flex office south of Walton and Rochdale that had been identified, because it was how it was used. There were several applications throughout the City where the map had been updated to capture what was there. He mentioned the property to the north of Walton and Rochdale which was shown as R-5, and said that he was somewhat on the fence about it. He did not believe there were any structures up yet. It was going to be something similar to R-5, which the City had agreed upon, but the question was what would happen if it did not get built. It would not fit the other properties they changed to R-5. Ms. Roediger offered that it would still be a good transitional use between the shopping center and office and the neighborhoods to the north. She said that it was still a residential designation at a density that would allow for smaller or attached units as planned for the site. Mr. Kaltsounis wondered if areas should be handled on a case-by-case basis like they were doing with the first item on the agenda (Brewster Village), where someone proposed a PUD. He wanted to make sure that everyone was heard.

Ms. Roediger asked what he would recommend as the appropriate land use in that location. There were significant wetlands on the property that created a separation between the single-family and the retail to the south.

Mr. Kaltsounis was not sure. He agreed that they wanted it to be residential, but he said that it was a tough one. He asked that staff looked at it further. As to the property to the south of Walton, he would like to heed the residents' comments. They looked at what was there and tried to match it, but he felt that they should take another look at that corner. He reminded that they were not approving anything - that would be in a month or so. He asked staff to consider the valid concerns going forward.

Ms. Bahm said that in the big picture, the Master Plan was to balance the overall goals of the City with individual property rights. They were trying to look at land use from the standpoint of what made sense. They considered if there were enough of a certain type of properties to have a functioning, sustainable community over time. With regards to R-5, the advantage was that someone could bring forth a PUD, but it did not give anyone any specific direction about what they wanted to see. With R-5, they were saying that they wanted to see housing, not a mix of uses, and they intended for it to be approximately four to six dwellings per acre. It would not be an intense area for development, but there would be smaller lots and a more walkable format. The key would be the next steps and the Implementation chapter, which was one of the most important features of the document. It would say how the City would implement its vision over time. They would develop zoning standards that spoke to the concerns about certain types of housing, recognizing all the varieties of housing that could fit into R-5. Providing frameworks in the Zoning Ordinance would help provide reassurance and predictability.

Mr. Hooper noted that Ms. Hill had brought up historic preservation, and he believed that there was a general statement about historic districts within Rochester Hills. Ms. Bahm said that the themes of the Plan and the whole document were to preserve, enhance and diversity. The Plan did not go into a lot of detail about the preservation of structures but spoke more broadly about preserving single-family neighborhoods, community identity, etc. There were action items in the Implementation chapter that would relate more specifically to that. There was a general direction, which was consistent with what had been done in the past. Mr. Hooper suggested that they could perhaps add to or enhance something about preserving the City's existing historic districts.

Ms. Roediger pointed out that page 62 of the Goals and Objectives chapter spoke to preservation and sustainability. It preserved the same goals that the previous Master Plan had. They were not taking anything away.

Mr. Hooper recalled that about three Master Plans ago, there was a similar situation with Juengel's Orchards Subdivision as was being discussed with Rochdale. The Master Plan called for office along Rochester Rd. but the subdivision had deed restrictions that only allowed residential. The Master Plan was changed to allow Mixed Residential along Rochester Rd. When it came to existing deed restrictions within platted properties, he wondered how they interacted with the City's Ordinances and zoning.

Mr. Anzek said that before he started with the City, the Master Plan called for that frontage on Rochester Rd., a part of Juengel's Orchards, to be office. The 2007 Plan kept it as office. The residents brought it to their attention that the property was deed restricted to be single-family only. He said that deed restrictions were a private contract between the property owners within a subdivision. The City had no governance to overrule or authority to deal with deed restrictions. There were two lawsuits where the Homeowner's Association filed action against developers who wanted to put up offices on those properties, and they prevailed in court. The City took the position that until the property owners decided to change the deed restrictions, they would not try to zone the area for something other than residential. He questioned whether the areas at Walton and Rochdale were part of the deed restrictions of the Rochdale subdivision. He stated that if they were, the City was wasting time talking about what it should be. If not, they should look at what the appropriate use was for the corner. There were offices and commercial on the other three corners. He felt that the corner would be ideal for a small office. Offices usually went from 8-5 Monday through Friday and were empty on weekends. He did not think they were a nuisance to a neighborhood. Mr. Hooper agreed that was the issue. If proof could be provided that the property had deed restrictions, he thought that it would put the issue to bed.

