



Rochester Hills

Minutes - Draft

Planning Commission

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
www.rochesterhills.org

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

Tuesday, September 25, 2018

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Quorum present.

Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Laurie Taylor, Director of Assessing

APPROVAL OF MINUTES

[2018-0390](#) August 21, 2018 Regular Meeting

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

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

COMMUNICATIONS

A) *Planning & Zoning News dated September 2018*

Chairperson Brnabic explained the procedure for speaking at the Public Hearing. Ms. Kapelanski announced that the first agenda item (2018-0391) was being removed. She explained that after further review by the City Attorney, it was determined that the proposed Land Division for 3079 Eastwood Dr. fell under the purview of the Zoning Board of

Appeals rather than the Planning Commission and Council. It would be heard at a future Zoning Board of Appeals meeting.

NEW BUSINESS

2018 -0391 Public Hearing and request for Recommendation of Approval of a Land Division for the property at 3079 Eastwood, Parcel No. 15-31-128-023, located south of Auburn and east of Adams, zoned R-4 One Family Residential; Roger Van Conant, Applicant

Withdrawn

2000-0314 Request for Revised Site Plan Approval - City File No. 99-032.3 - Parking lot addition (45 spaces) and location of a mobile MRI unit at the office building at 633 E. South Boulevard, located on the north side of South Boulevard, west of John R, zoned O-1, Office Business, Parcel No. 15-35-477-002, Joseph Novitsky, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated September 21, 2018 and site plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Joe Novitsky, JSN Architecture, 3856 12 Mile Rd., Berkley, MI 48072 and Craig Varady, Varady Associates, Inc., 30400 Telegraph Rd., Suite 120, Bingham Farms, MI 48025.

Ms. Kapelanski advised that the applicant was proposing the construction of 45 additional parking spaces and the location of a mobile MRI unit at 633 South Boulevard. She stated that typically, the review for the parking spaces and the MRI unit would be done administratively, but the parking spaces necessitated Planning Commission approval, because they were over the maximum number of permitted spaces. Based on the building square-footage, there could be a maximum of 131 spaces, and with the additional 45 spaces, the total parking would equal 218 spaces. The applicant had submitted a breakdown of the business-specific parking requirements, including for employees, patients expected and people in the waiting rooms. Otherwise, she noted that the plan was generally in compliance with Ordinance provisions, and staff reviews recommended approval.

Chairperson Brnabic asked the applicants if they had anything to add. Mr. Novitsky indicated that everything had been well stated.

Mr. Reece asked for clarification about the existing parking count. He

had heard that they were adding 45 to 131 spaces, which did not add to 218. Ms. Kapelanski explained that 131 was the maximum number of spaces allowed based on the building square-footage. The site had previously been approved for an additional 75 spaces, which exceeded the maximum number at that time. Mr. Reece clarified that currently, there were 218 minus 45 spaces or 173 spaces, which Ms. Kapelanski confirmed. Mr. Reece said that he was not at the meeting when it was originally approved, but he wondered why they approved a significant increase over the maximum allowed.

Mr. Hooper thought it had to do with the use of the building, similar to what had been presented. Mr. Anzek added that the City used different Zoning Ordinance standards then, and much more parking was required than currently. Mr. Novitsky said that it was a call center for insurance claims, and there were a lot more people employed. He commented that the City was gracious enough to grant a waiver at that time. The owner found that the cost of the expansion exceeded the use, and it was prohibitively expensive. The new tenant was a different use as an intensive medical use. Chairperson Brnabic believed that the call center had been for Blue Cross.

Mr. Kaltsounis asked about tree removal, and if trees had been previously banked. Ms. Kapelanski advised that there were trees, but the site was not subject to the Tree Conservation Ordinance.

Chairperson Brnabic noted that there were eight existing barrier-free spaces, and she asked if 14 would be added. Ms. Kapelanski stated that was correct.

Mr. Schroeder suggested that someone just needed to look at the plan to see evidence that parking was needed. Seeing no further discussion, he moved the following, seconded by Mr. Hooper.

