



Planning and Economic Development
Sara Roediger, AICP, Director

From: Kristen Kapelanski, AICP
Date: 2/8/2019
Re: **Brewster Village PUD (City File #18-015)**
PUD Final Plan - Planning Review #1

The applicant is proposing a 30-unit owner occupied general condominium Planned Unit Development (PUD) on a 7.31-acre site located on the west side of Brewster, just north of Walton. The project was reviewed for conformance with the City of Rochester Hills Zoning Ordinance. The comments below and in other review letters are minor in nature and can be incorporated into a final site plan submittal for review by staff after review by the Planning Commission.

1. **Background.** This project has received Preliminary PUD and Conceptual Plan approval from City Council on January 7, 2019 following a recommendation from the Planning Commission at their December 18, 2018 meeting with the following findings and conditions, applicable comments from staff are italicized.

Findings:

- a) The proposed PUD Concept Plan meets the criteria for use of the PUD option.
- b) The proposed PUD Concept Plan meets the submittal requirements for a PUD concept plan.
- c) The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
- d) 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.
- e) The proposed development is consistent with the Master Land Use Plan to provide an alternate housing option.
- f) 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.
- g) The minimum front and rear yard setbacks are modified as part of the PUD to allow flexibility and higher quality development.
- h) The minimum percentage of trees to be preserved is modified as part of the PUD.

Conditions:

- a) 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. *In compliance, the final plan is consistent with the approved concept plan.*
- b) 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. *In compliance, the final plan is consistent with applicable ordinances and the approved concept plan.*
- c) 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. *The provided elevations are generally the same as those shown as part of the PUD Concept plan approval/submittal.*
- d) 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.
- e) 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.
- f) Recommendation by the Planning Commission and approval by City Council of a PUD Agreement, as approved by the City Attorney, at Final PUD review. *Submitted as part of Final PUD submittal, City staff and attorney recommend approval.*

- g) Payment of \$216.75 per unit (\$6,503) into the City's Tree Fund, prior to issuance of a Land Improvement Permit.
- h) 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.
- i) Address comments from applicable City Staff memos, prior to Final PUD submittal.
- j) 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.
- k) Left turn lane to be added to Brewster Road as approved by staff and paid for by the developer, prior to final Engineering approval. *A left turn lane has been added to Brewster Road.*
- l) Update the Environmental Impact Statement to reflect accurate statements regarding tree preservation and removal, prior to the matter going to City Council. *The EIS was updated prior to Council consideration of the Preliminary PUD plan.*

2. **PUD Requirements** (Section 138-7.100-108). The PUD option is intended to permit flexibility in development that is substantially in accordance with the goals and objectives of the City's Master Land Use Plan at the discretion of the City Council. The PUD development shall be laid out so that the various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another. The PUD option seeks to:
- Encourage innovation to provide variety in design layout
 - Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities
 - Encourage the creation of useful open spaces
 - Provide appropriate housing, employment, service and shopping opportunities

The PUD option can permit:

- Nonresidential uses of residentially zoned areas
- Residential uses of nonresidential zoned areas
- Densities or lot sizes that are different from the applicable district(s)
- The mixing of land uses that would otherwise not be permitted; provided that other objectives are met and the resulting development will promote the public health, safety and welfare

Review Process

The PUD review process consists of a two step process as follows:

- a. **Step One: Concept Plan.** The PUD concept plan is intended to show the location of site improvements, buildings, utilities, and landscaping with a level of detail sufficient to convey the overall layout and impact of the development. The PUD concept plan is not intended to demonstrate compliance with all ordinance requirements, but rather is intended to establish the overall layout of the development, including the maximum number of units which may be developed. This step requires a Planning Commission public hearing and recommendation to City Council followed by review by the City Council.
- b. **Step Two: Site Plan/PUD Agreement.** The second step in the process is to develop full site plans based on the approved PUD concept plan and to submit the PUD Agreement. At this time, the plans are reviewed for compliance with all City ordinance requirements, the same as any site plan. This step requires a Planning Commission recommendation to City Council followed by review by the City Council.