Mr. Morita indicated that if the properties were deed restricted, she did not want to get in the middle of a dispute with the residents. She did not want staff in the middle of a lawsuit. She also agreed that they needed to get confirmation as to whether or not the parcels were deed restricted. If so, she recommended changing the proposed zoning back to what it was. She pointed out that the Plan showed Ms. McCardell as a Council person, and she was no longer on Council. Mr. Walker took her place, so she recommended that it should be changed before the next meeting.

Ms. Roediger advised that there was no action being requested of the Planning Commission. They could take that direction and confirm whether there were deed restrictions on the parcels. There was a joint

Planning Commission/City Council meeting planned for January at which time adoption of the Plan would be considered. They would talk about timeframes and priorities and possible implementation items for staff.

Chairperson Brnabic thanked Ms. Bahm and Mr. Fazzini again, complimenting them on the excellent job she felt was apparent to most.

Break from 9:20 p.m. to 9:30 p.m.

Discussed

OLD BUSINESS

2017-0064

Request for Revised Elevations - City File No. 16-018 - Cedar Valley Apartments, a proposed two-building apartment complex totaling 99 units on approximately six acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel No. 15-23-15-025, Bret Russell, Michigan Income Fund, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated February 16, 2018 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jeffrey Cuthbertson, Cuthbertson Law, PLC, 345 Diversion St., Suite 410, Rochester, MI 48307; Lindsay Woods, Stantec Architecture, Inc., 2338 Coolidge Hwy., Berkley, MI 48072 and Matt Johnson on behalf the owner.

Ms. Kapelanski advised that the applicant was before the Commission with revised elevations. She noted that the apartments were currently under construction, and that much of the site infrastructure had been completed. The applicant was again proposing changes to the facades, including a revised color palette, the elimination of two balconies on Building B due to some grading issues, the addition of east canopy entrances, a change in the natural stone elements (previously approved fieldstone to a limestone) and a change from vertical metal siding to a shiplap siding. The percentages of the stone and siding had generally remained the same. There was a slight increase in the shiplap siding. She added that some minor adjustments had been made to the site plan, which could be approved administratively by staff, and that the only request was consideration of the revised elevations.

Mr. Cuthbertson explained that they had contracted with a revised project team to bring some new eyes and to bring the last remaining elements to a swift conclusion. Primarily, they were proposing architectural, aesthetic

elevation changes to make sure that the interior of the project related to the exterior. Since the project had been originally before the Commissioners about a year-and-a-half ago, the offering had changed. They started with a middle market product that had elevated into "approachable luxury." The finishes and materials on the inside had been upgraded considerably, and the changes to the interior finishes had added about 12% to the cost of construction. He clarified that the change before the Commissioners was not a value engineering change but a matter of making sure that the finishes of the exterior were in keeping with what they planned to do on the interior as a general offering for the project.

Ms. Woods showed what had been previously approved by the Planning Commission and the new proposed elevations. As had been mentioned, they wanted to bring the outside to an upscale, contemporary feel. The lines were more streamlined, and the color palette was more neutral. They removed a lot of the orange and had gone to more of a bronze tone as opposed to grays. They also eliminated the corrugated metal panel. She said that it was more about balance and being more harmonious and consistent with the selection of the interior. On the interior, there were paneled cabinets, quartz counter tops and ceramic tile backsplashes, so the approach was to move from the rustic on the outside to an upscale appearance. She went over the percentage changes in the materials. The cedar-colored lap siding was about 45-49% of the exterior. They had only changed the color of that element, not its durability or longevity. The dove gray siding was being exchanged for a larger panel lap siding in a neutral color. They exchanged the Aspen stone to a 12 x 24" limestone. The glazing remained about the same. They changed the accents from a gray to a bronze color. She showed some concepts for the interiors.