MOTION by Schroeder, seconded by Hooper, in the matter of City File No. 99-032.3 (933 E. South Blvd. Improvements), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on August 16, 2018, with the following six (6) findings and subject to the following two (2) conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other

City Ordinances, standards, and requirements, can be met subject to the conditions noted below.

- 2. The proposed project will be accessed from South Boulevard, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Paths have been incorporated to promote safety and convenience of pedestrian traffic.*
- 3. Off-street parking areas have been designed to avoid common traffic problems and promote safety for the school visitors.*
- 4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
- 5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
- 6. The Planning Commission has approved modifying the parking requirements based on the applicant's explanation that more parking is needed for the operation of the medical facility.*

Conditions

- 1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
- 2. Provide a landscape performance bond for replacement trees, landscaping and irrigation in the amount of \$80,063.00, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*

Mr. Hooper said that when he looked at the site, he saw that a generator, air conditioning units and vegetation would have to be removed. He said that he could not see the M-59 fence, and he asked if the project was right on the edge of the traffic lane. He said that it did not leave much distance off the M-59 right-of-way. Ms. Kapelanski agreed that it was quite close, and she believed that there was about ten feet to the edge of the property line.

Mr. Novitsky believed that it was more than ten feet, but he could confirm. Mr. Hooper understood that it was where the MRI unit would go.

Mr. Reece asked if the natural features setback line would be encroached where the access drive and MRI would go. Ms. Kapelanski said that the plans labeled it as natural features setback, but typically, that only applied to wetland areas. There was a preservation easement on the other side. She said that it would not be encroached, and Mr. Reece asked if the reference to natural features setback in that area could be removed. He asked how often the MRI would come and go or if it would be permanent. Mr. Varady responded that it was presently shared between two sites and was not permanent.

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

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

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she thanked the applicants. Mr. Hooper thanked them for putting the building back in use.

2018-0111 Public Hearing and request for Recommendation of Approval of a Land Division for the property at 3456 York and vacant Nelda Hill Lane, Parcel No. 15-31-301-026, located south of Auburn and east of Adams, zoned R-4 One Family Residential; Bruce and Valori Nicolai, Applicants
The applicants were not present at 7:00 p.m., and this item had been postponed until 7:16 p.m.

(Reference: Staff Report prepared by Kristen Kapelanski, dated September 21, 2018 and accompanying land division documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Bruce and Valori Nicolai, 3456 York Rd., Rochester Hills, MI 48309.

Ms. Kapelanski stated that the applicant had applied for a land division at 3456 York Rd. The proposed land division would result in parcel one fronting on York and parcel two fronting on Nelda Hill Lane, a private road. She advised that land divisions were circulated for administrative review and approval to the Building, Assessing, DPS/Engineering and Planning Departments. All reviewers approved the requested division except for DPS/Engineering. Per City code, all parcels were required to abut a public or private road meeting the minimum specifications in the code. Nelda Hill did not meet the private road standards, which included a 60-foot minimum width and Class C road construction. Additionally, a maintenance agreement had to be provided, and there was currently no

such agreement for the parcels on Nelda Hill. Per the appeal process for land divisions not meeting City code requirements, the Planning Commission could be asked to make a recommendation and hold a Public Hearing, based on the findings included in the attached motion. She added that there were representatives present from the Assessing Department if there were questions about the Land Division Act or process.

Chairperson Brnabic asked Mrs. Nicolai if she had anything to add.