Qualification Criteria

Section 138-7.102 sets forth the criteria that a PUD must meet. Each of the criterion are listed below.

- a. The PUD option shall not be used for the sole purpose of avoiding applicable requirements of this ordinance. The proposed activity, building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected. *The subject property is presently split zoned as both single family and special purpose, making development under conventional zoning standards challenging. The development of smaller general condominium units provides some diversity in housing stock for the community, which traditionally has been developed with larger subdivision and site condominium lots. Additionally, denser*

- development scaled to match the height and size of other single family units in the area acts as an appropriate transition between the single family subdivision to the north and the multiple family senior living to the south.*
- b. The PUD option shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. *As previously noted, the split zoning on the site makes the application of traditional zoning requirements very difficult; there are potentially several variances under conventional zoning that may be required including front and rear setbacks. Through the use of the PUD, the City has the ability to be flexible with regulations in return for development that is above and beyond conventional development.*
 - c. 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. *The Master Plan calls for residential units at up to 2.8 units per acre for some portions of the property. The proposed residential units are greater than the planned density at 4.19 units per acre, but the Department of Public Services and public safety departments have not expressed a concern regarding impacts to the road system and City utilities. The Engineering Department has conducted a full review of public utility and service needs and notes no concerns.*
 - d. The PUD shall meet as many of the following objectives as may be deemed appropriate by the City: The PUD is not required to comply with all of the items listed in this criterion; it is up to the judgment of the Planning Commission and City Council to determine if the proposed development provides adequate benefit that would not otherwise be realized. In this instance, it may be the development of a desired land use to provide diversity in housing options in the City and the creation of an appropriate transitional use between multiple family and single family housing.
 1. To preserve, dedicate or set aside open space or natural features due to their exceptional characteristics or their environmental or ecological significance in order to provide a permanent transition or buffer between land uses, or to require open space or other desirable features of a site beyond what is otherwise required in this ordinance. *While the site does not contain any regulated wetlands or steep slopes, the proposal does require a tree removal permit. The plans indicate the majority of regulated trees will be removed and replaced on site.*
 2. To guarantee the provision of a public improvement that would not otherwise be required to further the public health, safety or welfare, protect existing uses or potential future uses in the vicinity of the proposed development from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities. *The plan includes the provision of a small public plaza including a bike repair station along the Brewster Road path. Additionally, the adjacent Shadow Woods subdivision would benefit from the basin overhaul proposed by the applicant.*
 3. To promote the goals and objectives of the Master Land Use Plan and other applicable long range plans such as the Master Thoroughfare Plan. *The proposed project promotes the following goals and objectives of the Master Land Use Plan and other applicable long range plans:*
 - (a) *Provide a diversity of housing types and sizes to meet the needs of people of different ages, incomes and lifestyles within the community.*
 - (b) *Encourage the mixture of residential types of residential uses that are compatible with the established character of the surrounding neighborhood.*
 - (c) *Provide a safe, efficient non-motorized pathway system that provides links to various land uses throughout the City.*
 4. To facilitate development consistent with the Regional Employment Center goals, objectives, and design standards in the City's Master Land Use Plan. *Not applicable.*
 5. To preserve and appropriately redevelop unique or historic sites. *Not applicable.*
 6. To permanently establish land use patterns that are compatible with or will protect existing or planned uses. *As previously noted, the development of owner occupied general condominium units at the proposed density at this location is a logical use, providing diversity in housing stock for the community and acting as an appropriate buffer between single family and multiple family uses.*
 7. 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. *This parcel is key to providing an acceptable transition between the senior living to the south and the single family subdivision to the north. General condominium units are an appropriate choice for that transition.*

8. To enhance the aesthetic appearance of the City through quality building design and site development. *The applicant has provided proposed elevations that are generally in compliance with the City's building design standards.*

3. **Zoning and Land Use** (Section 138-4.300 and 138.7.103). The site is split zoned, with the northern portion zoned R-1 and R-3 One Family Residential District and the southern portion zoned SP, Special Purpose; however the applicant is proposing to develop the site with a PUD option. Refer to the table below for the zoning and existing and future land use designations for the proposed site and surrounding parcels.