Ms. Cuthbertson added that there would be eight-foot interior entry doors, eight-by-eight foot doorwalls and aluminum balconies that would match the project in color. He said that some of the larger units would have twin master bedroom sinks. There would be stainless steel appliances throughout, walk in closets, recessed lighting and things of an upmarket offering. Ms. Woods assured that the balconies would be there.

Mr. Schultz said that Mr. Cuthbertson said that economics were not driving the decision, but when the project started and was packaged, it seemed to be a deviation from a traditional apartment building seen in the community. It was positioned as an upscale offering that had an out west feel that was named Cedar Valley Apartments. It seemed ironic that they were moving away from the name Cedar. He asked why they would

deviate from the approved elevations that were approved so long ago. He wondered why the applicants were back again after they had been denied previously.

Mr. Cuthbertson said that when he met with staff the previous week, he had stated that the one thing that had not changed from the offering was the name. They were in a branding and marketing position, and the name had not changed (it was now called Cedar Valley Living). Regarding why they were making elevation changes now rather than before, he explained that they had received market feedback, and ownership had learned who their particular customer was, and they also spoke with and listened to their architectural partners. The original was not a good fit based on what they were doing on the inside, and there was inconsistency between the design elements. To make the project successful, he maintained that the change needed to be made. They would have liked having that knowledge before, but they did not, and they were asking for consideration of the changes in that spirit.

Mr. Kaltsounis commented that there had been a lot of silence because they were again talking about the same thing. He agreed with Mr. Schultz' comment about Cedar Valley. The cedar color, the stone, and the metal had brought Mr. Kaltsounis into the property. He had been around the world and had seen a lot of different developments, and it had been something different for the City. He would almost call it a "ground breaking" apartment look for the area. He was disappointed that they would pull back the throttle and go with white and bronze with shiplap. It was going from something that popped with contrasts, colors and dimensions to something more sterile, which did not do it for him. The applicants sold him on the cedar and the different materials - even the container metal. He was not a fan of siding, and shiplap to him was siding. He questioned if they really considered balconies and how they would add them. The applicants sold him on something different and exciting. He wondered if they could keep some of the materials but change the colors and perhaps find a middle ground. He stated that the inside did not matter to the Commissioners; they were concerned with the outside, but he wanted to hear what others thought.

Mr. Cuthbertson responded that the materials that were chosen were not desirable according to the feedback in the marketplace. People wanted something more contemporary and muted, which was of interest to their customer, and it became an aesthetic preference for the ownership as well. From a durability and maintenance standpoint, the types of materials were a like-for-like exchange for the most part with some

different colors. The harmony of the development from inside and out was important, and they felt that it merited a necessary change. They did not want to sell the Commissioners one thing and then want something else. They could have saved a lot of time and expense if they stuck with what they had, but they thought it was the right change to make for the project. He assured that they had heard the Commissioners loud and clear on siding, and they had tried to address it as best as they could.

Mr. Kaltsounis asked where they were with leasing. A person associated with the applicants (in the audience) responded that they were not in the position to put the apartments on the market, because they could not commit to a completion date. The materials for the exterior were eight weeks out, so if they got approval, they would go into a waiting pattern for the materials, and they were not sure when they could put the property on the market. For their other properties in the area, once they announced and went active in the leasing process, it went very quickly. They were pretty confident based on listening to the focus groups and their new architect that they would have a much more marketable product and be able to lease quickly.

Mr. Reece commented that he was perplexed. Speaking as a Licensed Architect for over 30 years, he stated that the project had been the most convoluted, backwards process he had ever seen come before the Planning Commission. He expressed that to bring interior elevations to the Commission, which they had no concern whatsoever about, and try to make a case to change the exterior after it was sold and marketed to them completely differently over a year ago was a sham. The Commissioners were deceived about the balconies the second time the applicants came. The Commissioners were told that they were there and they were not, and now the elevations were changing again. The Commissioners approved a building with a certain shape because of the colors and the textures with natural stone. They might not have approved it with the muted, white pattern. The Commission approved something the first time around, and it was the third or fourth time the applicants were back, and it made no sense to him. He observed that the building had been sitting with no work going on for a while.

