

appearance is because it makes a difference for businesses. He added that businesses that have a nice appearance seem to prosper, which is also good for the City.

MOTION by Kaltsounis, seconded by Myers, in the matter of City File No. 03-008 (John R–Auburn Car Wash), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on October 29, 2003, with the following five (5) findings and subject to the following six (6) 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 car wash will have a single ingress from and egress to John Road.
3. Off-street parking spaces for employees have been provided, with two attendants present at all times to monitor traffic conditions, both on the premises and on John R.
4. There should be a satisfactory and harmonious relationship with existing contiguous and adjacent development.
5. The proposed development should not have an unreasonably detrimental nor an injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

CONDITIONS:

1. Approval of the Conditional Land Use by City Council.
2. Addition of a note to the site plan indicating that the applicant will dedicate 27 feet of right-of-way prior to the pre-construction meeting for this project.
3. Addition of a note to the site plan stating that the storm water comments noted in the Public Services memorandum dated November 18, 2003 will be addressed during construction plan review.
4. The front setback provided in the General Notes on the site plan be corrected to read "50.0 feet (variance granted 09/08/03)".
5. A performance bond in the amount of \$13,472.00 for the proposed landscaping and a performance bond in the amount of \$450.00 for the parking island tree be posted prior to issuance of a Land Improvement Permit.
6. City Council approval of the color scheme based on input by the Planning Commission on December 2, 2003 and input by Staff.

Roll Call Vote:

Ayes: Boswell, Brnabic, Hill, Hooper, Kaltsounis, Myers, Rosen, Ruggiero
Nays: None
Absent: Kaiser

MOTION CARRIED

Mr. Rosen noted that Ms. Hill would brief City Council about the requirements and wished the applicant good luck.

3. Rezoning Request - File No. 03-020 (Public Hearing)

Project: Hamlin/Livernois Rezoning
Request: An amendment to Chapter 138 of the Code of Ordinances to rezone three parcels of land totaling approximately 5.5 acres from R-3 One Family Residential, to RM-1, Multiple Family

Residential District
Location: Southwest corner of Hamlin and Livernois Roads
Parcels: 15-28-226-023, -024 & -025 zoned R-3, One Family
Residential District
Applicant: Salvatore J. Palazzola
5995 19 Mile Road
Sterling Heights, MI 48314

(Reference: Staff Report prepared by Ed Anzek, dated November 26, 2003 has been placed on file and by reference becomes part of the record hereof.)

Mr. Rosen explained that he would not accept speaker cards after the discussion began and asked if anyone wanted to turn one in at this point. He emphasized that there would be no discussion about a Site Plan and that the discussion would be about land use.

Present for the applicant were Patrick Maher, President of Community Planning and Management, representing the Palazzolo Brothers and Mocerri Development; Sebastian (Buster) Palazzola, and Dave Pawlaczyk, Mocerri Development.

Mr. Maher indicated that the Staff Report was very thorough. He wished to recap some reasons they believed the property should be rezoned. In the past, he had been a planner representing municipalities and is now a planner representing the developer.

Mr. Maher stated that the reputation of the Palazzolo Brothers was excellent. The applicants were asking the Commission to recommend the rezoning for the following reasons: The requested rezoning would be consistent with the land use patterns in the area and would provide a transitional buffer between the industrial uses on the north side of Hamlin and the single-family uses to the south of the site; traffic generation with the proposed development would be less than if developed as currently zoned; and also, a multiple-family development would only introduce one curb cut on Hamlin Road. They felt this was extremely important, in light of the fact that the City has plans to add a boulevard to Livernois and, potentially, to Hamlin. He indicated that the planned right-of-way would be dedicated as part of the development. With a single-family development, there would be up to five or six curb cuts, which would have negative impact on the traffic and safety. While the rezoning would not be consistent with the current Master Plan Map, it would be consistent with similar corner uses in the community, and it would be consistent with generally accepted planning practices. He indicated that the criteria for rezonings include the goals and objectives of the community and the overall intent of the Master Plan. He believed that the proposed use would be appropriate in this area as a transitional use and a benefit to the community. He stated that the applicants would be excited about an opportunity to return to the community to provide a quality development, and look forward to working with Staff in the future.

Mr. Anzek pointed out that the Staff Report was a joint effort with Ms. Millhouse. He corrected some statistical data regarding number of units and trip generation rates. He used 17 homes as a potential single-family development and three units per acre, which would be somewhat light for an R-3 development. It could be as much as 3.4 units per acre. Also, in the Summary, he had advised that the proposal would be an apartment complex but it would be an ownership condominium, which would generate a little more traffic than pointed out. He corrected that an apartment complex would generate 220 trips and a condominium of 41 units would generate 287 trips per day, rather than 308. He noted that the Master Land Use Plan did not support the change. He advised that there are pending improvements to Hamlin Road and that there is a right-of-way acquisition planned for 2006.

Mr. Rosen opened the Public Hearing. He referred to two letters included in the Communications and summarized that the authors supported the proposed change.

Mr. Shamil E. Halabu, 2084 Livernois, Rochester Hills, MI Mr. Halabu stated that his property adjoined the subject parcels and that he had lived there for about seven years.

He said that he moved from the South Boulevard and Crooks area when the southwest corner, in Troy, was developed as commercial. It was zoned residential, and the City of Troy found that there was a special situation and it was rezoned. There was a lawsuit and he saw the transfer of a nice residential area to commercial and all the traffic the commercial brought. He did not feel it was safe for his family, but wanted to stay in Rochester Hills. He bought four acres, understanding that the area was residential, and built one house. All the homes across the street and nearby have acreage with one house. He felt that the attempt by the developer was to maximize profit, with no concern for the residents. He did not see how the request to change the zoning would serve the City. He did not feel that the applicant had demonstrated a need to change the zoning or showed a special situation or hardship; they have not even bought the property. Based on these facts, he did not see a reason City Council should change the zoning. People who moved into this area had expectations and those expectations should be honored. This would not be a buffer - the industrial has been very light and has not bothered anyone. He commented that if the Planning Commission allows the possibility of going from three or four homes to 41 or 43, there would be more problems created. He likes the nature of the area, and said there are only a few areas in the City like this that feel like the country. He stated that there are wetlands, and putting in 41 units would damage them and there would be no control over that. This is an attempt to maximize profit by investors who put in an offer on a piece of property, build something and get out. He said he hoped the Planning Commission would determine that there was no special situation which would require changing the Master Plan, and reiterated that he had not heard one thing that would warrant that.

Ms. Patrice Sinclair, 2040 S. Livernois, Rochester Hills, MI Ms. Sinclair stated that she lived adjacent to the subject parcels. She said she agreed with Mr. Halabu in many respects, and said that they moved to this area from the Lapeer area still wanting a nice piece of property. They feel safe here, but would be very concerned about a development and the influence it would have on her children. The traffic is horrible now, and if there were 280 additional trips a day it would add to the aggravation. They enjoy the wildlife and have a lot of deer that would be chased out if this type of development were constructed. She asked if condominiums were approved for this site if they could later be turned into apartments. She advised that there was historical significance to the property and that she had researched her house and property, which dated back to the early 1800's. She wondered if the Historical Society was aware of what was being proposed, and she suggested that they be involved.

Mr. Rosen closed the Public Hearing. He stated that, regarding whether the type of units could be changed if rezoned, anything could be built if it met the zoning. Whether it was an apartment or a condominium would have no meaning in the context of what the zoning was. He added that the developer's proposed concept could not be reviewed or considered by the Planning Commission.

Ms. Myers said Mr. Halabu brought up wetlands, but she noted that the Environmental Impact Statement (EIS) did not mention them. She asked when the report was completed. Mr. Maher answered that it was completed about two months ago, and that they had no preliminary indications that wetlands existed on the property.

Mr. Rosen recapped that Mr. Maher said the rezoning would be consistent with the land use patterns as a transition. Mr. Maher also said it would be consistent with surrounding zoning as a transition zoning and would be consistent with generally accepted planning principles as a transition zoning. He observed that Mr. Maher believed it because there was no single-family to the north, only Light Industrial, and his reasoning was that the zoning would become consistent if considered a transitional zoning between two zonings, and would not be considered a primary zoning.

Mr. Maher said that was one of the arguments, but not necessarily the major argument, and that was a factor that had to be weighed. They also talked about it being consistent with the character of area. A boulevard is planned for the area. With regard to generally accepted planning principles, he offered that providing single-family development along major roads, which would incorporate more traffic in the future,

would be going against good planning. He believed that introducing five or six curb cuts would be going against good planning principles.

Mr. Rosen questioned five or six curb cuts for 17 homes proposed by the applicant as a single-family development. In his experience, a concept like that would have no more than two curb cuts. He noted that there were only three parcels, and he felt they would end up with something similar to the three curb cuts that were there now.

Mr. Maher responded that he would typically agree, but in this instance, there would not be the type of depth for the properties to propose a single access drive with a cul-de-sac or stub.

Mr. Hooper said he remembered that about 15 years ago there was a proposed rezoning for the property. Mr. Anzek replied that there was a proposed rezoning to commercial about ten years ago. Mr. Hooper indicated that at that time, there was a proposed single-family development for the corner with a single curb cut, and the historical home was included as part of the property. He said he agreed that something developed as R-3 would not look like the proposed concept but rather, be significantly different. Regarding the wetlands, he noted that Mr. Crescentini, a neighbor to the south, had a man-made pond in the back, and that Mr. Halabu had a pond, and he advised that there was a stream that fed into those. He indicated that he would take issue with the EIS regarding the fact that there were no wetlands back there. The applicants stated that there was no known historical or cultural value to the land, but he felt that statement was broad-based. He said he realized that Ms. Sinclair's house and garage were adjacent to the subject parcel, but felt there was original historical value to all the land and that more research needed to be done.

Mr. Maher responded that they did indicate that the house might have historical value, but he did not feel it had registered historical value.

Mr. Hooper said that personally, he did not see a need for a rezoning to RM-1. He felt that R-3 would work fine. For a rezoning request, he felt the whole corner should be looked at, and that the home to the south should be shown as well.

Mr. Rosen asked about the subdivision to the west of the subject site. He said there were condos to the west and further west of that were single-family homes. He noted that they were built after the industrial area to the north was, and he did not see how that subdivision would differ from what someone could build on the subject corner. He noted that Mr. Halabu's home might make it a little more difficult, but thought there were plenty of opportunities for that area with R-3. He did not see a need to rezone, and did not see anything unique enough to recommend rezoning it. He felt it could be developed perfectly as R-3 because the properties to the west and south were shining examples that it could.

Ms. Hill said she concurred, from the standpoint of the big picture of the City and for compatibility with what currently exists. She noted that perhaps it was atypical to some extent, but indicated that there were major roads throughout this community that have no lack of residential homes abutting major roads. There seemed to be a very high demand for single-family housing everywhere in the community. A good example would be Crooks, which currently has a four-lane boulevard being constructed and homes are now being built there. She felt that the proposal would be incompatible with what existed currently and would not agree with the indication that a buffer is needed between the existing zoning. There is not one now, and she did not see a good reason to have one.

Mr. Boswell said he agreed with everything that had been said. He noted that Mr. Halabu said he had four acres. Mr. Boswell questioned whether other people with large parcels would begin requesting transitional rezonings, construct condominiums and try to make a profit. He did not see this area as one where condominiums should go, but as an area for single-family homes.

MOTION by Ruggiero, seconded by Hooper, in the matter of City File No. 03-020, the Planning Commission **recommends** to City Council **denial** of the request to rezone

5.5± acres, identified as Parcel Nos. 15-28-226-023, -024, and -025, from R-3, One Family Residential to RM-1, Multiple Family Residential.

Roll call vote:

Ayes: Boswell, Brnabic, Hill, Hooper, Kaltsounis, Myers, Rosen, Ruggiero
Nays: None
Absent: Kaiser

MOTION CARRIED

Mr. Rosen advised that City Council would make the final decision regarding this request and suggested that people go to the meeting and voice their opinions. Mr. Anzek informed members of the audience to leave their name and address if they wanted an Agenda for that meeting.

ANY OTHER BUSINESS:

Mr. Anzek advised that no action would be taken at the next meeting (December 16, 2003) when they would discuss the PUDs proposed for the corners of Rochester and Tienken Roads. Ms. Millhouse noted that she spoke with Mr. Kaiser, who would not be available until after the first meeting in January, and advised that a special meeting would be held on January 13, 2004 to hold a Public Hearing on the matter.

Ms. Millhouse indicated that the Planning Commission had not received input on the proposed designs of the Site Plans for the PUDs, and that the applicants would like to know how the Commissioners perceive the proposed architectural renderings and plan issues. Mr. Rosen asked if the Minutes could be verbatim and Mr. Anzek suggested having the meeting video taped. Mr. Rosen said that this proposal would have an enormous effect on the community, and would be almost as big as Hampton Circle was in the early 1980's. Mr. Anzek responded that Staff was not treating this lightly, and he felt that several meetings might be needed.

Mr. Kaltsounis mentioned that he drove through the Hampton Mall recently, and he observed that there was too much parking area. Mr. Anzek said that Staff has had many conversations with the owners of that center, who are looking at re-organizing the parking lot and re-doing the area.

NEXT MEETING DATE:

The Chair reminded Commissioners that the next regular meeting is scheduled for December 16, 2003.

ADJOURNMENT:

Hearing no further business to come before the Planning Commission, the Chair adjourned the regular meeting at 9:05 p.m., Michigan time.

James Rosen, Vice Chairperson

Maureen Gentry, Recording Secretary

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