	Zoning	Existing Land Use	Future Land Use
Site	R-1 & R-3 One Family Residential and SP Special Purpose	Vacant	Residential 3 & Multiple Family
North	R-1 & R-3 One Family Residential	Open Space for Shadow Woods Subdivision	Private Recreation/Open Space
South	SP, Special Purpose	Danish Village Senior Living	Multiple Family
East	R-1 One Family Residential	Hitchman's Haven Subdivision	Residential 2.5
West	R-3 One Family Residential & RM-1 Multiple Family Residential	Roanoke Apartments	Multiple Family

4. **Site Layout** (Section 138-5.100-101 and Section 138-7.104). Refer to the table below as it relates to the area, setback, and building requirements for this project. Although a PUD is proposed, for comparison purposes, the current residential zoning designations are shown.

Requirement	Proposed	Staff Comments
Max. Density R-1 = 1.7 units per acre = 12 units R-3 = 2.8 units per acre = 22 units	Up to 4.19 units per acre = 30 units	Not in compliance, modification included in PUD agreement
Min. Lot Area R-1 = 20,000 sq. ft. R-3 = 12,000 sq. ft.	N/A - Individual lots are not proposed	
Min. Lot Width R-1 = 100 ft. R-3 = 90 ft.	N/A - Individual lots are not proposed	
Min. Front Setback R-1 = 40 ft. R-3 = 30 ft.	Min. 20 ft.	Not in compliance, modification included in PUD agreement
Min. Side Setback (each/total) R-1 = 15/30 ft. R-3 = 10/20 ft.	20 ft. between unattached units	In compliance
Min. Rear Setback 35 ft.	15 ft.	Not in compliance, modification included in PUD agreement
Max. Height 2.5 stories/30 ft.	2 stories	Max. height to be reviewed and confirmed as part of building permit review of individual homes

5. **Natural Features.** In addition to the comments below, refer to the comments and review letters from the Engineering and Forestry Departments that pertain to natural features protection.

- a. **Environmental Impact Statement (EIS)** (Section 138-2.204.G) An EIS has been submitted for the project.
- b. **Tree Removal** (Section 126 Natural Resources, Article III Tree Conservation). The site is subject to the city's tree conservation ordinance, and so any healthy tree greater than 6" in caliper that will be removed must be replaced with one tree credit. Trees that are dead or in poor condition need not be replaced. A tree preservation plan has been included. The removal of any regulated tree requires the approval of a tree removal permit and associated tree replacement credits, in the form of additional plantings as regulated in the Tree Conservation Ordinance or a payment of \$216.75 per credit into the City's tree fund. A minimum of 37% of regulated trees on site must be preserved for all single family developments. The plan indicates 11.7% (31 trees) of the 265 regulated trees on site will be saved. The remaining 234 regulated trees are to be removed and will be replaced on site. The minimum percentage of trees to be preserved is modified as part of the PUD Agreement.

- c. **Wetlands** (*Section 126 Natural Resources, Article IV Wetland and Watercourse Protection*). The site contains four wetland areas not regulated by the City or the MDEQ. No wetland use permits are required. See the October 24, 2018 letter from ASTI for further detail.
 - d. **Natural Features Setback** (*Section 138-9 Chapter 1*). The plan indicates that approximately 450 linear feet of natural features setback area (primarily consisting of mowed lawn) will be impacted. See the October 24, 2018 letter from ASTI for further detail.
 - e. **Steep Slopes** (*Section 138-9 Chapter 2*). The site does not contain any regulated steep slopes.
6. **Landscaping** (*Section 138-12.100-308*). Refer to the table below as it relates to the landscape requirements for this project. This information is provided to aid the applicant in preparation of step two site plan submittal.

