

Chairperson Brnabic opened Public Comment at 7:02 p.m. Seeing no one come forward, she closed Public Comment.

NEW BUSINESS

2020-0041 Public Hearing and request for Preliminary Planned Unit Development Concept Plan Recommendation - City File 19-022 - Rochester University Townhomes, a proposed 70-unit, for sale development on 7.9 acres located on the campus of Rochester University on Avon, east of Livernois, zoned SP Special Purpose, currently part of Parcel 15-15-451-008, Pulte Homes of Michigan, Applicant *(Reference: Staff Report prepared by Kristen Kapelanski, dated February 13, 2020, PUD plans and associated documents had been placed on file and by reference became part of the record thereof.)*

Present for the applicant were Mike Noles, The Umlor Group, 49287 West Road, Wixom, MI 48393 and Tom Rellinger, Rochester University, 800 W. Avon Rd., Rochester Hills, MI 48307.

Mr. Gaber recused himself, as he represented Rochester University generally in real estate matters and in the subject transaction.

Ms. Roediger mentioned that the applicants had been before the Commissioners for a discussion to see what they thought of the proposal. She noted that there was an existing PUD that governed the entire University. The area proposed for townhomes had always been planned for student housing. The University had been in discussions with Pulte Homes to develop 70 townhomes in lieu of the apartments. If the project moved forward, at the Final PUD review, there would be an amendment to the PUD to remove the subject area, and a new PUD Agreement would be proposed. Staff had many discussions with the applicant over the last year or so, and they talked about the public benefit. She recalled that investigating adding a light on Avon had been requested by the Commission. It was a Road Commission road, and they had indicated that they would not be in support of adding a light due to the proximity of other intersections. For other benefits, they talked about pedestrian circulation. There was no pathway access at the western portion of the campus abutting the Clinton River Trail. The applicants proposed extending the pathway to connect to the Trail. The City owned some open space north of the subject site, and there were some foot trails that they would enhance to provide better access to that green space. She indicated that there were some environmental constraints, and a Wetland Use Permit and Tree Removal Permit would be required at Final. The City's wetland consultant, ASTI had reviewed the plans, and a letter had been included.

Ms. Roediger noted that the plans had been reviewed against the multiple-family standards, because the site was zoned Special Purpose for the college. There were a couple of modifications being requested as part of the project, and staff reviews had recommended approval.

Mr. Noles stated that he represented Pulte Homes of Michigan. He said that they were pleased to present the Rochester University PUD for consideration,

and he showed a power point. The first slide talked about amending the existing PUD Agreement between the College and Rochester Hills dated January 2006 to remove the 7.9-acre project and create a new, stand-alone PUD. The existing PUD permitted 300 rental housing units on the site. He asked the Commissioners to remember that the proposal was not simply an addition of a new, 70-unit townhome development. The University had a right to develop the campus with a more intense housing project and was fully vested under the terms of the Agreement to develop 300 apartment units. They were proposing something much less intense. The existing PUD included a 300-car, surface parking lot, a larger clearing area and more density. He complimented staff on their diligent review, noting that there had been four rounds of formal reviews, totaling 91 pages. They were extremely grateful to come before the Commissioners with a unanimous recommendation of approval from a competent team of professionals. They also received positive feedback from communications with the Green Space Advisory Board. The packet included an endorsement from the University. Rochester University had enjoyed a 60-year history in the community, providing employment and higher education opportunities. Their letter expressed the need for the proposed housing for the campus community, including staff, faculty, families and students.

Mr. Noles pointed out that there were clear public benefits identified in the 2006 PUD Agreement, and he maintained that they all remained in full force and effect, including the preservation of the historic farm buildings, the dedication of the road right-of-way along Avon and the recorded 8.79-acre conservation easement along the Clinton River. The new proposal was consistent with the scope of the existing PUD, but also provided additional benefits. The proposed nature path would be a major community benefit. It was consistent with Master Plan goals, and would improve access to the Clinton River and the City's landlocked green space property. They were also proposing increasing the conservation easement by another four acres. The scope of improvements for the path included adding woodchips to the trail surface, extending the trail to the property line and adding signage announcing the green space property and trailhead. They would add benches and educational signage as well. The public would be able to enjoy the woodlands, river and the steep slope topography. By adding another four acres to the conservation easement, it would bring the total to 12.79 acres on the University property.