Mrs. Nicolai stated that over the course of several years, they had tried to subdivide the property. In doing so, they understood that they were required to have a road maintenance agreement, which she said she had tried to do. She wrote one, but no one would sign it. There were a couple of neighbors on Nelda Hill that did not want to see anything built on the road. They had an issue with additional traffic, losing the wildlife and not being able to look at the nice piece of property. She and her husband thought that it would help to have a road maintenance agreement generated by a lawyer, and she spent \$7,600 for one. The neighbors would still not sign. She was told that the agreement should include the new parcel, but she wondered how she would do that. Exhibit E in the agreement was a list of the parcels, but she wondered how she would include a new parcel until she knew it could legally be split and given a tax I.D. She claimed that the road was 60 feet wide. There was an oral road maintenance agreement in place currently that had worked since 1974 when the road was put in. There was one person who took the onus to make sure that the road was kept, and that person collected money from each person to upgrade the road not too long ago. She indicated that an oral agreement would no longer be viable. New people would be coming in and out. She said that she and her husband were between a rock and a hard place. The City required a private road agreement, which they produced and in good faith had asked the neighbors to sign. It addressed all the points - financial, the method of appropriating costs, public easement for purpose of emergency and other such things and the noninterference provision. The road had sewer and water. Because there would be a split with the sewer, the County wanted a one-acre lot.

Chairperson Brnabic asked how long the current road agreement was in effect. Mrs. Nicolai said that it was an oral agreement in place since 1974, and everyone had done things based on that since the beginning of the road. There was also an access agreement for the road.

Mrs. Nicolai said that she did not know how to proceed with the private

road maintenance agreement. The City wanted one, and she felt that it was a good idea because the finances would be appropriate. She set it up so that each person would contribute to a bank account that could not be touched by anyone individually. Over a period of time, there would be enough to redo the road when necessary. The neighbors wanted to just ask for \$2,000 at a time, and not everyone had that. The neighbors were refusing to sign the agreement, because they did not want the property built upon. One person thought that if they signed the agreement, the City would take over the road. The issue was that the City wanted an agreement but the neighbors would not sign it. She felt that the reasons they would not sign were emotional. She agreed that it was a beautiful piece of property. Regarding the road being up to City standards, she had a series of letters from the City. On September 9, 2016, there was a denial based on several reasons: A permit for onsite sewage disposal was needed, which she said she had gotten; a well would be required; sewer would be required; and storm drainage would be required, and they understood that would have to happen at the time of build. The Deputy Assessor's letter said that "per parcel inquiry dated 3-29-2016, the private road Nelda Hill Lane would not need to be upgraded." There was another bullet point about survey issues, which had since been corrected and given to the City Engineers. On October 14, another letter was sent approving with conditions. The conditions were to provide a copy of the recorded, private road maintenance agreement, which she tried to do, and an approved ingress/egress easement recorded at Oakland County. That was for the property to transfer the small section of land prior to hitting Nelda Hill. She had that, although it had not been notarized, because she did not know where things stood. The City wrote the easement, so she knew that it was in compliance. Nowhere in the October 14th letter did it say anything about the road conditions. On February 13, another letter was received for denial with a condition about having a copy of the road agreement and that the existing Nelda Hill Lane did not meet the minimum private or public road standards. She said that she had gotten three letters, and each one had been a moving target. Initially, Engineering said that the road was not up to Class C standards, but she claimed that it was 60 feet wide and in good shape. She noted that City Council had waived the Class C standards on other roads, in particular, Mill Race. She asked how they could resolve things.

Chairperson Brnabic noted the February 13th date mentioned, and she asked if that was 2018. She was told 2017. She asked if the October 14th correspondence was from 2016, which was confirmed.

Chairperson Brnabic opened the Public Hearing at 7:29 p.m.

Linda Botson, 3890 Nelda Hill Lane, Rochester Hills, MI 48309 Ms. Botson noted that she and her husband had lived on Nelda Hill Lane since February of 1993. She said that it was a small road, and any big vehicles that used it were garbage trucks or trucks with water for a pool. Those vehicles had to back down the road, because there was no turnaround. The reason they did not want to sign the road agreement was because they did not like the way it was written. At no point were they consulted ahead of time or asked to give input. The way it was presented was that Mrs. Nicolai would hold the money. They had heard that one of her plans was to move. Whether or not the property was subdivided, they had no intention of signing the agreement. She thought that when she got to be an adult, people would quit telling her when to do (stupid) things.