Requirement	Proposed	Staff Comments
Street Trees Min. 1 deciduous per lot	0 deciduous	The city shall plant street trees in the ROW after construction of the project is complete, the applicant shall pay \$216.75 per lot to account for this planting
Right-of-Way (Brewster: 615 ft.) 1 deciduous per 35 ft. + 1 ornamental per 60 ft. = 18 deciduous + 11 ornamental	11 deciduous (4 existing) 0 ornamental	Infrastructure and corner conflicts prevent plantings - payment to be made to tree fund in lieu
Buffer B (West adjacent to RM-1: 257 ft.) 10 ft. + 2 deciduous per 100 ft. + 1.5 ornamental per 100 ft. + 2 evergreen per 100 ft. + 4 shrubs per 100 ft. = 10 ft. + 6 deciduous + 4 ornamental + 6 evergreen + 11 shrubs	10 ft. 6 deciduous (3 existing) 4 ornamental 6 evergreen 12 shrubs	In compliance

- a) A landscape planting schedule has been provided including the size of all proposed landscaping. A unit cost estimate and total landscaping cost summary, including irrigation costs, for landscape bond purposes has been provided.
 - b) If required trees cannot fit or planted due to infrastructure and corner clearance conflicts, a payment in lieu of may be made to the City's tree fund at a rate of \$216.75 per tree. Existing healthy vegetation on the site may be used to satisfy the landscape requirements and must be identified on the plans.
 - c) A note has been provided on the landscape plan that states that all landscape areas must be irrigated and that watering will only occur between the hours of 12am and 5am.
 - d) Site maintenance notes listed in *Section 138-12.109* have been included on the plans.
 - e) A note stating "Prior to the release of the performance bond, the City of Rochester Hills must inspect all landscape plantings." has been included on the plans.
7. **Architectural Design** (*Architectural Design Standards*). Proposed building elevations have been submitted. While some elevations include front entry garages, the applicant has made efforts to emphasize the pedestrian entrance and generally enhance the façade. Individual homes will be reviewed under a separate permit issued by the Building Department.
8. **Entranceway Landscaping and Signs.** (*Section 138-12.306 and Chapter 134*). A note should be included on the plans stating all signs must meet the requirements of *Section 138-12.306* and *Chapter 134* of the City Code of Ordinances and be approved under separate permits issued by the Building Department.



FIRE DEPARTMENT
Sean Canto
Chief of Fire and Emergency Services

From: William A. Cooke, Assistant Chief / Fire Marshal
To: Planning Department
Date: February 7, 2019
Re: Brewster Village Final PUD

SITE PLAN REVIEW

FILE NO: 18-015

REVIEW NO: 1

APPROVED X

DISAPPROVED _____

The Fire Department recommends approval of the above reference site plan contingent upon the following conditions being met:

1. Provide documentation, including calculations that a flow of 2000 GPM can be provided.
IFC 2006 508.4
 - Fire flow data can be obtained by contacting the Rochester Hills Engineering Department at (248) 656-4640.

William A. Cooke
Assistant Chief / Fire Marshal



DPS/Engineering
Allan E. Schneck, P.E., Director

JRB
From: Jason Boughton, AC, Engineering Utilities Specialist
To: Kristen Kapelanski, AICP, Manager of Planning
Date: February 1, 2019
Re: Brewster Village, City File #18-015, Section #8
Final PUD Review #1

Approved

Engineering Services has reviewed the site plan received by the Department of Public Services on January 25, 2019 for the above referenced project. Engineering Services **does** recommend site plan approval with the following comments:

Traffic/Roads

1. On sheet SP4, Paving & Grading Plan, provide proposed grades involving the road widening.
2. On sheet SP4, can the viewport be shifted further north to include the portion of Colorado Ave taper lane that is currently cut off?
3. On sheet SP4, move the "Notes" box so it is out of the paving plan view.
4. On sheet SP6, Notes, Details & Calculations Plan, under "General Paving Notes" reference top of curb elevations are calculated for a 6 inch concrete curb. Whereas, the mountable curb and gutter detail shows a 4 inch curb height. Please clarify.
5. On sheet L-1, call out road sight distance lines on plans.

