

NEW BUSINESS

2014-0083 Public Hearing and request for Preliminary Planned Unit Development (PUD) and Conceptual Site Plan Recommendation - City File No. 14-008 - Sanctuary at Rivers Edge, a proposed 20-unit residential development on 6.1 acres, located north of Avon, east of Livernois and south of Harding, zoned RCD, One-Family Cluster, Parcel No. 15-15-403-010, MJ Ridgepoint, LLC, Applicant *(Reference: Staff Report prepared by Ed Anzek, dated June 17, 2014 and associated documents had been placed on file and by reference became part of the record thereof.)*

Present for the applicant were Jim Polyzois, MJ Ridgpointe, LLC, 49587 Compass Pte., Chesterfield Township, MI 48047; and Ralph Nunez, Design Team Ltd., 975 E. Maple Rd., Suite 210, Birmingham, MI 48009.

Mr. Anzek outlined that as the Commissioners knew from the past, the City's Planned Unit Development (PUD) process involved a two-step review and approval. At the first step, the applicants would develop a concept that was reasonably workable, then present it to the Planning Commission for support to then be able to move forward with the more detailed, expensive drawings. It also went to City Council to determine (approve) that the PUD was an appropriate tool to use for properties that were encumbered. The proposal had been reviewed by two departments and the City's wetland consultant, ASTI. There was nothing really glaring or problematic found. Mr. Anzek advised that the applicants would walk the Commissioners through the project, and that a motion for recommending approval was provided in the packet.

Mr. Nunez discussed the areas surrounding the proposed site. Adjacent, to the west, was the City-owned property of 19 acres and one home; to the south was the Clinton River Trail; to the north on Helmand were homes and north of that was the City of Rochester with homes, and to the east was one home on a 2.6 acre parcel. He noted that there had been quite a bit of interest in the property since they had begun.

Mr. Nunez advised that the proposed plan was for 20 single-family, detached units. The current zoning was RCD, One-Family Cluster, which allowed attached housing. At the first introduction of the project in February 2014, Mr. Reece had asked why it could not be developed under RCD zoning. Mr. Nunez had indicated that they wanted to do something more unique. They did a test plan using RCD, and they found that they could put in 30 attached units, so what they were proposing was less dense. Mr. Nunez said that their property had a connection to a

25-foot easement on the west property line. The easement historically went down to a structure that used to be located on the City's property.

Mr. Nunez talked about the landscaping. He put up a photo of the site from 1963, which showed some vegetation and the easement he had mentioned, noting that there was not a lot of vegetation then. On the next photo, from the 1990s, the area was filled substantially along the northern portion of the site. There was a subsequent grade change from the top to the bottom. Over the course of time, because it was not a disturbed site, there was a lot of pioneer growth (fast growing trees), which were not allowed under the Ordinance. He showed a current photo, which showed the area completely covered with vegetation. When they did the tree survey, it showed about 530 trees. Those were considered low quality trees, such as ash and elm. If they separated those from the quality trees, such as black walnut and burr oak and maples, it totaled about 44, and some were offsite. Under RCD zoning, he did not believe that they had to meet the 37% tree preservation.

Mr. Nunez pointed out some small wetlands on the site, and said that they were less than 1/3 of an acre. He said that because of the poor quality of the wetlands, they wondered if they could do something different on the site. They would like to create vegetated bio-swales that would run the length of the property on the east, west and south sides. The bio-swales would have fill material for approximately two feet. That would allow the water from the rear of the yards to congregate and infiltrate into the ground. They would use a good seed mix, and make sure that it did not look weedy. They would also plant larger, ornamental trees that would work within a wet system. He added that there would also be a bio-swale in the center of the cul-de-sac.

Mr. Nunez advised that they would raise the grade so that it sloped from the north to the south. That would allow for a two-story look at the street level. There would be a 50-foot private drive - 28-foot pavement to meet the Fire Code - and a carriage sidewalk on one side of the road. It would allow them to go to the natural grade so there was the capability for walkouts. Evergreens would have to be on the high part of the property, because they did not like "wet feet." On the east side, there were slightly larger rear yards and some additional open space, where they could plant the buffer requirements.