Karen Urbani, 3830 Nelda Hill Lane, Rochester Hills, MI 48309 Ms. Urbani said that she had lived on Nelda Hill Lane since 1984. They never had problems with the road or with any of her neighbors. Everyone who lived there, with the exception of one person, had no problem agreeing that they would, at some point, have to come up with \$2,000 for the road. As far as the road agreement, she had learned a lot. They were not included or asked for their opinions. They were not offered to come and sit as neighbors to perhaps get to a resolution. It did not have to be a person collecting money. It could be as simple as her and her neighbors sitting down, putting their names on paper and stating that when it was needed, they would do it. No money had to be collected to do that. That was why Mrs. Nicolai had problems with the road agreement. The neighbors were all willing to, and had for all those years, maintain the road in the winter. They had it black-topped. The road had no shoulders, and people had to go onto a lawn to get two cars to pass. They had accepted that. To add more houses to the road would not be good for it. It was not up to Code, and it was not up to Code in 1986 when a neighbor tried to split property. He was turned down for the same reason. She stated that there was not enough room on the road to add more cars. She reiterated that they were not willing, at this point, to have a road agreement.

Mrs. Nicolai stated that she produced an agreement. She told everyone that she wanted to split the parcel. She gave everyone a copy of a draft agreement and asked them to edit or let her know if it was good or if there were any issues. All she got back was that people did not want that property developed, and they did not want a bunch of cars on the road. She remarked that if someone moved in (not to the split property) with ten kids, there could be ten cars. The neighbors thought there would be

eminent domain, and that the road would have to be turned over to the City. She spent \$7,600 on a legal document, and she gave everyone a copy with a cover letter asking for their thoughts. In the agreement, there was a Road Commission agent, cost sharing and escrow information. Ms. Botson had said that she would just take the money and run. She read from the agreement, "All costs associated with the road maintenance agreement and the improvements to Nelda Hill Lane shall be equally divided in a portion to the owners. The agent shall, and she thought that Mrs. Urbani would be a great agent, because she was the one who initially collected the money, pay the sum of \$20 each month to agent and deposit the funds into an account." She maintained that it was spelled out by a real estate lawyer. She agreed that it was a small private road that was not quite up to Code. She said that her parcel should have been initially subdivided looking at how the other parcels were. It was a property that Mr. and Mrs. Urbani had given them issue over not mowing enough or being short enough. She said that Mrs. Urbani was her best friend for 27 years. The neighbors said that they did not want it subdivided or to have anything built on it. She said that was emotion.

Chairperson Brnabic closed the Public Hearing at 7:38 p.m.

Mr. Hooper asked Mrs. Nicolai if she owned part of Nelda Hill. Ms. Nicolai said that she owned part of it, and a neighbor owned the other part. Her property actually cut across the front yards of all the houses on the south side of Nelda Hill. Mr. Hooper asked if she owned to the center of the road. Mrs. Nicolai agreed.

Ms. Taylor (Assessing Director) put up a map. She explained that there was a small sliver of property that went to the center of Nelda Hill Lane. To the north was the other half of the panhandle, and that owner owned the rest of the road. There was an ingress/egress easement over that property for the neighbors to get to the road. Mr. Hooper said that he noticed a building going up, and he asked if it was on the property proposed to be split off. Mr. Nicolai said that it was a garage for the existing homeowner to the west.

Mr. Hooper asked if they had an access agreement in order to split the other properties. Ms. Taylor said that the other divisions were done a long time ago, and she did not have the personal history. The easement was drafted in 1975. Mr. Hooper clarified that Nelda Hill was a private road owned by two different people, and their properties were covered by an access agreement for the five homes that used the road. He asked if there was water and sewer. Mrs. Nicolai said that there was not, and

everyone was covered by a well and septic. The County wanted the split parcel to be an acre, and they had gotten three permits from them for future water and sewer. Mr. Hooper said that the private road agreement was for a road half on Ms. Nicolai's property and half on another person's. He asked if that other person agreed to the private road agreement. Mrs. Nicolai said that at one time, she thought it might be a good idea, but the neighbors talked her out of it. Mr. Hooper said that was key; she could not draft an agreement where half had to be given by another person. Mrs. Nicolai agreed it put them in a "position."