Pathway/Sidewalk

1. On sheet L-6, and other relevant plan sheets; the detail for the Proposed Plaza w/ Bike Repair Station should show that it is proposed to be located 3 feet off the edge of existing pathway. Also, label "Existing Public Sidewalk" as "Existing Public Pathway" instead.
2. On sheet SP-4, it may make sense for constructability and ADA compliance purposes to modify the proposed path R&R work north of the intersection all in concrete versus a segment in concrete and the remainder in HMA. Also, it is recommended to R&R the path ramp and landing for 24 feet (three 8 foot x 8 foot flags) south of intersection to allow for ADA constructability and field adjustments due to tight tolerances.
3. On sheet L-1, call out the pathway sight distance lines.
4. On sheet L-1, please differentiate line work for easements from the pathway sight line dash type. Include a legend to identify line work.
5. On sheet L-3, Tree Preservation Plan, recommend to revise hatching to differentiate between concrete sidewalk and HMA pathway.

The applicant will need to submit a Land Improvement Permit (LIP) application with engineer's estimate, fee and construction plans to get the construction plan review process started.

JRB/md

c: Allan E. Schneck, P.E., Director; DPS
Tracey Balint, P.E., Public Utilities Engineering Mgr.; DPS
Paul G. Shumejko, P.E., PTOE, Transportation Eng. Mgr.; DPS
Keith Depp, Project Engineer; DPS File

Paul Davis, P.E. City Engineer/Deputy Director; DPS
Scott Windingland, DPS Aide; DPS
File

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PARKS & NATURAL RESOURCES DEPARTMENT

Ken Elwert, CPRE, Director

To: Kristen Kapelanski, Planning Manager
From: Matt Einheuser, Natural Resources Manager
Date: February 1, 2019
Re: Brewster Village PUD - Review #1 Final PUD
File #18-015

Forestry review pertains to right-of-way tree issues only.

Trees that are proposed to be planted within the area east of the pathway along Brewster road (4 Red Maples and 3 Tulip trees), within area that would become City R.O.W, will need to be planted with a 25' spacing between trees.

Other Comments.

Follow adequate tree protection standards for existing trees that are to remain; this will be especially important for trees that are located within close proximity of proposed structures such as tree 1651 and tree 1733. Inadequate tree protection within the tree's dripline may result in required tree replacement.

37% of regulated trees need to be preserved, which is currently not the case (as shown in the tree replacement summary calculations).

Copy: Maureen Gentry, Economic Development Assistant

ME/ms

Mailing Address:
P.O. Box 2160
Brighton, MI 48116-2160800 395-ASTI
Fax: 810.225.3800

www.asti-env.com

October 24, 2018

Ms. Kristen Kapelanski
Planning Manager
Department of Planning &
Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

**Subject: File No. 18-015 - Brewster Village PUD;
Wetland Use Permit Review #2;
Plans received by the City of Rochester Hills on
October 15, 2018**

Applicant: Robertson Brothers Homes

Dear Ms. Kapelanski:

The above referenced project proposes to develop approximately 7.2 acres of land into a Planned Unit Development (PUD). The site is located along the west side of Brewster Road, south of Tienken Road and north of Walton Boulevard. The site includes four wetland areas not regulated by the City of Rochester Hills or the Michigan Department of Environmental Quality (DEQ).

ASTI has reviewed the site plans received by the City on October 15, 2018 (Current Plans) for conformance to the Wetland and Watercourse Protection Ordinance and the Natural Features Setback Ordinance and offers the following comments for your consideration. Please note that ASTI has not reviewed a draft PUD agreement between the applicant and the City prior to publication of this wetland review.

COMMENTS

1. **Applicability of Chapter (§126-500).** The Wetland and Watercourse Protection Ordinance is applicable to the subject site because the subject site is not included within a site plan which has received final approval, or a preliminary subdivision plat which received approval prior to January 17, 1990, which approval remains in effect and in good standing and the proposed activity has not been previously authorized.
2. **Wetland and Watercourse Determinations (§126-531).** This Section lists specific requirements for completion of a Wetland and Watercourse Boundary Determination.

- a. This review has been undertaken in the context of a Wetland and Watercourse Boundary Determination previously completed by the applicant's wetland consultant. The applicant's wetland consultant (BWA Consulting) completed a wetland delineation on February 22, 2018 as detailed in a BWA Consulting's wetland delineation letter report dated February 26, 2018, which was submitted to the City for review. ASTI inspected the wetland delineation on August 14, 2018 and agrees with the flagging and the depiction of the on-site wetlands on the Current Plans.

No City-regulated wetlands are present on the property. All on-site wetlands on-site are less than two acres in size, none are within 500 feet of an inland lake, stream or pond as defined by Part 301, Inland Lakes and Streams, and none of the on-site wetlands are of significant ecological value or a valuable natural resource to the City; none of the on-site wetlands are regulated by the City.

The on-site wetlands are not regulated by the DEQ per a DEQ Wetland Identification Report dated July 23, 2018, which was supplied to the City for review.

- b. **City Wetland Quality Assessments**

The on-site wetlands are very small and total 0.113 acres (4,922 square feet) and are of very similar ecological character. The on-site wetlands were forested wetlands that exhibited dominant vegetation such as the common native species of green ash (*Fraxinus pennsylvanica*) and cottonwood (*Populus deltoides*). Tree cover was moderate and individuals ranged in size of approximately 3 inches diameter to 15 inches in diameter. Tree canopy coverage varied from approximately 30%-60%. Woody understory vegetation was thick and was dominated by the invasive species of glossy buckthorn (*Frangula alnus*). Herbaceous cover was sparse and sporadic and was dominated by the invasive species of reed canary grass (*Phalaris arundinacea*). Scattered areas of soil piles were observed in close proximity to the on-site wetlands. However, no obvious signs of detrimental contaminants were observed within the on-site wetlands other than common residential waste. Wetland A was dominated by native species, but did exhibit significant amounts of invasive species. The observed tree, shrub, and herbaceous layers within the on-site wetlands have very low potential to provide anything but limited habitat for common suburban wildlife. The on-site wetlands are not contiguous to any watercourses or water bodies and very small.

Therefore, they offer little ability to detain significant amounts of storm water or ground water recharge. Based on these factors, it is ASTI's opinion that the on-site wetlands are of low ecological quality and should not be considered a valuable natural resource to the City.

3. **Use Permit Required (§126-561).** This Section establishes general parameters for activity requiring permits, as well as limitations on nonconforming activity. This review of the Current Plans has been undertaken in the context of those general parameters, as well as the specific requirements listed below.
 - a. No City- or DEQ-regulated wetlands are present on the property. Neither a Wetland Use Permit from the City or a Part 303 permit from the DEQ are required to impact the on-site wetlands.
 - b. The applicant proposes to perform maintenance to the detention pond on the adjacent property to the north in assumed cooperation with the adjacent land owner and the City. Maintenance is to be in the form of dredging the detention basin to original construction design elevations per plans from City records. This work is exempt from the City's Wetland and Watercourse Protection ordinance provided that: (1) a prior written notice is given to the City Engineer and written consent is obtained from the City Mayor prior to work commencing; (2) the work is conducted using best management practices (BMPs) to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted; and (3) such that all impacts to the aquatic environment are minimized.

Additionally, ASTI recommends the applicant confirm with the DEQ that this work does not require a Part 303 permit prior to commencing any dredging activities.

4. **Use Permit Approval Criteria (§126-565).** This Section lists criteria that shall govern the approval or denial of an application for a Wetland Use Permit.
 - a. No DEQ-regulated wetlands are present on the property. All on-site wetlands on-site are less than two acres in size, none are within 500 feet of a inland lake, stream or pond as defined by Part 301, Inland Lakes and Streams, and none of the on-site wetlands are of significant ecological value or a valuable natural resource to the City; none of the on-site wetlands are regulated by the City. Thus, neither a Wetland Use Permit from the City or a Part 303 permit from the DEQ are required to impact the on-site wetlands.

5. **Natural Features Setback (§21.23).** This Section establishes the general requirements for Natural Features Setbacks and the review criteria for setback reductions and modifications.
- a. Should the City accept the applicant's proposal to develop the subject property as a PUD, subject to final review and approval as part of the site plan review process, the on-site Natural Features Setback regulations can be waived by the City at its discretion. The applicant should note that upon the request of the City, ASTI will re-evaluate any Natural Features Setback impacts if the City does not waive Natural Feature Setback regulations.

The Current Plans indicate that approximately 450 linear feet of Natural Features Setback will be permanently impacted from the proposed development. All Natural Features Setback areas on-site are generally comprised of mowed lawn areas. The dominant species observed in these areas were planted grasses such as annual grass (*Poa annua*) and Kentucky blue grass (*Poa pratensis*). Scattered shrubs such as the invasive species of glossy buckthorn and autumn olive (*Elaeagnus umbellata*) were also present. Scattered trees such as the common native species of cottonwood and box elder (*Acer negundo*) were also observed. Tree and shrub canopy was estimated to be approximately 10% or less. The Natural Features Setback areas on-site are of poor floristic quality and appear to be maintained and/or controlled by mowing and other vegetative maintenance activities.

RECOMMENDATIONS

ASTI recommends the City approve the Current Plans.

Respectfully submitted,

ASTI ENVIRONMENTAL



Kyle Hottinger
Wetland Ecologist
Professional Wetland Scientist #2927



Dianne Martin
Director, Resource Assessment & Mgmt.
Professional Wetland Scientist #1313

*Kristen Kapelanski/City of Rochester Hills,
City File No. 18-015 - Brewster Village PUD
Wetland Use Permit Review #2
ASTI File No. 9675-53*

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

was at the City and a sub in a major snow storm was closed down due to a resident being stuck in the approach, 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,



CITY OF ROCHESTER HILLS
1000 Rochester Hills Drive
Rochester Hills, MI 48309

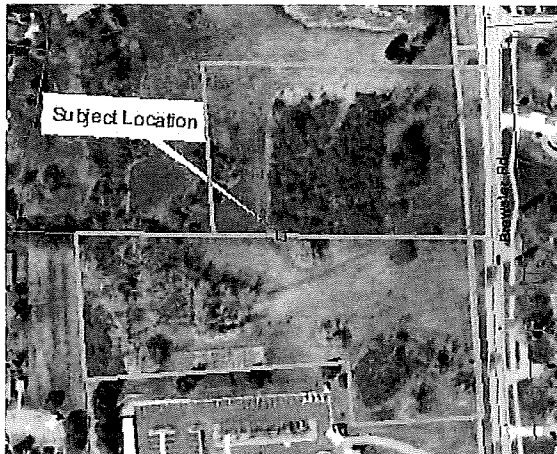
PUBLIC NOTICE

ROCHESTER HILLS PLANNING COMMISSION

REQUEST: Pursuant to the Tree Conservation Ordinance, Chapter 126, Article III, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, a minimum of seven days' notice is hereby given to all adjacent property owners regarding the request for a Tree Removal Permit for the removal and replacement of as many as 234 regulated trees associated with the proposed development of a 30-unit single-family residential development. The property is identified as Parcel Nos. 15-08-376-015 and 15-08-331-041, zoned R-1 and R-3 One Family Residential and SP Special Purpose (City File No. 18-015).

LOCATION: West side of Brewster, north of Walton Blvd.

APPLICANT: Tim Loughrin
Robertson Brothers Homes
6905 Telegraph, Suite 200
Bloomfield Hills, MI 48301



DATE OF MEETING: Tuesday, February 19, 2019 at 7:00 p.m.

LOCATION OF MEETING: City of Rochester Hills Municipal Offices
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

The application and plans related to the Tree Removal Permit are available for public inspection at the City Planning Department during regular business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday or by calling (248) 656-4660 and can be seen on the City's website at rochesterhills.org, City Government, maps, Planning and Economic Development, Development Projects map.

**Deborah Brnabic, Chairperson
Rochester Hills Planning Commission**

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is invited to contact the Facilities Division (656-2560) 48 hours prior to the meeting. Our staff will be pleased to make the necessary arrangements.

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