Mr. Cuthbertson responded that he had shaken his head with respect to the characterization of the request as a sham. He stated that it was not the case, and he respectfully disagreed. It was a change that was brought about by the market position of the offering. He agreed with the iterative nature of the project as one that was not common nor preferred. They were there with a new architectural firm as a result of some of the mistakes

made with respect to the balconies and other elements that had been brought before the Commission. They had taken that seriously and made a change to correct a number of those items. A handful of the site related changes were based on field issues that had been discovered by the new architectural firm brought in to help them iron some things out. If anything, they were before the Commissioners with clean hands trying to get it right and to explain why they were doing it. He said that he could only characterize the past as that, and they were present to try to get it right.

Ms. Morita asked for one of the slides to be shown that showed that the building would look like cinder block and siding from the street, which she did not find acceptable. It was not the quality building that she would want to see on Rochester Rd. She did not know which side it would face, but she hoped that it would not face the residents, because they would have to look at it, and she stated that it looked awful. She was advised that it would face Rochester Rd., and she said that it looked cheap and perfunctory, and she did not want to see a large building looking like that in the City. She indicated that the applicants might not like the colors of the materials, but the previous materials, with more stone and wood, looked of higher quality. The 12 x 24" blocks proposed looked like cinder block. Someone driving by at 50 m.p.h. would see that. She was not in favor of changing the materials on the exterior.

Mr. Cuthbertson claimed that the percentage of stone had increased in the elevation. If there were concerns about the appearance from Rochester Rd., he offered that the building would be tucked back behind the bank. He thought that they were starting to devolve into a conversation about aesthetics. The materials, to the best of his knowledge, met the requirements of the City's Ordinance in terms of their durability. They had been told by a number of folks that the changes were needed for the viability and the success of the project. He reiterated that they were high quality materials that were like-for-like exchanges.

Ms. Morita stated that she respectfully disagreed. The view from the road of the stone material proposed as a replacement looked much lower quality than what was originally planned. Someone from 100 feet away would not be able to tell if it was stone or cinder block - it would look the same. She said that it was much more interesting before. The proposed colors looked like a gray block, and she was not in favor of the changes.

Mr. Hooper said that he wanted the project to be successful. The applicants claimed that it would not be with the original elevations, and

that they needed approval of the changes. He said that architectural color schemes was not his wheelhouse, and he always deferred to Mr. Reece. He wished to side with the original approval.

Chairperson Brnabic asked Mr. Staran if he had anything to weigh in with. Mr. Staran said that the Planning Commission had seen the project a number of times. He stated that it was obviously an aesthetics issue. The focus was narrowed to the elevations and what they would look like. The Planning Commission had given an approval and had exercised discretion. It was the Planning Commission's call, and he would not weigh in as to what the Planning Commission should or should not do about the look of the building. He agreed that the quality of materials or the perception of quality was something that the Planning Commission could legitimately be concerned about, and that seemed to be the prevailing theme. He had heard that putting color tastes aside, that the feel seemed to be that the quality was reducing rather than enhancing, and that should be what the decision turned on.

Mr. Kaltsounis said that since the Planning Commission had already approved something, he wondered if the actual motion in the packet was even valid, or if they should consider the matter a discussion only. To him, it was a discussion piece about whether to go forward or not. They had already approved something. He agreed with the other comments, and he questioned how they should proceed.

Mr. Staran said that he would not tell the Commissioners whether they should approve or deny; that was ultimately their decision. If their decision was that they preferred the original approval, then that was what the motion should be. They would be reaffirming the approval of the plans as previously presented, and they were not interested in considering a revision. There was a matter on the agenda and an application made that needed to be acted upon.

Mr. Cuthbertson added that they had made a specific application before the body to be acted upon, and they would respectfully request a decision to be made on the application.

Mr. Schultz considered that there were some site plan issues that could be approved administratively. If they made a motion to deny, staff could still handle those issues. Ms. Kapelanski agreed that staff could still process the other minor issues administratively.

Hearing no further discussion, Mr. Kaltsounis moved the following,

seconded by Mr. Reece.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 16-018 (Cedar Valley Living), the Planning Commission **denies the Revised Site Plan Elevations** based on revised elevations dated received December 4, 2018.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously; the Planning Commission had reaffirmed the original approval and did not care for the proposed changes.