Mr. Kaltsounis said that subjects such as this pained him, because he did not like seeing neighbors in such discourse. He noticed peoples' expressions, which were seen more with developers. The Commissioners always asked developers to get together with the neighbors and come up with an agreement that was best for everyone. He wished that there was not so much division. The Planning Commission was asked to review things by the book. There were many developments before them recently that had private roads, and they had a private road agreement. If they were to allow something against the book, the Commission would be setting precedent. If they did it for one, everyone else would be allowed to come in with a "non-agreement", and he had a problem with that. He wanted to hear from the other Commissioners, but his thinking was towards a recommendation for denial.

Ms. Morita noted that she had looked at the legal description. She read that the parcel only had an easement over the 30 feet, and they did not actually own it. She did not know how the easement was being held, as they had not been provided with the easement language. She questioned who the dominant party was. She felt that it was a legal issue that needed to be worked out by the property owner and the neighbors. She stated that it was still a private dispute at this point. It was not in any position to go to Council or the Planning Commission. There were certain requirements that had to be worked out in order for the Commission to allow a parcel to not be positioned on a public right-of-way under the Land Division Act. The applicant was not there yet, and until that happened, she was not willing to vote in favor of splitting off a parcel that could be deemed not in compliance with the Land Division Act and cause the City problems at a later date. The parcel only had an easement over 30 feet to get to a public right-of-way, and it was not enough to meet the Ordinance requirements. She did not know what the easement for the northerly 30 feet said, but according to the submitted survey, Mrs. Nicolai only had an easement over the southerly 30 feet.

With that information, she could not support it. If an agreement could be reached and they could figure out the legal description and what the rights were under the easement, it might be a different situation, but the Commissioners did not have that information.

Mr. Schultz said that it appeared that there were two points of access to Mrs. Nicolai's property. He asked the common way she accessed her property. Mrs. Nicolai said that they came in from Nelda Hill. Mr. Schultz said that the neighbors seemed concerned about having an additional home and potential traffic created. He asked Mrs. Nicolai if she would entertain terminating her driveway on Nelda Hill. Mr. Nicolai asked how that would help. Mr. Schultz said that it would be a one-for-one exchange. He indicated that it was a neighborly dispute, and it was hard for the Commission to try to balance a neighborly dispute. It was not what they were there to do. Mr. Nicolai said that York was a gravel road. He had an 800-foot ribbon to get out to Nelda Hill, which he maintained. Mr. Schultz said that he could elect not to have to do maintenance and close that driveway. Mr. Nicolai said they wanted to use it for easier access to Adams.

Mrs. Nicolai asked how it was that they could get any type of consensus with the neighbors. She put together a draft and asked for their input and tried to get together with them and got stymied every time. She produced a legal document hoping that it would do it.

Ms. Morita stated that the Commissioners were not there to give legal advice or tell the applicants how to do something. They could not do that. If they wanted to know how to get consensus with the neighbors, they needed to back to their own attorney and ask. The Commissioners could not advise them on how to proceed.

Mr. Kaltsounis said that he echoed Ms. Morita's comments, and he moved the motion to deny.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of the requested land division for 3456 York Road, the Planning Commission recommends **denial** with the following three (3) findings.

Findings

1. *The proposed land division would not meet the requirements for a single family development roadway requiring a minimum roadway width of 60 feet.*

2. *The proposed land division would not meet the requirement for a private road maintenance agreement.*
3. *The proposed land division does not otherwise comply with the standards of Section 122-30(c) of the City Code.*

Mr. Anzek noted that Ms. Taylor mentioned an egress easement from 1974. He asked if it stated how far it went and what it intended to serve. He asked how far from Adams Rd. eastward it went. Ms. Taylor believed that it was about 500 feet. Mr. Anzek said that depending on the length of the egress, it might tell them the intent of what parcels it might ultimately serve through sub-dividing. He stated that it was clearly going to take a partnership to get the 60 feet. They could tell that there had been two long, skinny lots that went from Adams to York, and then people started splitting them. He did not buy the argument about additional traffic. Anyone could sell his or her house, and a family could move in with six cars, and there would be more traffic. He asked who plowed the snow, and two neighbors in the audience raised their hands. Mr. Anzek asked about the neighbor who owned the land to the north.