Mr. Noles suggested that the storm water management area associated with the development would provide opportunities for observation areas with great views. The basin would be very close to the edge of the existing conservation area, and the new conservation area would begin where it left off and go up to the Pulte property line. The new path would meander around the basin, and there were great opportunities to view the Clinton River and open water in the basin.

Mr. Noles talked about the community benefit that would be the connection to the Clinton River Trail by way of the Avon frontage path. The City was at the connection of the Clinton River Trail, the Paint Creek Trail and the Macomb Orchard Trail, and the applicants had a great opportunity to fill a missing gap and allow people pedestrian access to all three of those trails via the Clinton River Trail. The preliminary design had been reviewed by Engineering, which had been included with the plans. They would be able to maintain ADA

accessibility to the Trail. They would also repurpose some existing asphalt pavement and add new. They were proposing to do some parking lot restriping. They wished to maintain the trees on Avon, and they would add a path utilizing the Muirhead Center's drive (adjacent), which would be dedicated as a pedestrian walkway.

Mr. Noles claimed that the development's constraints were driving the need for some dimensional waivers, as outlined in the Planning report. He noted that some of the setback waivers were already permitted in the 2006 PUD Agreement. The proposed waivers were all standalone, and it was reviewed as if there were no grandfathered waivers. He stated that the woodlands and steep slopes were the main constraints. He advised that the PUD would meet the tree preservation and replacement requirements for single-family and multi-family developments. When the project came for a discussion about a year ago, the Commissioners wanted to make sure that 37% of the trees were preserved. They had been able to do that through the proposed conservation easement with 4.1 acres of preserved trees. There would be about \$155,000 of tree replacements required, based on the 2016 replacement prices for the Tree Fund. They would try to plant as many as possible onsite, however. There would be 718 tree replacement credits required.

Regarding having front facing garages, Mr. Noles maintained that it would be impossible to add alleyways in the back on the slopes. They had submitted an extensive geotechnical study, which concluded that their foundation plan was sound. They drilled additional 50-foot deep borings to ascertain that conclusion. The location of the steep slopes limited the area available for construction. That was why some of the waivers were being requested, including for perimeter setbacks from the property line, building separations at eight locations and the front entry garages. The orientation of the units would maximize the view and enjoyment of the preserved natural features. If the units were reversed with alley entries, there would not be such a view from the back of the homes. He said that the development would be hidden deep into the site, and the orientation of the garages would have little impact on the community. He acknowledged that there might be situations where an alley access was better, but he did not believe that would be the case in their situation. He read from the existing PUD: "If the Planning Commission determines that the architectural character proposed is generally harmonious, consistent and compatible with existing buildings on campus, they shall approve such elevations." He said that he hoped the Commissioners agreed that the plans were compatible and would make nice additions to the campus. With a front entry garage, he claimed that there would be a massing that appeared more stable. He did not believe that a gable and shed over the door, boxed out windows and cantilevers made as nice of a stable, solid front elevation as their brick and masonry combination with the shed roof over the top of the garage. They were prepared to discuss garage ratios and percentages on the front of the homes and for the porch configuration, both of which they were asking for some variation from the City's Architectural Standards. He concluded that the Rochester University Townhomes would be an amazing place to live, the site would appeal to faculty, small families and empty nesters, and they hoped the project would be supported. He said that he was available to answer questions.

Chairperson Brnabic asked about additional visitor parking. She suggested that perhaps on an everyday level the plan might work, but most people had events that brought visitors, whether it was Thanksgiving or a birthday. Only having two spaces available in each driveway without any dedicated visitor parking or parking on one side of the street was concerning to her.

Mr. Noles responded that there were 280 parking spaces. There were two in every unit and two in every driveway. He claimed that it was significantly more than what was required for a multi-family development. He did appreciate what Chairperson Brnabic was saying. He said that one of the toughest things about a multi-family development was having enough parking. His folks lived in one in Novi, and they added some parking spots, and the HOA made a rule that no residents could park in the visitor parking spaces. They felt that it was appropriate to exceed the parking requirements and to use the lots at the church and University next door. They had gotten easements and worked with the University which had helped get an emergency access easement with the church through their parking lot. The University was willing to open their lots to get to the paths. In the case of a large event, those parking lots would be available for spillover parking.