DISCUSSION

2018-0585

Penelope's Place, a proposed mixed-use Planned Unit Development consisting of apartment units and commercial space on 3.3 acres on the east side of Adams, south of Forester Blvd., zoned O-1 Office Business, parcel No. 15-30-302-034, Ziad Kassab, Applicant

(Reference: Letter from AMAG, dated December 10, 2018 and plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Charles Sawdon, AMAG, 4488 W. Bristol Rd., Flint, MI 48507 and Sam and Ziad Kassab, Penelope's Place, 1701 Northfield Dr., Rochester Hills, MI 48309.

Ms. Kapelanski advised that the subject site was 3.3 acres located on the east side of Adams, south of Forester. It was currently zoned O-1 Office Business, and the applicant was proposing a mixed-use building using the PUD option. There would be approximately 90 multiple-family units and 3,500 s.f. of commercial space. She noted that the site was master planned REC Regional Employment Center. The applicants were looking for some initial feedback on their concept.

Mr. Sawdon said that they had brought the proposal to the Planning Dept. as a concept and got feedback from several departments. They had taken those considerations and made some modifications. A major issue was the height of the building, so they took it from five stories to four, for which they would like direction. He showed a power point and

noted that the site was surrounded by industrial zoning. They felt that their proposal would be a good fit positioned at the edge of the community where there were other apartments. There were large, mature trees, and the site lines would not be much of an issue for the surrounding neighborhoods behind the development. On the other side of Adams, in Auburn Hills, there were apartment buildings and dense residential. He said that the overall project was intended to have high quality materials and be an attractive addition to the community. They did not prepare elevations, because they were in between heights, and they needed to know what direction they could go with height, and if they would be allowed to build a four-story building.

Mr. Anzek remembered that many years ago, when Adams Rd. was realigned, the subject parcel was square. In negotiating the right-of-way, there was a lot of trading back and forth with the owner, Mr. Pampalona and his partner over how they might offset costs to the City. In the settlement, the City gave quite a bit of relaxation for the setbacks and some uses to be more flexible. He did not remember if height was discussed, and he suggested that they needed to find the paperwork that ran with the land.

Mr. Staran did remember, and he said that he discussed it with Ms. Roediger. There was paperwork, and Mr. Anzek had referred to the fact that the City had been in the process of acquiring right-of-way for the realignment of Adams. It was an expensive and difficult proposition to acquire those rights-of-way, and the City had to go to court over several parcels, the subject parcel being one of them. The settlement agreement did not get into all the details, but the City recognized that as a result of the acquisition, it would limit the development flexibility of the site. In the settlement agreement, the seller would have the right to proceed under a Planned Unit Development approach. There was further caveat that the uses would be limited to office. That was the principal issue he had discussed with Mr. Roediger, and he advised her that the City had provided a consideration alternative to money, which was flexibility in the development approach. It was clear that the City did not intend to convey carte blanche on the land uses that could go there. There was the expectation that it would continue to be used as zoned. He viewed the way it was done and the context in which it arose, which was a condemnation case, that it was the City's intent to maintain the existing zoning. He would not construe that now as restricting or preventing the Planning Commission from considering other types of land uses under a PUD. There was a settlement agreement, and it could be amended if they wanted. It was not like a Consent Judgment that would need a judge

to approve an amendment after a Public Hearing, etc.

Ms. Morita said that she drove by there quite a bit each week. She asked if there was a single-family home just south of the property. Mr. Sawdon agreed it was a home that was zoned Office. Ms. Morita pointed out a home next to it, and Mr. Sawdon said that it was an office. Ms. Morita noted the Clinton River Trail, and that everything to the south of the subject site was single-family. She asked if the townhouses across Adams had two stories, and Mr. Sawdon said that right across the road they were two stories, and there were three-story homes north of that. Ms. Morita clarified that nothing was four stories. She asked how tall the industrial building to the east was, and Mr. Sawdon believed that it was 36 feet, although it was only one story. Ms. Morita asked if 36 feet was the equivalent of two-and-a-half stories, which was confirmed. She said that they were talking about putting up a much taller building when everything around it was not as tall. She was concerned about the people to the south. They dealt with a lot already with the Trail and the industrial, and she thought that four stories was a little much. She asked if they were proposing parking underneath the building. Mr. Sawdon said that it would be covered parking, and on one end of the building, the cover was attached, so it looked as if it was underneath the building. He said that it was not technically under the building. Ms. Morita asked if there would be ground floor apartments, which Mr. Sawdon confirmed. Ms. Morita asked if the coffee shop on the end would be a drive-thru.