Mr. Nunez said that at the entranceway, they would like to create a pavement design. The pavement would go from the City of Rochester property on Peach and down through Helmand into their development

versus being gravel, as it was. There would be a low profile gate with evergreens along the western property line, and a low decorative fence to the property line to the west. He talked a little more about the plantings and landscaping for the yards. They were looking at homes with porches and recessed garages, and they would be 2,600 to 4,000 square feet. They had a couple of potential lots for ranches.

Mr. Nunez mentioned that there was an email from someone from the Clinton River Trailways with some concerns. He pointed out the location of the Trail. The River was on the right (south) of it. The Trailways concern was that the water from the development would flood the pathway. The elevation at the edge of the pavement was 736, so whatever rain water was coming in would run along the swale and not flood the Trail unless there was an extremely high flood above the 739 elevation. There would be a storm water detention basin on the southern portion of the site. There would be evergreens at 10 feet and deciduous trees of three-inch caliper plus shrubs around the pond. The overflow coming onto the property at the grade would flow to the swale and then to the River.

Mr. Nunez reiterated that they were proposing to improve Peach St. and down Helmand to their property. There were discussions with Staff and the neighbors about the traffic. The neighbors did not want traffic to go toward Castell to the west. They would like some type of barrier to have traffic flow to Peach. He said that they had no problems doing that, but it would be dictated by the Fire Department. They would agree to whatever the Fire Department wanted. They had not really had more discussions with the neighbors because it was out of their hands, but he assured that they would talk to them after talking to the Fire Department.

Mr. Nunez commented that the property was really unique, and that there were some unique homes in the area. He showed a view from Castell looking south. He showed a view from Peach and Helmand. He mentioned that his client owned a parcel on Helmand also. He claimed that there were a number of people interested in moving into the development.

Mr. Polyzois agreed that it was a unique piece of property. He did not feel they would find any other property of its size that was vacant in that location. They spent considerable time and energy to identify a layout that would appeal to consumers. He has had discussions with over 50 people on a list who want to move into the development. The architecture he was proposing would be diverse with different styles and exterior color schemes. There would potentially be as many as ten different elevations.

Everyone wanted to tweak and modify the proposed elevations. They hoped to develop the property, and he would prefer not to do cluster housing. He concluded that they would appreciate the Commission's approval (recommendation).

Ms. Brnabic asked what the average lot frontage was in the development, noting that they varied. Mr. Nunez replied that it was 60 feet from lot to lot. The unique one would be for the corner lot at the front of the property. Ms. Brnabic clarified that the lots were mainly 60 x 120 feet. Mr. Nunez agreed that the majority were. Along the curve, the lot was wider than 60 feet. Ms. Brnabic asked about the units at the south end of the court. Mr. Nunez said that the square footages of the lots would be bigger, because they were on a cul-de-sac. Ms. Brnabic asked the average front yard setback in that area, and Mr. Nunez advised that it was 20 feet. He added that there would be 15 feet between the units, and the rear yard setbacks were 35 feet. Ms. Brnabic said that she assumed the applicants figured that the primary qualification to use a PUD was less density. Mr. Nunez explained that doing an RCD development could yield 30 units, and they were proposing 20. They were not really looking at density as an issue; they were looking at the quality of the homes. In Rochester to the north, there were a lot of smaller lots. Some individuals were buying double-wide lots and putting in big homes. There was one currently being built at the corner of Quarter and Peach. They were trying to keep the same character as the homes in and around the area. He realized that those were in a different community, but it was within walking distance. They were not looking at building really big homes on really big lots. They were trying to make it look more like other projects throughout the region with smaller footprints. Mr. Polyzois added that the prospective buyers were looking for a more intimate setting. They did not want to be in a cookie-cutter subdivision where every house looked the same. They wanted diversity, and no two homes that looked alike would be next to each other or even across the street from each other. There would be diversity in the exterior building materials as well.

Ms. Brnabic noted a concern expressed by ASTI about maximizing open space as an objective for using a PUD. She asked the applicants what their response to that was. Mr. Nunez said that the property was unique, and they were not using anyone else's property, but the adjacency of the City's open space was a good safeguard that it would always stay open space. The Trail allowed for public access and open space. Ms. Brnabic said that she was not disagreeing with what was being proposed. She felt that the development looked fine, and she felt that from what could have been proposed under RCD, it was much better. When they said that it

was close to Rochester, so smaller frontages might be allowed, she reminded that they were Rochester Hills, and they were surrounded by many communities. She would not consider that a main reason to do something. She had no objection to what they were proposing; she was just trying to figure out, besides the open space in the development, what objectives they were using to justify meeting the PUD criteria.

Mr. Nunez responded that one of the things they were doing, which was not required under the guidelines, regarded infiltration of water other than storm water detention. He commented that the design of the systems that ran on three sides of the property was not an inexpensive alternative. They wanted to keep the water in the ground. About two weeks ago, his office spent three days at Rochester College working with them on a Design Charrette with Lawrence Tech. to see how they could open the campus. They had been in contact with Rochester Hills and Rochester regarding the utility easement to provide an access point to the Clinton River Trail. Because of the poor quality of the vegetation on site, they would be replacing everything removed with quality trees and diverse materials. They were looking at it from an environmental benefit.

Mr. Yukon said that in concept, he did like the design much better than an RCD design. He felt that it had a lot more character, and it was not a typical cookie-cutter development. He asked the applicants if they had much experience with developments and bio-swales.

Mr. Nunez said that he was doing bio-swales before it became the catch term. He had several projects in West Bloomfield that had been in the ground for a number of years where they had done wetland mitigations. At the corner of 14 Mile and Orchard Lake, there was a development called Gateway Center and Gateway Plaza. Gateway Center was the residential on a three-acre site. He noted that he was one of the first green roof professionals from five years ago, when they first had that accreditation in the State. About three weeks ago, he was at the first conference for green infrastructure. Based on his education and based on the teaching he did, he had to be in tune with what was going on with the trends and with what worked and what did not. That was why they spent quite a bit of time looking at the seed mix and the plants. Part of the problem with bio-swales and rain gardens was that even with the right plant material, it eventually looked like weeds and it was not really culturally acceptable. They were looking at a hybrid, to make sure the people would respect it. They wanted to make sure that the bio-swales functioned well, and they were not bothered. They wanted to get the water into the ground, and it would be cleaner, because it would go to the plant

drain and to the detention, and the overflow would be released at the same rate that the property was already discharging to the Clinton River.

Ms. Yukon explained that he had asked because he worked for an organization (Walsh College) that installed a bio-swale and rain garden system. He stated that to be honest, in the last several years it had become a big challenge for them to maintain. They had to put a lot of work into it, perhaps more than they were told they would need, for maintenance. He asked what type of maintenance was being done in Mr. Nunez's other developments to maintain a bio-swale. Mr. Yukon knew that the interpretation of a bio-swale system was that it would be put in with plantings, and it would take off and grow by itself, and no one should have to worry about it. He maintained that people did have to worry about it, and that it did have to be maintained. He added that every year or two, they had to do a vegetative burn in their bio-swale.

Mr. Nunez said that one of the problems with bio-swales was that they had to have plants that would take in the water, and then that soil allowed the water to infiltrate into the ground, but it was not always wet. It went from very wet to very dry to very wet to very dry. The selection of the plant materials was very crucial. Regarding burns, whether it was on a green roof or a prairie, bio-swales only thrived when they went through a burn. He cited a place that planted a natural prairie area, and everything died down. The people had planted 30 species and after new vegetation came back after two weeks, they found that there were twice as many plants because the seeds were imbedded in the soil and not released until there was a burn. He agreed that maintenance was a part of it, but they did not want the area mowed and made into a lawn.

Mr. Yukon asked what would preclude a resident from cutting it. Mr. Nunez advised that it would be in the deeds and restrictions; that was why they created check dams. There would be a no mow area in the yards for the last ten feet. Mr. Yukon clarified that the water would run into the detention basin and into the bio-swale. Mr. Nunez explained that it would come off of the yard, and it would check dam, because they did not want water to be held for more than 24 hours because of mosquitoes. A heavy storm would go into the detention basin, and the street water would go into the bio-swales and eventually into the River.

Mr. Yukon asked if the company they were using to install the bio-swales would be under contract for a year or two afterwards to monitor and maintain. He cautioned that the first couple of years for a bio-swale system were a very important time.

Mr. Nunez said that they would have to look at a maintenance program, so there was something in the PUD Agreement about what someone could or could not do with the vegetation in the backyards. They would develop a maintenance program listing out what had to be done each year.

Mr. Kaltsounis felt that everyone on the Commission knew that they were at a crossroads due to the City being built out and there not being a lot of properties left to develop. They would probably see a lot more developments such as the proposed that were pushing the limits and proposing to use PUDs. They had discussed why the applicants were requesting to use a PUD, and Mr. Nunez explained about the sidewalk on one side and other restrictions. The Commissioners had seen a lot of PUDs at the Preliminary stage, and he had been disappointed with a lot of them, including the layout and the buildings proposed. They had to consider what type of precedent they would be setting for the future. If they moved forward with the proposal, there would be someone else coming in requesting something similar for another property, and they could have PUDs all over. Looking at what the applicants had presented, he was somewhat impressed with the styles of the buildings. He thought that going from RCD to R-4 was an improvement. He was back and forth about a sidewalk on one side. One thing he would recommend was that regarding the lot sizes, the front setback for R-4 was 25 feet, and the proposed lots were at 20, and he would like 20 feet to be the exception, not the rule. If there was space to make them 25 feet according to the Ordinance, with some exceptions, he would like to see that. Mr. Nunez replied that they would not have a problem with that. Mr. Kaltsounis indicated that it would help the Commissioners for the future. Another recommendation he always made about PUDs was that applicants used brick all the way around for at least the first floors. He noted that it appeared that they were already going in that direction. Mr. Nunez advised that the price range of the homes would be very high, so the demand would be for a higher quality construction. Mr. Kaltsounis saw that with the entryway and other things they were proposing for the development. He did not feel they were looking to cut corners initially, and that they were looking to do a high-end development. He wished that more PUDs came in starting out that way. Mr. Kaltsounis indicated that if it went forward, the development would be very nice.

Mr. Nunez said that they had looked at a number of different developments in other cities. He mentioned Cherry Hill Village, where they were trying to put porches closer to the street to create walkability.

He added that they could move the homes back, as Mr. Kaltsounis had suggested.

Mr. Schroeder agreed that a major part of bio-swales was maintenance, noting that they had talked about having some dedicated maintenance. He warned that when the swales were planted, they really had to be watched for invasive species in the first couple of years. It was an on-going project until the growth was dedicated. He asked if the street would be private. Mr. Nunez agreed that it would. It would be 50 feet and match the existing right-of-way on Helmand and Peach St. They left a wider cross section of the road for the Fire Department, and they had extended the cul-de-sac bulb for the fire trucks. It would also be wider at the front entrance to allow for plantings. Mr. Schroeder said that they had showed a brick type pavement, and he asked if they would use actual brick or colored concrete. Mr. Nunez said that they were not sure at this point. They were talking with their engineers, who brought up using a porous paver. They were trying to make the development as green as possible, and they also had to balance costs. Mr. Schroeder advised that brick pavers would increase maintenance, and it was not something that he would recommend.

Mr. Schroeder noted that they were really almost into Rochester, where right around the corner there was a new development, and he felt that the applicant's development would be very compatible. Mr. Nunez brought up that someone had mentioned that their development would be in Rochester Hills, but he felt that they had to look the City as a whole. There was a diversity of houses and lot sizes. Some of their neighbors had very big homes. There were typical subdivisions, but theirs was a unique piece. From day one, they felt that they could offer a unique product. The market currently was ripe for apartments and rental units, and he had other clients who would love to have those 26 acres (both City owned properties to the west). Even though it was Rochester Hills, they looked at the walkability. That was why they wanted to add a pathway, and they were working with the Clinton River Trail system and Rochester College. The applicants were committed to the community, and they wanted to do things right. Mr. Polyzois added that they only had one chance at developing the piece, and he would not want to have to reflect back at a residential cluster development.

Mr. Schroeder believed that they would be seeing residential development of the older homes around the subject property. He thought that they would eventually be torn down and redeveloped.

Mr. Nunez said that the problem with redevelopment, even in other communities, was that people felt they needed big lots for their McMansions. Mr. Nunez stated that they did not. They could go with a small lot with a competent architect and create a unit that had all the compliances and bells and whistles without a huge lot. Mr. Schroeder referenced Oakland Township and its huge homes on small lots and Grosse Pointe, and he commented that people liked that. Mr. Nunez noted that they had a project going on in Oakland Township that was on an acre and a quarter. He said that in Rochester Hills, the advantage was that there were choices. They were looking for people who wanted something unique and exclusive with access to the Trail and to both municipalities. Mr. Schroeder asked if they would establish architectural controls. Mr. Nunez maintained that each house would be custom designed. They did not want to restrict architects, but they did want to have a say so that the homes were compatible with each other.

Mr. Schroeder asked if they were considering green or LEED development. Mr. Nunez said that his own bias on LEED was that it was a checklist. They would rather do it right and just be green versus going for checkpoints. They were looking at material costs, and he did not think they would take it for LEED certification, because he thought that the money went into the LEED pockets, but he indicated that it was just his own bias. Mr. Schroeder stated that he liked the development, and he thought it was a very nice concept.

Mr. Hetrick echoed what several of his fellow Commissioners had said. At the first look, he thought it was a very good development. They had mentioned that they would be replacing all of the trees on a one-for-one basis. He asked if any of the quality trees would remain, or if they would be replaced as well.

Mr. Nunez said that unfortunately, there were only 30 of those on site. Because of the grade and leveling the area, unless they fell within the fringe area, he did not think so. They were going to replace all the trees with higher quality trees - three-inch caliper and ten-foot evergreens. They were also looking at the possibility of bringing in some plant materials for some of the buffers or see if there were areas the Clinton River people wanted to restore. Mr. Hetrick clarified that the trees would primarily be along the buffer zones. Mr. Nunez agreed, and said that the plans did not show any of the landscaping around the homes, but there would be landscaping there.

Mr. Dettloff asked about the price range for the homes. Mr. Polyzois

anticipated the price to be in the high \$500's or low to mid-\$600's. Mr. Dettloff concurred that it was an outstanding development, and he thought that they had done a great job.

Mr. Schroeder considered that the proposed swales would probably qualify for pre-treatment for the detention system. Mr. Nunez agreed that was what they were looking at. They were interested in water infiltration into the ground, and that was the benefit they were looking for. If they were able to use the swales as part of the storm water detention, however, it would still be up to the engineers.

Mr. Polyzois mentioned that he met with the Clinton River Watershed Council over a year ago. They indicated that they would like to see some of the elements they had discussed, so he had asked Mr. Nunez to incorporate the bio-swales and rain gardens to comply and make it nice.

Chairperson announced that a PUD Concept Recommendation required a Public Hearing, and he opened the Public Hearing at 9:17 p.m.

Jeffrey Miller, 501 S. Castell Ave., Rochester Hills, MI 48307 *Mr. Miller advised that he was the homeowner at the northwest next to the site. Mr. Nunez had mentioned that in 1963, there was an easement. Mr. Miller advised that the land was his grandparents' until 1963 when they sold it. The road never went right where the Castell right-of-way was currently. It was on the other side, because the people that used to own the property to the west had the roadway on their property. The other piece of Castell, for the last 40 years, had been maintained by him and before that, by his grandparents. He reiterated that the road never went right in front of his home. When his home was built, it was only 1 ½ feet away from the road line. It was also a non-conforming road, according to Mr. Breuckman, former Manager of Planning. Mr. Breuckman told him that the road could not be used for full traffic. That was his main concern. If they put the homes in, he would be concerned if they wanted to use Castell, which was a one lane road. Mr. Nunez said that they were not proposing that. Mr. Miller wanted it known that Castell was never used as a roadway, and that it had always been maintained by him.*

George Snow, 505 Harding, Rochester Hills, MI 48307 *Mr. Snow stated that he lived next door to Mr. Miller. He believed that the residents in the neighborhood were strongly opposed to the development. He had mentioned at the meeting in February that the Green Space Mileage was adopted to preserve space, and he thought that the public opinion in the neighborhood was that they were strongly opposed to the development.*

He also had concerns with the traffic load on Harding. There was a really bad problem with speeding, which he realized was not Mr. Polyzois' issue, but it was something that was there and would dramatically increase if they added 20 homes. It was probably not the place to bring it up, but he wanted to propose a radar speed sign for Harding. Mr. Snow said that there was reference to wetlands. He read through the Ordinance, and it was very clear that wetlands were an indispensable natural resource, which served numerous beneficial functions, etc. He read that the purpose of the article was "protection, preservation, proper maintenance of wetlands to avoid disturbance and to prevent damage." He referenced a site plan he had of the property from 2000. It was for City File No. 00-016, and he put it on the overhead. He pointed out the flagged wetland boundary, which looked to be about 60-70% of the property. The map was provided by Joe Thompson, who owned the property two owners previously. The map was used to split off the 2.3 acres where the large home on Helmand was built. It was the approved wetlands map by the City, allowing the split of the property. Part of that was to determine the buildable envelope on the 2.3 acres. He also had a map of the 26 acre City-owned property, which was proposed for development by Sam LoChirco. It was also zoned RCD, and proposed for 65 units. Mr. Snow had the fifth revision, and if the wetlands on the west side were lined up with the LoChiro map, they matched. There were two different maps accepted by the City as wetlands delineation. Both maps also showed a 25-foot natural features setback. He believed that the map on the Green Space website showed a similar area of wetlands. He wanted to comment on the bio-swales, noting that it was a very wet area, and said that he had the same concerns as far as maintenance. One bio-swale would be basically on his property line. If it was not maintained properly, there would be water that typically flowed into the Clinton River sitting in his yard. He would be concerned about mosquitoes and that kind of thing. He would like to understand how there were two maps that had been reviewed by the City that showed wetlands as a significant portion of the property. He noted the Steep Slope Ordinance, which was written to prevent disturbance to steep slopes. He commented that it was a fairly complicated Ordinance, and there were different classifications of steep slopes. He noted that there was a 25-foot drop-off on the subject property, and he hoped that would be addressed on the builder's plans. In addition, Section 138-9.201 required a 25-foot natural features setback from a wetland boundary. He did not know if that was being addressed, but he did not see it on the plans. In speaking with the previous owner, Mr. Thompson, Mr. Thompson was under the impression from his discussions with the City that two entrances would be required based on the density. Mr. Snow could not find that in the Ordinance, but if there was a requirement for two entrances for emergency

vehicles, he would like to make sure it was addressed. When Mr. Thompson owned the property, he had a discussion with Mr. Dearing of Engineering, and he was told by Mr. Dearing that the City would never bring emergency vehicles to the site via another city. One of his strongest oppositions was that the south section of Castell was not conforming. It was 25 feet wide, and he did not see how any type of a subdivision could be planned with access through a non-conforming road. His understanding was that a Class C road required a minimum of 50 foot of width, but Castell had 25. He believed that the current requirement for local streets was 60 feet. He did not see how the old easement, as mentioned by Mr. Miller, would come into play. It was entirely on Mr. Snow's property. There had been somewhat of a history of the lot being proposed for development. Mr. Terry Wallace owned the property in the early 1990's. He was not allowed to develop the property, and that was when he sold it to Mr. Thompson. It was 8.4 acres when Mr. Thompson bought it before he split off the 2.3 acres. As far as the 26 acres that was now green space, originally owned by Sam LoChirco, it had the same topography and same proximity to the Clinton River Trail and the same RCD zoning. His plan had two legitimate access points, but his plans were never approved to build, and that was when he decided to sell to the Green Space Committee. Based on the history, there seemed to be a fair amount of resistance from the City to allow the six-acre site and the LoChirco site to be built. In closing, he said that he did appreciate the developer's proposal to do single-family homes as opposed to an RCD development. He did not think that would be a good use of the land. He would like to see, based on the history of the area not being able to be built on, and he did not think it would be an unnecessary burden to the current owner if it were not allowed to be built, a single home built or for the property to be purchased by the Green Space Committee.

Cleat Lindsey, 368 Helmand, Rochester Hills, MI 48307 Mr. Lindsey put a map on the overhead. He said that he was new to the game, and he did not know anything about building, but everything that he had seen on the Green Space website showed the property to be mainly wetlands. He went to the State's website, and it also showed the area as wetlands. If it were wetlands, he wondered if it was still o.k. to build. He pointed out the steep slope, which would be impacted. There was a comment that they were not Rochester. His backyard was in the City of Rochester, and his property could be split into three or four lots in Rochester. Rochester had a Commission to approve plans, and Rochester Hills had its own rules. He maintained that the Planning Commission's obligation was to adhere to the City's Ordinances as to how they built.

The proposed subdivision would bring in more homes than existed on Harding from Livernois to the end of Helmand. He did not quite see how that was consistent with the existing community that was Rochester Hills. It was totally consistent with downtown Rochester, but they were not downtown Rochester. He said that he appreciated the Commission's time and thanked them.

Chairperson Boswell closed the Public Hearing at 9:33 p.m. He asked Mr. Nunez about the wetlands.

Mr. Nunez responded that the maps the speakers referenced were done at a much larger scale. The Ordinance required a developer to do an on site inspection with a qualified consultant. They used King and McGregor, which had been in the business for a number of years. They partnered with the DEQ, and they did due diligence on the property. He noted another project they were working on, Enclaves of Rochester Hills, that seven years ago showed 10 ½ acres of wetlands. When it was re-evaluated, it showed 6 ½. It was not until the site was walked and investigated further, that they could really determine the wetlands. Based on the analysis from their consultant and the City's wetland consultant, the wetlands they showed were not the entire area. He was not sure about the maps the speakers referred to and how things were determined. Regarding the steep slopes, they did not want to disturb them because of soil erosion. It would come down to how they constructed things. He agreed there was an area of steep slopes, but they were not natural slopes - they were man-made.

Mr. Nunez brought up the road, and said that the survey they had showed a 25-foot easement that touched their piece. He agreed it was a non-conforming road, and they had no intentions of coming off of Castell. They would come in off of Peach and pave Helmand. He assured that they did not want traffic coming in from Castell.

Chairperson Boswell noted that the applicants did a wetland survey, and he asked if it was confirmed by ASTI. He asked how many acres of wetland were found on the property. Mr. Nunez pointed out the larger wetland, which was .13 acres and one in the south, which was .07. It was about .2 of an acre. Normally, they would be allowed to fill up to a third of an acre without having to go through the DEQ. They still had to get a permit, but the process would not be as rigid. Chairperson Boswell clarified that it would be their intention to fill in the .2 acre. Mr. Nunez agreed, and said that the intention was to fill it because of the grade, and the water infiltration sites would be replacements, although they would not

be required to replace. Chairperson Boswell observed that it would eliminate any natural features setbacks, if there were no natural features. Mr. Nunez agreed, and he did not believe the wetlands were of high quality. There were also phragmites, and Chairperson Boswell remarked "and lots of mosquitoes." He asked Mr. Anzek to speak a little more about the steep slopes.

Mr. Anzek said that there was an exemption in the Steep Slope Ordinance regarding man-made steep slopes. It was at the regulatory authority's approval to exempt. In this case, it would be the Planning Commission. Mr. Anzek advised that man-made slopes were never considered to be a protected element. Regarding the wetlands, the City only allowed wetland surveys to be three years old. After that, a survey would have to be redone, because wetlands were dynamic and they moved. The maps from 2000 were now almost 15 years old. The King and McGregor survey was verified by ASTI in the field, so the City stood by it.

Chairperson Boswell mentioned the concern with traffic. The applicants said they wanted to direct traffic down Peach, but he wondered how they planned to do that.

Mr. Nunez said that the proposal was to improve Peach (pave) and pave Helmand to the project, terminating at the curb at Castell. In working with Planning, and in talking with the adjacent property owners, they wanted to restrict access to Castell. They talked about putting a berm in to restrict traffic and signage saying that it was a dead end. They would try to make it appear that Castell was a private drive, as it was currently used. They would have to talk to the Fire Department to see if they would allow a permanent berm. They might allow a gate so only they had access in case of emergencies. That might be another alternative requested. He had stated that it was up to the Fire Department to dictate their safety standards and how they would need to access the property. He did not feel that 20 homes would have a huge impact, although he acknowledged it would have some.

Mr. Anzek knew that the Fire Department would clearly like to have two ways to access. Even though one was only 25 feet, it was available for use. The Fire Department had supported gates with Knox boxes in the past. It could possibly be a gate that would mirror the one into the development coupled with a dead end sign.

Mr. Anzek referred to condition four in the motion, and said that Staff had

recommended that the applicants secured a wetland use permit from the State (MDEQ) prior to the final plan. If they could not secure that to fill the wetlands, it would alter the plans drastically. In contrast to the Villas, where the wetlands were well defined and not encroaching, these wetlands were more regulated because of the proximity to the Clinton River. Staff wanted to ensure that the applicants secured a DEQ permit because then the concept, going forward, could stay intact.

Mr. Kaltsounis said that he was impressed by the residents bringing in maps and plans for the discussion. They were the first neighbors he could recall that actually brought maps. He said that he wanted to remind everyone that in the past, a lot of PUD developments had come before the Commissioners, and a lot of money had been put into those developments. The Commissioners might not have liked them because of the aesthetics or the layout, or the property did not allow it. They might have been regular subdivisions, not just PUDs. He recalled that years back, someone tried to build a back yard on a slope of 16 feet, and he stated that would never happen. In the PUD Concept Plan review, the Commission was asked to look at what was proposed to see if it was something that they would want to see move forward. There was a lot of give and take involved, and it was a challenging property. One of the conditions was that the site plans, including, but not limited to, landscaping, engineering, tree removal, wetland use and buffer modification plans, would need to be applicable to City Ordinances and requirements, while remaining consistent with the Concept PUD layout. In addition, as Mr. Anzek mentioned about condition four, there was a lot of work that had to be done. All the comments would be looked at. He could not say where it would go, and he commented that there were a lot of people who were smarter than him who gave the recommendations. He concluded that he was ready to make the motion in the packet and moved the following, seconded by Mr. Yukon.

MOTION by Kaltsounis, seconded by Yukon, in the matter of 14-008 (Sanctuary at Rivers Edge PUD), the Planning Commission **recommends that City Council approve the PUD Concept plans dated received May 16, 2014, with the following four (4) findings and subject to the following nine (9) conditions.**

Findings:

1. *The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development 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.*

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. *Recommendation by the Planning Commission and approval by City Council of a Wetland Use Permit and submittal of an MDEQ Wetland Permit at Final PUD review, with the plans to address comments from ASTI's letter dated June 2, 2014.*
5. *Approval of a Tree Removal Permit by Planning Commission at Final PUD review.*
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. *Obtain a Sidewalk Waiver from City Council for the south side of Helmand at Final PUD Review.*

8. *Address comments from the Engineering memo dated June 10, 2014 applicable to Final PUD submittal, including obtaining a Steep Slope and Flood Plain determination and from the Fire Department memo dated June 12, 2014 .*
9. *Submittal of an Environmental Impact Statement with Final PUD review.*

Chairperson Boswell asked if there was any further discussion. Mr. Hetrick asked for clarification about the road. He asked if Helmand was a local road, despite the fact that it was non-conforming. Mr. Anzek responded that if it were dedicated as public right-of-way and it had not been vacated or eliminated, it would still be public right-of-way. If it was not desirable to be used by fire trucks because it was gravel or too narrow, they would not use it. There was a comment from a previous City Engineer that fire trucks would not drive between multiple cities to get to a site. Mr. Anzek stated that a fire truck would drive the fastest way available to get to a site - that was the objective. It would be determined when the Fire Department started to work out the details and decided what they would work with. It was more ideal to have a back door into a development for any emergency responder. Mr. Hetrick noted that there was a comment about an exemption for steep slopes being approved by the Planning Commission and City Council. He wanted to make sure that condition number two would cover an exemption for steep slopes. Mr. Anzek thought that because of the fact that it was a man-made fill, it would be better to clear it out to make sure it could be built upon. Mr. Hetrick said that he understood that the steep slope needed to be treated in some way; he just wanted to be sure that the condition covered any exemption, which was confirmed, and Mr. Anzek added that condition number eight also covered that.

2014-0083

Public Hearing and request for Preliminary Planned Unit Development (PUD) and Conceptual Site Plan Recommendation - City File No. 14-008 - Sanctuary at Rivers Edge, a proposed 20-unit residential development on 6.1 acres, located north of Avon, east of Livernois and south of Harding, zoned RCD, One-Family Cluster, Parcel No. 15-15-403-010, MJ Ridgepoint, LLC, Applicant

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

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

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