Chairperson Brnabic realized that they were counting the two spaces in the garages, but she was looking at the spaces outside of those. That was where visitors would park during an event. She was not as worried about big events, because they could use the lots, but on an everyday level, if someone had six or eight people over, she wondered if the streets would be wide enough to accommodate parking on one side. Mr. Noles said that there really was not a lot of opportunity for that because of the fire hydrant spacing and the driveway locations. They looked at where they could potentially add parking spaces, but they also had to meet the open space requirements as well as the separations from the property lines.

Mr. Kaltsounis said that he had seen a lot of developers, over the 20 years he had been on the Planning Commission, sell portions of their property for various reasons. The applicants had a right to develop what they wanted, but he felt that the University would regret it in the future. As the school grew, he felt that it would be a great spot for dorms, as originally planned. The City to the south had residents coming to meetings disgusted about developments similar to the proposed that had no parking. He tried to drive his truck through one of those developments at Square Lake and Livernois on a regular-sized road, but there were extra spaces for cars in the road. He could not get his truck around a corner, and the fire trucks could not get around the corners. He asked why they would want to approve something like that when they saw the mistake made there. He asked them to explain the width of the road.

Mr. Noles said that it would be 28 feet back of curb to back of curb, which generally allowed parking on one side of a street. However, when there were driveways on both sides of the street and fire hydrants, there was a limited amount of space for additional parking. Mr. Kaltsounis said that he would like to see a cross section of the road with sidewalks. Mr. Noles agreed that there would be sidewalks on both sides of the road, which was one of the items that drove the setback waiver requests. Originally, they showed sidewalks on one

side, but it had been strongly recommended to have sidewalks on both.

Mr. Kaltsounis said that he did not want to run into an issue like they had in Troy where they needed parking. He thought that the parking spots in the garages could be filled with cars quickly, and those could not be counted. There was another apartment complex where the owners wanted to add garageports so people could store cars. Mr. Noles said that as designers, they followed the Ordinances in front of them, and they had exceeded the parking requirements. The church had been great about providing an emergency access through their parking lot, and he was certain that could be extended to have a shared parking easement, if necessary. Mr. Kaltsounis asked about the slopes and how many feet there were from one side to another. Mr. Noles referred to the grading plan, and said that it was 805 at one end of the parking lot and across the parking lot it was at 812. He noted that the church and University parking lots existed.

Mr. Rellinger mentioned that he was a member of the church. The road access into the church was school property. They had already discussed an overflow parking scenario with the church, and they were very much in agreement with whatever the University needed to do.

Mr. Kaltsounis brought up the setback lines to the steep slopes. He had noticed that some of the townhomes went right up against them. There were a lot of projects that had disturbed slopes, and he was concerned that would be done with the proposed project. He had seen a gutter line from a house drain towards the slope and wash away the sandy loam. The applicants wished to put a detention pond underneath the slopes and have an ejection to the River, where it could be washed away. The setback line went right up to some of the homes, and he asked how they would be built without touching it.

Mr. Noles responded that the setbacks for the steep slopes did not apply to the property because of the 2006 PUD Agreement. However, they had respected the slopes in the design and pulled the buildings off of the slopes. They had a geotechnical company do an exploration, including borings that were 50 feet deep, which was reviewed by the City's consultant who concluded that the foundation systems would be stable and sufficiently set back from the slope. There would be rear yard storm, so the storm water would be caught before it went down the slopes. Mr. Kaltsounis asked if the water from the gutters would be caught. Mr. Noles said that the downspouts could be hooked up to the rear yard storm. Mr. Kaltsounis stated that they would need to be.

Mr. Kaltsounis said that the comment was made that the Steep Slope Ordinance did not apply because of the former PUD. He considered that if the PUD was being amended, they could look at including the steep slopes. Ms. Roediger said that the City had the right to waive Ordinances with the PUD. There was an existing PUD that governed the site, so they started with those base rules. They did want to separate the parcel into a separate PUD, so the City could look at other negotiations. The applicants tried to respect the existing PUD in their design. Mr. Noles said that the rental units were originally going to be halfway down the slope, and the bottom unit was going to be 15 feet below the top of the unit, but they pulled them back based on the topography. They still ended up with a few retaining walls to make things work. He reiterated that the

project had been reviewed by the City's engineers and outside consultants. Mr. Kaltsounis said that he had seen too many houses almost fall into the River, and they had to be careful after seeing what had been done in the past. Mr. Noles reminded that they still had final engineering to go through. Mr. Kaltsounis said that they were making a lot of assumptions based on preliminary findings. Mr. Noles said that they had submitted their first plan in May. It was not a cartoon they were coming to the Commissioners with for the first time to get feedback. They had four formal reviews. They revised and resubmitted plans after every review. That included rear yard storm to parking calculations to slopes to the road width (27 feet) and they even named the streets to be able to come before the Commission. It was not just a concept plan, and their engineering demonstrated that the utilities, the road layout, the foundation stability and the preservation requirements met the criteria. Mr. Kaltsounis said that he was still concerned about having a setback line against houses. The overflow valve was going into a conservation easement that was about 20 feet higher than the River. Mr. Noles said that the outlet would come out of the proposed basin, which had a pre-treatment cell, a storage cell and an outlet pipe that would discharge before the conservation easement onto a level spreader that was a significant distance from the River. It would not be in the conservation easement, and it was designed to meet all of the City's requirements for storm water management. They had a review memo from Mr. Boughton that said that the proposed stormwater management improvements that were detailed on the plans were recommended for approval, because they met the Ordinance requirements at the current stage. They still had final engineering to do. They lost two units in the process to meet the requirements.

Mr. Boughton explained that with regards to storm water, the proposed detention basin was roughly two times what was required for a 25-year volume. The storm water management plan said 45,000 cubic feet was required, but over 100,000 cubic feet was provided. The pond was almost double the size of what was necessary for the development. He did agree that the velocities of the inlet into the sediment forebay would need to be engineered to slow down the velocities so no erosion was created. There were measures at the outlet of the detention pond with regards to a variable restrictor managing not only the low flows but the bank elevation flows if it did exceed the 25-year volume. The level spreader at the outlet of the pond would allow the water to disperse over an area instead of having a channel over the conservation area to the River and would naturally spread and work its way to the River. With regards to the velocity of the inlet into the sediment forebay, the maximum allowable was 10 feet per second, and at construction plan review that would be taken into account. With regards to the steep slopes, they provided a 75-foot soil boring at the top of the hill. The City's consultant reviewed it, and they felt that the soils were conducive, and they supported the proposal. They did ask for two additional bores around the steep slope to make sure that the soils were consistent, and the reports were the same.

Mr. Kaltsounis thanked Mr. Boughton. He referred to page ten and the houses on that leg that went off to the pond, and he asked how much of a drop there would be walking out the back door. Mr. Noles said that the rear elevation was 799 and the front elevation was 806, so it was seven feet, or just under a standard walkout. Mr. Kaltsounis asked what it was at the basin, and Mr. Noles

said that it was 796. They would create a rear yard swale and rear yard storm. He talked about inlet areas and contour lines and the tie-ins to the surface.

Dr. Bowyer noted the stub roads on the site plan, and she asked if that meant that the University would start selling off more property to build more units. Mr. Noles said that as much as Pulte Homes would love to get some more property, that was not feasible. The stub street to the southwest dropped off 60 feet to the basin. The new conservation easement would be over the woodlands to preserve 37% of the trees. Dr. Bowyer asked why they showed a stub street. Mr. Noles said that it was needed for fire truck turnaround. There were also some practical land planning reasons - it was not only for maneuverability. He showed the driveways off of the road, and he said that without the stub street, they would not be able to have them there without having a bend in the driveways. It was an efficient land plan to access the units and to provide fire circulation.

Dr. Bowyer thought that the conservation easement area was great, and she hoped that it would stay for a long, long time. She appreciated that they were adding 4.1 acres to it. She noted that she sat on the Green Space Committee, and she pointed out the two areas the City owned. She had a problem with the basin and how the runoffs did not really work. Lifetime Fitness had a basin that failed all the time. There were huge culverts for drainage from the parking lot that went down and washed out the River. There was a lot of dirt dumping into the River. Rochester University had a huge problem with the embankments that were falling on the slopes. Her worry was that the basin would take the water from all of the flat surfaces and hopefully retain it but if not, it would wash away into the River. She wondered what the plan was if the basin did not work.

Mr. Noles said that as far as planning for failure, he did not really have any prepared comments. The storm water management basin would have an easement. The basin would be shared by the University and the HOA. There would be ongoing maintenance obligations, so there was a legal mechanism. They had designed a level spreader, and the basin was at the bottom of the pond, and it was oversized. They believed that they had the engineering required and endorsed, and there would be legal mechanisms in the documents.

Dr. Bowyers asked if the roads would be private, which was confirmed. She referred to the path on the west side of the basin. She observed that it was proposed to go through the basin that would hold water, so most of the path would be under water most of the time, and it would not really be a path. Mr. Noles stated that she was correct. They surveyed the existing foot trail out there, which did go right through the basin area. When they built the basin, it would not be where they wanted the path. They would meander it so that it was at the free board elevation and not in the water. The basin would not be full of water except in high water events. He assured that the path would not require wader boots, and they would make sure it was out of the wet spots and miss trees.

Dr. Bowyer asked if they would be able to plant some of the trees along the proposed trail at the front of the University. Mr. Noles said that they would need 718 credits, and they did not have a lot of room to plant trees onsite, so if they

could spread some of those trees around the campus, it would be their first choice if allowed. Dr. Bowyer asked Mr. Rellinger if the University would not mind if the new residents parked on the University site to get on the path to the Trail. Mr. Rellinger stated that they would absolutely not mind. Over the last three or four years, the southwest corner of the University had been opened as a park. It was part of their strategy to not stay as a secluded, private school. They wanted to be Rochester Hills' University. They wanted the traffic. He mentioned the comment about changing from dorms to townhomes. He said that there was a lot going on in higher education, and nearly 75% of all students commuted to schools. People were getting out of the residential market, and there were many schools who had found that they could not fill residential complexes. 75% of their students were commuters, but they had room on their campus plan for additional dorms. They could grow to twice their current commitments. He showed the areas capable of adding student housing. Dr. Bowyer acknowledged that the proposed housing could probably entice professors with housing onsite.

Mr. Weaver said that he knew that they were not planning for detention pond failure, and they had touched on maintenance, but he asked how equipment would get down to the pond to dredge or clean it. Mr. Noles showed an outline of the proposed easements (there were 19). He showed the existing access easement for the church which was owned by the University. They would extend the ring road to the development. He showed another easement to the detention basin, noting that they had to design access for a truck. Where the storm line cut through would not be the maintenance access, because someone would have to go down 60 feet to get to it. Mr. Weaver pointed out sheet five, and he asked if that would be reinforced so that when an excavator drove on it, the truck would not slide down the hill on its own. Mr. Noles was not sure about reinforcement, but it would be a gravel path, six to eight inches that could support equipment.

Mr. Schroeder asked if there were 1,000 students currently. Mr. Noles agreed, and said that they had the ability to expand to 2,000.

Mr. Reece asked at what point the City would require a boulevard entrance into a subdivision. He had observed that the entry would only be 24 feet wide, and it would be shared with the church entry.

Ms. Roediger explained that there were different standards for single versus multiple-family. For single-family, two access points were required if there were more than 25 homes and for multiple-family, it was required for 90 or 100 homes. Only one access would be required for the townhomes. Mr. Reece asked if staff was comfortable only having a 24-foot wide entry shared with the church, and Ms. Roediger confirmed that Fire was okay with it. Mr. Reece said that for him, it was better than 300 units, although he did not think a plan for 300 units would get approved. He and Mr. Dettloff lived in a similar subdivision, and he stated that the applicants would rue the day when they did not have some onsite parking. People would use their garage for their cars, bikes, lawnmowers and furniture, so the spaces could not be counted for parking. If there was any kind of family event, it would be bad. They could justify it however they wanted, but he lived it, and it was a constant problem and source of irritation. The

Commissioners were telling them what they thought they should have based on common sense experience, and he reiterated that they would regret the day they did not have some onsite parking for the residents. He said also that he was not a fan of the front facing garage elevations, but he realized that it was a compromise.

Chairperson Brnabic agreed that it was important to consider having more parking moving forward either on one side of the street or elsewhere. She asked if there was a written agreement with the church that verified that parking was open and available for the townhome development. Mr. Rellinger said that there was not a written agreement, but it had been discussed with the church, and they were in agreement. They had a very good, long-term relationship, and several of their elders were on the University's Board of Trustees. He had no doubt that they could finish an agreement so the parking lot could be used for overflow events. Chairperson Brnabic said that it sounded good, but they never knew what the future held. She asked if there would be sidewalks in the front of the development to walk to the parking lot. Mr. Noles advised that there was a paved emergency access drive from the parking lot to the development that would connect to a pedestrian sidewalk. Chairperson Brnabic felt that it would be an inconvenience for visitors to the development to have to walk from the parking lot, and she had a concern. Mr. Noles mentioned again that there were not that many opportunities to park on the street, even though parking was allowed on one side of a 27-foot street. He suggested places where on-street parking could be added. They could get about ten more spaces on the streets. Chairperson Brnabic said that she did not think he was hearing the comments. The spaces inside of a garage were for the residents or for storage. The Commissioners were not counting those, and if something else was not available, it would be a problem. If they were going to use the church parking lot, she would hope to see a sidewalk connecting it. Mr. Noles said that they could add a sidewalk on the side of the paved path to separate pedestrian traffic from emergency access vehicles. He said that he did hear the concerns, and he maintained that there would be a written agreement to share parking.

Mr. Dettloff felt that it was a great development, and that the partnership with the college was great. He wanted to echo Mr. Reece's comment. He noted that where they lived, there were 399 units, and when it was developed, there were one or two cars per household. They were now encountering families moving in with three plus cars. There were complaints about people parking in the overflow areas and about people using their garages for storage. He assumed that Pulte would manage the townhomes for a period of time, which Mr. Noles confirmed. He said that once it was out of Pulte's hands, things would go through the HOA. He recommended having strong management and enforcement upfront, which he felt would be critical so they did not encounter problems down the road. He commended them for the development.

Mr. Schroeder stated that what they were talking about existed in almost every condo development. They kept forgetting that all the double driveways and garages would be privately owned. The owners were the only ones who could use their own driveways. That was going to limit the use, and those spots were not really going to be available. He said that he did not bring it up any more, because he never got anywhere, but it was a problem, and it would be a problem

for them. He concluded that it was a great development, and there was nothing they could really do about the parking.

Mr. Reece asked if there would be a subdivision sign at the entry on Avon. Mr. Noles did not have an answer. Mr. Reece observed that there would not be room for one. Mr. Noles offered that there was a 60-foot wide easement. He thought that there would be one at the entrance at the community off of the ring road, but he felt that it was a great question. It would be great for marketing and general directional knowledge to have a sign. It would be a little tight because of the historic barn, and they would have to see what areas were available outside of the Avon Rd. right-of-way, the historic property and the church property.

Chairperson Brnabic opened the Public Hearing at 8:21 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Kaltsounis noted that they had a lot of discussions about overflows and failed retention ponds. He pointed out that the church had a retention pond, and when it overflowed, it would now go over a road. It appeared that there was an overflow ditch on one of the plans. He asked staff for thoughts.

Mr. Boughton believed that there was a proposed culvert underneath the road to allow drainage to go to the west. Mr. Kaltsounis said that he did not see that, but he saw sidewalks. Mr. Boughton referred to page 12, the Utility Plan, which showed the culvert crossing. The stormwater, after being detained through the church detention pond, would access through the proposed culvert. Regarding the Lifetime Fitness pond, it was definitely elevated on the upside of the bluff compared with the proposed detention pond, which would be at the bottom of the bluff. The first was a ten-year volume storage compared with the 25-year being proposed, and it had the additional storage the City's new Engineering standards required.

Mr. Kaltsounis asked the applicants if they were okay with a condition in the motion that the pathway should be rerouted to stay out of the pond, that a written agreement for shared parking should be in place with the church, and that a walking path should be installed from the church lot. Mr. Noles agreed. Mr. Kaltsounis asked if they planned to add a development sign, and Mr. Noles agreed that it would be somewhere on the property.

Chairperson Brnabic asked if Mr. Kaltsounis was referring to the pathway existing or adding a pathway off the back of the parking lot. Mr. Kaltsounis explained that they would add a sidewalk adjacent to the emergency vehicle access. Ms. Roediger clarified that there would not be cars driving up and down it, so she felt that adding pavement next to it seemed a bit redundant. There was a huge swath of pavement that would only be used in an emergency. She felt that striping the existing path would be adequate rather than adding unnecessary pavement. Mr. Kaltsounis said that he could be fine with that, but he commented that his grandmother would have to step over some hills to get to the lot, so he thought a walking path could help.

Dr. Bowyer asked how they would keep people from driving through the

emergency access. Ms. Roediger advised that there would be a gate or bollards. Dr. Bowyer felt that they needed a path that was not where the gate would be. Ms. Roediger said that with bollards, pedestrians could walk on the drive. Mr. Kaltsounis said that he would condition it on receiving a walkway plan prior to Final. Chairperson Brnabic asked where the pathway would go. If the church parking lot was going to be used for overflow parking, her concern was that the emergency access would not be for people leaving the parking lot. She felt that a pathway into the development was needed. Mr. Noles added that people would not be able to drive across the access, but they could walk. Ms. Roediger said that they understood that the Commissioners wanted a convenient way for people to walk across, and staff would make sure that happened.

Mr. Kaltsounis asked if Warrior Way could not have parking. He would not like to have people at parties park on that road and ruin it for others, especially if there was a fire. Ms. Roediger said that it would be up to the University, and Mr. Rellinger agreed that the University would not want parking there. Mr. Kaltsounis asked about visitor parking, and if they felt that using the church lot would be enough. Mr. Noles felt that having the church lot would be enough, and he pointed out potential spaces on the streets as well. Mr. Kaltsounis noted when the sewer drains had clogged in his subdivision and backed up through the houses. The responsibility was the HOA's to fix it, but they were clueless and turned to him for help. He remarked that it was scary. When he saw developments on slopes, down the road concerned him, because there was no handbook for common sense to fix things, and he had seen mistakes in the past.

MOTION by Kaltsounis, seconded by Schroeder in the matter of 19-022 (Rochester University Townhomes PUD), the Planning Commission **recommends that City Council approves** the PUD Concept plans dated received January 17, 2020, with the following six (6) findings and subject to the following twelve (12) 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 alternate housing options.
6. The Planning Commission modifies the density, minimum side perimeter setbacks, minimum building separation for several identified buildings, the garage orientation and the front door orientation requirements, as they will result in a better development layout.

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 setback 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 an amended PUD Agreement, as approved by the City Attorney, at Final PUD review.*
5. *Obtain a Tree Removal Permit, Wetland Use Permit Recommendation and Natural Features Setback Modifications at Final PUD Review.*
6. *Approval of a lot split prior to final approval by Engineering.*
7. *Provide landscape, irrigation and tree fund payment (if necessary) cost estimates in conjunction with Final PUD review.*
8. *Address comments from applicable City Staff memos, prior to Final PUD submittal.*
9. *The proposed trail to the detention pond shall be rerouted to stay out of the pond, to be approved prior to Final PUD review and approval.*
10. *That a written agreement with the church to share access with the parking lot shall be in place prior to Final PUD review and approval.*
11. *That a walking path plan from the church parking lot to the development be submitted prior to Final PUD review and approval.*
12. *That a no parking plan for Warrior Way and Eagles Wing Way be in place prior to Final PUD review and approval.*

Voice Vote:

Ayes: All
 Nays: None
 Abstain: Gaber
 Absent: Hooper

MOTION CARRIED

Chairperson Brnabic stated for the record that the motion had passed unanimously. She wished them good luck moving forward, and agreed that it was a nice development. Mr. Rellinger thanked everyone and also mentioned that it was the University's 60th anniversary in the community. He indicated that he was grateful for the relationship they had with the City.