Mr. Kassab said that was proposed as a coffee shop/restaurant. It would be a coffee and pancake bar, and it was a breakfast place that was unique. It would be for the residents in the building and those is the area. There would be griddles in the tables, and it would be an interactive experience.

Ms. Morita felt that it would be a great location for something like that being right off the Trail. She was not opposed that kind of a mixed-use, but she felt that they were trying to put a lot on the property. If they had that type of a restaurant, they would want to make room for bike racks for people using the Trail. Mr. Sawdon said that there would be a lot of open space left, and it would be designated for residents and users of the commercial space. Ms. Morita said that they would need lots of bike racks and probably more parking. She asked how many units there would be. Mr. Sawdon said that they were at 91, and they proposed 171 parking spaces. Ms. Morita asked how many bedrooms, and Mr. Sawdon did not know what the final makeup of one and two bedrooms would be. Ms. Morita said that she read 140. She thought that the building was too tall

at four stories, but she liked the restaurant.

Mr. Sawdon said that residents to the south, because it was an older neighborhood, had a lot of old growth trees. Ms. Morita agreed, but she reminded that they all lost leaves in the winter, and the winters were long. She suggested that they should take the height down a story. She noted that there was an apartment complex going in at Adams and Hamlin, which was allowed four stories, but the owners were also dumping \$14 million into an environmental cleanup. That was the tradeoff. If the applicants would also like to dump \$14 million into the City for something, perhaps they could talk four stories. Mr. Sawdon said that they would be putting a lot of money into the City's Tree Fund, but not that kind of money.

Mr. Kassab asked for a little more clarification about the tradeoff. Ms. Morita said that it was all part of a brownfield plan and to make the cleanup economically viable, the City was allowing more density. Mr. Kassab pointed out that there would be a four-story skyline up the street from them. Ms. Morita said that for the apartments at Adams and Hamlin, there was also a minimum 100-foot buffer required from the buildings to the residences from the two-story buildings and at least 200 feet from the four-story buildings. It was not really a comparable site. She liked the fact that Penelope's Place was being named after Mr. Kassab's daughter.

Mr. Kaltsounis noted that there were no colors or dimensions included. He reminded what they went through with the last applicant, but he did realize that it was just a discussion. He observed that there was siding and balconies, and it reminded him of an old 1970's hotel. He wondered about an enclosed pool somewhere in the middle. He would like to see something different. He agreed with Ms. Morita about the height. There was nothing that high in the area, and that was concerning. He drove by the site every day, and he did not want to kick himself later for approving something 56 feet high up against the road. He agreed that having the mixed-use and a restaurant was fine. He pointed out that it was not on the highway, and there would not be a great buffer. It would be the buffer for the neighbors, and he asked them to think about that with regards to the height. He thought that if the proposed type of development was done appropriately in size and shape, he would not disagree with it. Mr. Sawdon asked if three stories would be applicable. Mr. Kaltsounis said that it would depend on how it was done. Mr. Sawdon said that was why they did not put much time into the design. They did not want to spin their wheels and waste anyone's time. Mr. Kaltsounis said that was the benefit of having a discussion first. They would find out if they had to lop a floor

or two off and determine the business case.

Mr. Anzek felt that the use was fine. There was intense residential across Adams. He thought that something to consider for three or four stories was that the site was in a hole. There was a 10-12 foot drop off the road. Unless they were going to fill it, which would be expensive, they could take the drop into consideration, and four stories could look like three stories from the road. He remembered discussing the site constraints with the previous owner, Mr. Pampalona during the negotiations. That was why the City was agreeable to using the flexibility of a PUD. He asked Mr. Kassab if he owned the land, and Mr. Kassab said that he had acquired the property. Mr. Anzek suggested that regarding the northern access, they needed to figure out a way to get it pushed a little further north by either purchasing or obtaining an easement from Grand Sakwa. That would allow the access to be lined up with the traffic signal better. It would help the residents, and it would help Grand Sakwa to develop the little wedge piece they owned. Mr. Sawdon said that was their intent. Mr. Anzek felt that it was definitely worth having the conversation. He said that he liked the project and the use, and he felt that it would be a fine fit.

Mr. Schultz remarked that Mr. Anzek stole his thunder. Mr. Schultz said that he did not have as much of an aversion to four-story buildings, when done tastefully, as some of the other members. He thought it caused a bit of a struggle when the roof line was continuous and felt very monolithic. Showing it as a gray box in Google Earth was somewhat of a struggle, but he knew that it was just a massing study. If they got creative, and given the topo on the property, he thought that four stories would go away very quickly. Contextually, he felt that it would fit in the area, and he was all for seeing something happen at the corner.

Mr. Schroeder felt that it was a great project. He agreed that it would not look like four stories. He asked if they had control over the trees, and if they were on the applicant's property. Mr. Sawdon said that they were. Mr. Schroeder said that he did not quite understand moving the driveway to the north. Mr. Anzek said that it would just be realigned better with Forester to the north. Mr. Schroeder asked if the City owned Forester. Ms. Roediger said that the City just took jurisdiction of Forester and Old Adams from the County. Mr. Staran agreed that it was on the verge of being a City road.

Mr. Hooper referred to the topo. He advised that the south end of the project had a five-foot change; the middle had a seven-foot change; and at the north end, there was about a 15-foot elevation change. He said that

he was not opposed to four-stories. His main objection was the plain, straight walls. He suggested that they needed some reliefs or in and outs. He noted that A-100 showed straight walls everywhere, but he felt that the elevations should vary. He said that as far as the griddle on the tables, it sounded like a Black Rock concept for breakfast. He could see kids burning their hands. Mr. Kassab assured that the griddles were safe on the outside, although they got hot in the middle. Mr. Hooper remarked that when he went to Black Rock, he felt that he should have worn safety glasses. Mr. Kassab said that the breakfast concept had been done before in a lot of places, and he saw it in Maui.

Mr. Anzek asked Mr. Kassab if he got the little triangular piece on the west side of new Adams when he bought the land. It was an orphan piece left to Mr. Pampalona when the City bought the right-of-way and was part of the original square. Mr. Kassab believed that it came with the property, but he would have to check. Mr. Anzek said that it would be too small to do anything with, and he might even want to sell it to Forester Square across Adams to use for a sign.

Chairperson Brnabic asked the applicants if they had any further questions. Mr. Kassab said that they would go back to the drawing board and work with staff. He thanked staff for their time. Mr. Sawdon said that they had received some good direction. Mr. Anzek reminded that they should seriously work on obtaining the easement, which would benefit their project. Ms. Morita said that if Mr. Kassab owned that little piece, he could make the driveway line up and he would not have to involve Grand Sakwa. Mr. Kassab believed that there were two one-ways on their side. He asked if he could put in a boulevard on his side. Mr. Anzek said that he could if he got enough easement. Ms. Morita cautioned that they had to be really careful with the traffic in the area. People regularly drove 50-55 m.p.h. around the corner.

Discussed

2018-0584

Rochester Hills Research Park - City File No. 18-021 - a proposed office/research and warehouse/production Planned Unit Development campus addition to the EEI Global site on 25 acres located at 1400 S. Livernois, on the west side of Livernois, south of Avon, zoned REC-W Regional Employment Center - Workplace, Parcel No. 15-21-276-013, Designhaus Architecture, Applicant

This item had been removed at the request of the applicant.

ANY OTHER BUSINESS

2018-0593 Request for Approval of the 2019 Planning Commission Meeting Schedule

MOTION by Schroeder, seconded by Kaltsounis, the Rochester Hills Planning Commission hereby establishes its 2019 meeting schedule at the December 18, 2018 Regular Meeting as follows:

January 15, 2019	July 15, 2019
January 29, 2019 (Joint PC/CC Mtg.)	August 20, 2019
February 19, 2019	September 17, 2019
March 19, 2019	October 15, 2019
April 16, 2019	November 19, 2019
May 21, 2019	December 17, 2019
June 18, 2019	

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for January 15, 2019.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Reece, Chairperson Brnabic adjourned the Regular Meeting at 11:43 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary