

Conditions

1. City Council approval of the conditional land use.
2. Provide a landscape bond for replacement trees in the amount of \$5,748 prior to issuance of a land improvement permit for this development.
3. Submittal of an irrigation plan, including irrigation of the Rochester Road right of way.
4. Submittal of a cross-access easement for City review and approval, and filing of the easement with the Register of Deeds.
5. Addressing all applicable comments from other City departments and outside agency review letters.
6. Continue the stone work along the south elevation from the front of the building to the rear of the building.
7. Eliminate the spandrel and replace it with stone work under each of the windows.
8. Add an orange ornamental feature above the front window on the south façade between the pick up window and the front of the building.

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

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

Chairperson Boswell stated again for the record that the motion had passed unanimously. He thanked Mr. Kellenberger, and said that the proposal was a vast improvement over a vacant building. Mr. Dettloff asked if Tim Hortons owned the site and if it would be a land lease, and Mr. Kellenberger said that he would have to check with the real estate office.

2008-0663

Request for Review and Recommendation of the Historic Districts Study Committee Report for the Twist Drill properties, located at 6841 and 6875 N. Rochester Rd., at the northeast corner of Rochester Rd. and Tienken, zoned I, Industrial, Parcel Nos. 15-02-300-004 and -015, as they relate to the City's Master Land Use Plan. (Eric Mozer and Fred Ferber, property owners)  
 (Reference: Memo prepared by James Breuckman, dated September 14, 2012 and Preliminary HDSC Report had been placed on file and by reference became part of the record thereof.)

*Chairperson Boswell asked if it was the duty of the Planning Commission to simply say that this would have no effect on the City's Master Land Use Plan, or if the Commissioners had the option of making their opinions known.*

*Mr. Breuckman advised that under State Law, the Historic Districts Study Commission (HDSC) was required to transmit the Report to the Planning Commission for information only. There was no requirement that the Planning Commission had to send anything back to the HDSC. It was sent for the Commission's information so the potential historic designation could be incorporated into the Master Plan. If the Commission felt compelled to send some type of communication back to the HDSC, it could. The HDSC had a very specific charge and very specific set of criteria under the law about the worthiness of a site being designated as an historic district. The next step in the HDSC's process was to hold a Public Hearing. The Report had also been transmitted to the State's Historic Preservation Office for review and comment. Ultimately, it would be up to City Council to decide whether or not to designate all, none or part of the property as an historic district. Chairperson Boswell clarified that the motion should talk about a delisting, and Mr. Breuckman agreed that it should say listing or designation. He added that the Commissioners did not, however, technically even need to adopt a motion.*

*Mr. Kaltsounis stated that he had a very hard time palliating it. He understood there were some historic ramifications about the building. One of the things that concerned him was how the building would relate to future uses. There was an office building in front, which was probably the most historic part because of its look, but their review needed to determine what type of things could be done in the building and how could it relate to the future. He saw an empty shell in the future. There were things going on behind the building, such as the warehouse, which he did not think was part of the building. The site was a very critical part of the City, and there had to be more studies for it, as to different options and how it would fit in with the Master Plan before they moved forward and locked something in place. His vote today would be no because they needed to do more work.*

*Mr. Breuckman asked to what his answer no would be. Chairperson Boswell said that there was nothing for them to answer no or yes to, and that was his problem with it. Mr. Kaltsounis said that if he were to give a recommendation to Council, it would be to not designate, because it was not a house. It was a very large building that it could be detrimental to if*

they said yes. Chairperson Boswell said that if it were an historic district, the outside of the building would have to be left as it was or reviewed for changes, but the inside could be changed.

Mr. Kaltsounis brought up utilities, and he questioned whether the building could get modern utilities, such as air conditioning or other modern amenities people wanted, and he maintained that those were things they had to look into.

Mr. Breuckman noted that the Master Plan designated the site as Flex Business 1, which permitted office and residential uses, and it was zoned Industrial. The question was if an historic district listing would change how it was planned. How future development might happen at the site was a policy decision at Council about whether to designate all, some or none of the property. Those questions would not be solved at the Planning Commission level; they needed to go through the process. Part of the issue was that the site had been on the potential historic districts list for years. They were at a step in the process to finally resolve that question. There was really not much to debate, and it was not really the Commission's bailiwick. Mr. Kaltsounis concluded that he would leave it as his opinion.

Chairperson Boswell said that going through the history of Twist Drill was very good reading, and there was a fascinating story. He agreed with Mr. Kaltsounis about the building itself, but all they could say about it was that they received the Study from the HDSC. They could say that it had no deleterious affect on the Master Plan if they wanted.

Mr. Breuckman explained that the purpose of forwarding it to the Commissioners was to make them aware. There could be a situation where the Master Plan was calling for redevelopment of the site or a change in use. Forwarding it to the Commission was to make aware that there was potentially an historic district being established, and then it would not be possible to knock something down there and redevelop, for example. The Commissioners should determine whether a designation would change what the planned uses were for the site. In this case it would not. There was economic development, and there was historic preservation. The potential uses on the site could potentially be accommodated in the buildings. That was what the real question before the Commission was about.

Mr. Hetrick commented that it was interesting because when Mr. Breuckman said the site was zoned Industrial, Mr. Hetrick realized that

designating it as historic would absolutely have an impact on the property, but then Mr. Breuckman said it would not. He asked how creating an historic district could not impact the zoning as an Industrial site. He felt it would have a direct impact.

Mr. Breuckman said that an historic district only impacted the outside of buildings, so the use inside the buildings, whether industrial or something else, could stay the same. He added that the uses that could occur inside the building would not be impacted by an historic district designation. Mr. Hetrick clarified that an impact would be that a property could not be razed, for example. If there were functionally obsolete parts of the building, that would become an impact. Mr. Hetrick recalled someone talking about the water tower there that was ready to fall down. It was part of the district, and he felt that would become somewhat problematic. They could not let the water tower fall down, but it was going to. That seemed to suggest a bit of a challenge that existed. Mr. Breuckman reminded that it was part of the process, and City Council was ultimately the board with the discretion. There was not much discretion to the process until it got to Council.

Mr. Schroeder felt that the designation would have a tremendous impact on the property if it were designated historic. In his opinion, there was nothing historic about an old factory building. He was ready to make the motion stating that it would have an impact. He also mentioned that there was some environmental impact on the property years ago, but he was not sure if that had been cleaned up.

Chairperson Boswell opened the discussion to public comments.

**Eric Mozer, 6875 N. Rochester Rd., Rochester Hills, MI 48306** Mr. Mozer said that he thought the Commissioners' opinions were very important. If it was designated as historic, it would definitely limit what could be done with the property. If someone wanted to build a heart center or medical office, they could not use the property. He pointed out that the Study Committee was calling the whole area historic. The 40 acres would be untouchable on the outside, even telephone poles that were bent over. There were some outbuildings in the Report. He advised that he was the trustee of the Rein Mozer Trust, which owned 6875 N. Rochester Rd. He was requesting that the Twist Drill site be removed from the potential historic list. They have had the property up for sale for a year-and-a-half, and being on the list was affecting their ability to sell the building. Developers were talking to people at the City, who were required to say that it was on the potential list. People that were interested

*in the property were walking away scared, because they did not know what they could do with the property. Someone might want to use the nice office in front and do something different in the back. Their part of the property was built in 1946. It was not part of World War II, and it had no historic significance. His dad passed away over a year ago, and he had extended part of the building in 1982 and 1997. That was part of the Study too, but he did not understand why. In the past 10 years, his father had requested that the property be removed from the list. Five years ago, he had thought that it was removed five years before that. At that time, the building was 30% occupied, but now the front part of the building was empty. It had not paid rent in four years. He had to evict people because they were not paying rent. He received a \$13,000 gas bill that he was still fighting. It was a financial struggle for them. He noted that his mother passed away last month, but before that, he had hoped to sell the building and buy her a condo in Michigan. Now that she had passed away, he did not know what he would do. He stated that it was getting very frustrating, and it had been frustrating for his father. Mr. Mozer said that he and his wife created Race Rochester, a go-cart track in the building, because that 19,000 square feet was sitting empty for five years. He told his father that they had to do something to get revenue from the building. They had run the business for five years without any profit or salaries. It was just to help his parents keep the building going. Now they were fighting the historic district issue, and it was getting tiring. He said that if the Commissioners had a recommendation, he was just asking them to please express it to City Council. He was at the HDSC meeting a week prior, and they wanted to reject the historic designation basically, but they were told that they could only approve or reject the Report and have no opinion. He wished they would have rejected the Report, and said that they did not want the site designated. He asked the Commissioners to please let City Council know how they felt. If someone came in and liked the architecture, that would be fine - they could buy the building. He had a leaky roof and he had to pay for heat in the winter. He would have to store cars there just to pay for the heat. He related that he worked at Chrysler full time, he had a go-cart track, and now he would have to start another business just to pay for the heat in the building. At some times, he felt like walking away. He reiterated that the Commissioners could give their opinions, and state that the site should not be designated as historical.*

**Robert Carson, 4111 Andover, Bloomfield Hills, MI** Mr. Carson stated that he represented Corporate Park of Rochester Hills, Inc. It was the northern portion of the site and was 33 acres. He said that most of the 33 acres were vacant, and it was all part of the historic designation. It included the warehouse. The question before the Commissioners was

*whether the designation affected the Master Plan. He felt that there was no doubt whatsoever that it would negatively affect the Master Plan. It could not allow the development of most of the acreage for the intended uses, and it would have a detrimental affect, not only on the structures that existed and the prospects for them, but it would essentially prohibit the development of the property (all 42 acres) as designated in the Master Plan. The circumstance before the Commissioners, the HDSC and then Council, was that this matter had been pending for years, and there had been a request to have it removed from the list. The potential list designation essentially would dampen the prospects for any activity with respect to the site and would wipe out the economic benefit. From a planning standpoint, it would obviously have a detrimental effect upon the potential uses as designated by the Master Plan for the site. He stated that it was imperative for the owners of the property, and also for the City, to move this improper potential designation. He added that it should have come off a long time ago. He claimed that it had negatively affected the planning for the site to date, and it would in the future. He felt that it was appropriate for the Commission to make that recommendation and to move on.*

*Ms. Brnabic said that she understood the process and the motion. It was not the first time something like this had come before the Commission, and she had stated her opinion in the past. She felt that an historical designation should not take place without the approval of the current property owner. If people purchased a property that was already designated, they had the appropriate obligation, and they should carry on the designation. She had watched Council meetings over the years when this type of matter came before them, and it caused the property owners a hardship and a negative impact.*

*Chairperson Boswell asked Mr. Breuckman if the property would stay on the potential list if City Council turned down the historic designation. Mr. Breuckman explained that the question would be resolved at that point, and it would be removed.*

*Mr. Kaltsounis believed that designating the property as historic could be detrimental. He moved the following motion:*

**MOTION** *by Kaltsounis, seconded by Reece, Resolved, that the City of Rochester Hills Planning Commission has reviewed the Historic Districts Study Committee Report regarding the creation of a locally designated historic district at the National Twist Drill site, and has determined that the listing **will** have an impact on the property with respect to the City's Master*

*Land Use Plan or any other development-related issues.*

*Mr. Hetrick agreed with Ms. Brnabic that property rights of the owners should not be trampled by historic designation. He had seen it before, and he felt that there had to be a way to get some consensus as to how to make those properties useful on both sides of the equation. If property owners could not see having the designation, he could not either. He added that there had to be some support for people that owned the property.*

*Mr. Reece agreed that listing the property as historic would cause a serious negative impact. Chairperson Boswell felt that Ms. Brnabic's comments were the strongest argument. Further to that, there were underlying reasons that he would not call it an historic district.*

*Mr. Dettloff said that he considered himself to be a very pro-development individual. He asked if there would be a potential loss of tax credits such as brownfield or historic by going to a delisting. He believed that historic tax credits were available at the Federal level.*

*Mr. Breuckman was not sure that tax credits at the Federal level were likely, but at the State level, with the new placemaking for economic development incentives, brownfield and historic preservation incentives were being offered. In the past, something qualified for State level historic tax credits if it met the State criteria, and one of those was that a whole property had to be designated. With the new criteria, doing selective historic preservation at the Twist Drill site would score a lot of points towards incentives. The fact that there was a brownfield and the opportunity for historic designation might be attractive, and it might be possible to get funding to help clean the site.*

*Mr. Dettloff clarified that if a portion of the property remained on the list, it could qualify under the new incentives. Mr. Breuckman said that he believed so. From what he had read, there were no hard and fast rules for historic preservation and brownfield credits. It was all bundled up in the placemaking effort. Mr. Dettloff said that it did not necessarily mean that if the site was torn down that there was not some type of incentive out there that could be used. He asked Mr. Mozer if incentives through the State would be a consideration in the redevelopment of the property. Mr. Mozer said that it would be up to whoever bought the property.*

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

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

*Chairperson Boswell stated for the record that the motion had passed unanimously, and he advised that the matter would go before the Historic Districts Study Committee on November 15th for a Public Hearing.*

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## **ANY OTHER BUSINESS**

### **2012-0142 Master Land Use Plan Update Discussion**

*(Reference: Memo prepared by James Breuckman, dated September 14, 2012 and documents regarding the Master Land Use Plan 2012 had been placed on file and by reference became part of the record thereof.)*

*Mr. Breuckman related that this discussion was a continuation of one from July. There were three major things they were looking at: Adopting the M-59 Corridor and the Rochester Road Access Management Plans into the Master Land Use Plan (MLUP); adding language about the Complete Streets Policy; and looking at some options for the former Sikh Gurdwara Temple property on Old Orion Court. The Sikh property was currently planned for residential with no real option for anything else. There was language about the existing site conditions; there was a wetland and the site was located on a major road. The City had received a number of inquiries about the site, none of which were to use it for residential purposes. Staff felt that the site lent itself to something non-residential. Options for the site included Flex Business 1, office development and retaining it as residential and hoping someone would build a house there. In looking at the permitted uses, he believed that Flex 1 was the way to go, because it would give flexibility and would keep the door open for residential use, perhaps an attached development or mixed-use. He suggested that platted lots 16-19 be planned for non-residential. Lot 15 was part of the property, but it would be retained as residential, because it had frontage on a residential street and had a buildable lot. He thought it could be split off from the other parcels and serve as a natural buffer to the non-residential use. He mentioned that Staff had been in discussions with members of the Neighborhood House, who were looking quite seriously at the site to consolidate their administrative offices. He asked if there were any comments regarding this.*