Mrs. Urbani said it was Judy Crawford, who lived with her mother. They had been there since the early 1980s. Mr. Anzek asked if they participated in the maintenance of the road. Mrs. Urbani agreed that she gave money. Mr. Anzek said that it was unfortunate that a loggerhead had been reached. He felt that in the long and short run, it was best that they worked it out. If not, it would really complicate the sale of their properties. Mrs. Urbani said that they understood that. She had learned that one person did not need to spend \$7,000 to get a road agreement. It just took everyone sitting down and talking, and that never happened. Mr. Anzek suggested that the matter be tabled indefinitely so they could try to work something out with attorney(s), not have the City try to work it out.

Ms. Morita thought that it should be denied. The applicant could come back with different information, and it could be reconsidered after a certain period of time. She felt that it would be cleaner. If it were tabled, it had to stay on the books, and staff had to monitor it. Mr. Anzek said that he did not find it objectionable to have another site built. Five homes had already been split off from the two long lots, and there was clearly room for one more.

Mr. Schroeder stated that there was a convoluted situation that happened in the township days. They had a good situation with people that got

along, but they would not all be there forever, and other people would move in. It would turn into a real circus. He strongly suggested that they got it straightened out. It was a private matter that would never happen today. If they did not get it straightened out, the future would be a real problem for them.

Mr. Hooper summarized that Ms. Crawford and Mrs. Nicolai were the two owners of the larger properties, and they would be granting the private road agreement. Some of the residents present accessed their (Crawford and Nicolai) properties to get to Nelda Hill. He saw the point that when they sold their homes, which were nonconforming and without a private road agreement, it could encumber their properties when they tried to sell. He stated that there was impetus on their part to get something in place so they did not have a problem down the road. He saw that as a bigger issue for the neighbors. He hoped that cooler heads would prevail and that something got worked out.

Chairperson Brnabic agreed that hopefully, the neighbors could work something out. She noted that there was a motion to recommend denial, and she called for a roll call vote.

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

Aye 8 - Anzek, Brnabic, Dettloff, Kaltsounis, Morita, Reece, Schroeder and Schultz

Nay 1 - Hooper

Chairperson Brnabic stated that the motion had passed eight to one.

Mrs. Nicolai believed that her property across the neighbors' frontage was over 60 feet. Ms. Morita said that according to the survey, it was only 30 feet. Mrs. Nicolai said that at the end, they covered the whole road, and the road was more than 30 feet. Ms. Morita said that the legal was only 30 feet. She reiterated that they needed to take it back to their attorney and have the attorney look at the easement.

UNFINISHED BUSINESS

2018-0095 Master Plan Work Session - Giffels Webster

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

Ms. Bahm went over the items for discussion, including feedback from the

open house, a couple of different land use area questions and an updated timeline. She noted that the second open house was held on September 13th at The Village. There were about 40 people who came, with a good turnout of Planning Commission and City Council members. She thought that the people who attended felt that they had been heard, and that it went very well. They collected nine surveys. They also put a virtual open house on the website for two weeks with eleven responses. That information was included in the packet.

Ms. Morita commented that the City had a population of 74,000, and she wondered if 20 people was really statistically significant. Ms. Bahm agreed that it was not. Ms. Morita observed that half the people at the open house were either staff, Planning Commissioners or City Council people, and she questioned whether they really learned anything from the few residents that came.

Ms. Bahm said that the information they got was consistent with what they had heard throughout the process. She agreed that the number was not exceptionally significant, but it was in line with what they had heard from the other survey and from the Planning Commission meetings. They did not really hear anything different. Ms. Morita concluded that there was not anything pointing in a new direction, and that it was more of a test to see whether they were going in the right direction.

Ms. Bahm brought up the former suburban softball site. They had to explain to people about the Consent Judgment, and that the City might have an opportunity to amend it in the future. People still felt that it should hold some kind of corporate office. They also wanted to see mixing of uses and live/work housing. It might not be viable from a redevelopment standpoint, given the site's situation, but she felt that it would be worth exploring when the time came. They talked about housing through the whole process and the importance of adding that to areas of concentrated development rather than encroaching into existing neighborhoods. They talked about people living near their work to take pressure off of the road system, and she thought it made sense to keep it in as a future potential use for the site. She asked if anyone had any thoughts, and Mr. Hooper said that it sounded good.

Ms. Bahm brought up the landfill area of Section 24. At the open house, there was support for concepts related to active recreation. She considered that any time there was underdeveloped property that had been that way for a long time, that people tended to think of recreation. They talked about the remediation costs and housing. They talked about

energy generation and passive recreation and some light industrial. She thought that there could be a targeted effort to attract light industrial users to the area because of the energy or recreation.

Ms. Bahm talked about the Bordine's site, and she mentioned that people really liked the concept that had been proposed ten years ago. They also liked the idea of walkable residential and the transition model that showed more of a housing focus over retail. People were concerned about traffic in the area, but they wanted to see a positive redevelopment.

Ms. Bahm said that in the survey, it was asked if there were any other areas in the City that needed attention. Roads, aesthetics and Auburn Rd. were mentioned. They asked about alternative housing, such as accessory dwellings or tiny homes. There were only a couple of people who said they would absolutely not want to see them. She felt that there might be an opportunity to talk about them down the road. There might be some neighborhoods open to it where it could be piloted. She suggested that they could add language in the text that it might be appropriate in some places at some time in the future.

Mr. Hooper asked if Winchester Village was researched and if it fit into that type of potential use. He referred to it as a zero lot line development. Ms. Bahm said that they did not. Ms. Roediger advised that it had been developed as a PUD.

Mr. Dettloff asked Ms. Bahm to expound on the comment about lighting and street signs in Ecorse and Woodhaven. Someone had said that it looked better than Rochester Hills, and he thought that was an interesting comment. Ms. Bahm said that they did not talk to that person, and she was not sure what type of issue there was. Mr. Dettloff asked if Giffels had done work in that area, but they had not.

Ms. Bahm said that from conversations with staff and some of the people at the open house, there were two additional areas they wanted to discuss. Mr. Fazzini pointed out the southwest corner of Walton and Rochdale where the property owner was interested in encouraging non-residential development. It was surrounded by office and commercial to the north and east.

Mr. Schroeder said that there had been several people who owned the property. One wanted to open a dental office, and he came in for a rezoning which was denied. There had been a doctor's office there previously. He said that it had been ongoing for years. He felt that it

made sense, but it had not been considered in the past. Ms. Roediger added that previous requests had been considered, and the City always said that it was not in keeping with the Master Plan. The owner knew that the City was revisiting the Master Plan, and he specifically requested that they considered if it was appropriate to plan a different use as part of it. They knew what the answer had been in the past. She noted that the property fronted on Walton, and it was questionable whether it was ideal for residential. With the other corners as non-residential and the light at the intersection, she said that she could see some merit it making the corner non-residential. Staff felt it was worth asking.

Mr. Hooper said that it made sense to him; he did not feel it was appropriate for residential. Mr. Anzek felt that the southwest corner should be business/office or something of that nature. The City had many conversations about it. When they did the Master Plan in 2007, there were only two areas questioned by residents. The property fronting Rochester Rd., part of the Juengel Orchards Subdivision, was shown as office, and the residents would not support that because their deed restrictions only allowed single-family. The other area was at the southwest corner of Walton and Rochdale. He did not think there were deed restrictions, but some neighbors came out in opposition of office. He felt that it was definitely appropriate for a low intensity office, such as a dentist. There was a wetland on it, and it could make it difficult no matter what happened. He also suggested live/work.

Ms. Roediger asked if that was the general feel. Ms. Morita said that her dentist's office was there (Dr. Mclean, no less). She felt that it was very residential there. She could see having the two parcels that fronted on Walton being considered for another use, but no further into the existing residential to the south. Ms. Roediger believed that there was a third parcel across the south that was owned by one of the parcel owners on Walton. She felt that they would need all three do so something. Ms. Morita agreed that would make sense.

Ms. Bahm noted the second area on Walton, east of Adams. Mr. Fazzini explained that it was currently zoned multi-family, and there was interest to go either to office or to three-story multi-family. It was surrounded by multiple-family. Ms. Roediger advised that the parcel was currently for sale, and the City got a lot of inquiries about it. There was a home that had been there a long time, and it was used as a home office. There was a church on one side and condos to the south and west. The residential developers who looked at it all indicated that it could not be developed economically under the current regulations. It could not be developed as

multiple-family with only two stories. She did not think that single-family made sense or that multiple-family would work without going to taller townhomes. They wanted to ask the Commissioners, because the current designation was not working.

Mr. Reece asked how tall the condos were, and Ms. Roediger advised that they were two stories. Mr. Anzek thought that they should be very flexible with the site. He thought that an office would be nice or something that might go four stories, and Mr. Hooper suggested something with one access point. Ms. Roediger thought it could be flexible residential. Ms. Morita and Mr. Anzek wondered about making it a tiny home area (R-5).

Ms. Bahm said that they hoped to have the final draft to the Commissioners at least a week before the October meeting. They would like the Planning Commission to make a recommendation to City Council to authorize staff to distribute the draft to adjacent communities and the required reviewing agencies. If that went to Council on October 22, it would then go through a 42-day review period. That would allow a Planning Commission Public Hearing on December 18th. If they moved quickly, she maintained that they could get it done by the end of the year, which was the goal.

Ms. Roediger noted that the survey had asked people what they would like to see done with the Carson's building. They had over 200 responses. They might put another push on the City's Facebook page and ask about the Bordine's site. She mentioned that in the past, there had been a joint Planning Commission and City Council work session in January, and she pointed out that they could have the Public Hearing and adoption at that meeting. She would try to find a good day that worked. In addition to the Master Plan, they could also talk about future implications from the recommendations and what it meant in terms of Zoning Ordinance amendments or the Auburn Rd. area. They might want to discuss the new marijuana laws, depending what happened at the election. The group briefly discussed that topic and potential implications.

Ms. Roediger also mentioned that they could revisit the Woodlands Ordinance. Staff had been working with the Forestry Department to see how it might be updated. They would want some policy direction from Council, and she thought that it would be a good thing to discuss with both bodies.

Chairperson Brnabic asked for an estimate of the length of the final draft.

Ms. Bahm thought it would be about 150-175 pages. Chairperson Brnabic clarified that it would be furnished to the Commissioners a couple of weeks prior. She hoped they could get it the first week in October so they had time to read through it rather than get it the Friday before the meeting. Ms. Bahm thought that they would have it by the 8th.

Discussed

ANY OTHER BUSINESS

Ms. Morita noted that the Berkshire Site Condos had gone before Council the night before. The Planning Commission had asked the applicant to install a gate at the end of the road so there would be no through traffic to Gravel Ridge. The site plans called for a sidewalk on Gravel Ridge. They heard from Mr. Davis of Engineering that the road was not the traditional 60 feet wide. It was about 50 feet wide with open ditches, so there was an issue as to whether a sidewalk on Gravel Ridge would be appropriate. It was also unlikely that it would connect to other sidewalks in the future. It would be coming back to the Planning Commission for final approval with direction from Council to take a look at that issue and make a recommendation as to whether or not they really wanted to require a sidewalk. She felt that it would be helpful to get a memo from Mr. Davis for the packet. Mr. Schroeder noted that the sidewalk was shown in the easement. Ms. Morita considered that the homeowners would be responsible for shoveling a sidewalk to nowhere that no one would use.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for October 16, 2018.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Reece, Chairperson Brnabic adjourned the Regular Meeting at 8:44 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary

