

**14. PETITIONERS REQUESTS**

**14a.i Reconsideration of Resolution A0679-2003-R0253 regarding Request for Historic Districts Study Committee Review Rights** for 1705 Walton Blvd; First Church of the Nazarene (Members received an Agenda Summary Sheet dated July 31, 2003, from Susan Galeczka, City Council Liaison, with attachments)

**RESIDENT COMMENT:**

**Mr. Robert Paul Smith**, 2123 Belle Vernon, stated that he is a neighborhood resident of the church and described the building in question as “dangerous and dilapidated.” He went on to stress that it is clear no matter what the Historic Districts Study Committee (HDSC) determines, the building will not be restored. He saw no reason to wait another year and appealed to the Council, as a citizen, to “settle the issue.”

**COUNCIL DISCUSSION:**

**President Dalton** then reviewed the proceedings that took place during the previous City Council meeting of July 16, 2003.

**Ms. Hill** noted that if the purpose of the reconsideration of the issue was to include Council Member Holder, than the discussion would have to be repeated.

**Ms. Holder** stated that she had watched the video tape of the previous discussion.

**Ms. Hill** expressed her hope that no one would “call the question” too quickly, because the purpose of the reconsideration was for further discussion of the issue to include Ms. Holder.

Resolution A0679–2003–R0273

**MOTION** by Robbins, seconded by Duistermars,

**Resolved** to **RECONSIDER** Resolution A0679-2003-0253 that granted review rights regarding 1705 Walton Blvd. to the City’s Historic Districts Commission for a period not to exceed one year.

**ROLL CALL VOTE:**

Ayes: Holder, Barnett, Duistermars, Golden, Robbins, Dalton

Nays: Hill

Absent: None

**MOTION CARRIED**

**Ms. Hill** cautioned that there is a process in place for such circumstances and that process needs to be followed. She noted that if review rights were granted, it would not mean there will be a review, only that the request for review will be considered. She reminded Council that the issue of Conditional Land Use was never resolved.

**Ms. Golden** stressed that Council Members had taken an oath to uphold the City's ordinances. In addition, she reminded Council that they appoint citizens to commissions and should trust in the results of those commissions.

**Ms. Holder** asked **Mr. Derek Delacourt**, Planner II, how long the building in question has been a historic home.

**Mr. Delacourt** stated that the house has been considered historic since 1997, although a proper study has not yet been completed.

**Ms. Holder** then noted that this issue goes back to August of 1999 and stated that it should not be included in the demolition consensus. She described her visit to the property, noting that she saw nothing that she felt would designate the building as historic and considered it a danger.

**Ms. Hill** stated that none of the current Council members possess the credentials to determine historic value or whether the building should be demolished. She clarified that the purpose of the discussion was not to debate the designation of the property, but rather to uphold the ordinance that gives those duties to the HDSC. It is after that body makes their determination that the Council then makes their determination. She reiterated that the applicant had the opportunity during the planning process to eliminate the building and chose not to. She also noted that the building in question was used during the construction of the church.

**Ms. Golden** noted, by comparison, that Avon House was in very poor condition for a long time before it was reconditioned. She stated that it is not the intention of the ordinance to place a burden on property owners, but the authority in this matter has been delegated to the HDSC and the Council should not make a decision until after the HDSC has made their determination.

**Mr. Duistermars** asked Mr. Delacourt if the house, shed and garage are on separate parcels, to which **Mr. Delacourt** indicated that the entire parcel would be included in any historic designation. Mr. Duistermars further noted that the church does not have the finances to restore the building and that the Avon House benefited from individuals willing to "pour money into it."

**Mr. Robbins** noted that the law allows the Council to make this determination and to avoid expending the effort, time and money to send the issue to the HDSC.

**Ms. Holder** stated she would not force a resident of the city to have their property designated historic if that is not their desire. She went on to note that it was her impression that this property was to be used as church parking and would, thus, eliminate congestion on Walton Boulevard.

**Mr. Barnett** stated he had walked through the building in question, noting that there was evidence that someone had been living there. He further noted that the Council is allowed to grant the review rights, but are under no obligation to do so. He indicated if there were review rights granted and the HDSC did determine that the building was historic, there would still be no way to compel the property owner to restore the building. He also voiced his concern that the HDSC would be displeased if they put effort into a historic determination and Council then dismissed it.

**Ms. Hill** agreed with Mr. Barnett that the question is whether to grant review rights, thus affording Council the necessary information to make an informed decision. She went on to note that there have been other properties in worse condition that were restored.

**Mr. Delacourt** clarified that the property is technically already under study along with other properties, but that the granting of review rights would place it at the top of the list for active review.

**Ms. Golden** stated that it was previously determined during a joint meeting between Council and the HDC that any demolition requests would be evaluated on a case-by-case basis. She expressed concern that an assumption was being made as to the findings of the HDSC prior to a study being completed.

**Mr. Robbins** stressed that no member of Council was making a determination as to whether the building is historic, but rather, members were determining whether to grant the review rights to make that determination.

**Mr. Duistermars** stated that no matter what the determination of the HDSC, the church will not restore the property in question.

**Ms. Hill** again stressed her support for letting “the process play out.”

**Mr. Duistermars** reiterated that the Council cannot impose “our will on the homeowner.”

*Mr. Duistermars Called the Question to end debate; seconded by Ms. Holder.*

Resolution A0679–2003–R0274

**MOTION** by Duistermars, seconded by Holder,

**14a.i Resolved** to Call the Question to Close the debate on the motion on the floor regarding the request for Historic Districts Study Committee Review Rights for 1705 Walton Blvd; First Church of the Nazarene.

**ROLL CALL VOTE:**

Ayes: Duistermars, Golden, Robbins, Dalton, Holder  
Nays: Barnett, Hill  
Absent: None

**MOTION CARRIED**

Resolution A0679–2003–R0275

**MOTION** by Golden, seconded by Hill,

**14a.ii** **Whereas**, 1705 Walton Boulevard is an identified potential historic district in the City of Rochester Hills.

**Whereas**, the property owner is requesting review and approval of a demolition permit for the subject site.

*Now therefore be it Resolved* That City Council grants review rights regarding 1705 Walton Blvd. to the City's Historic Districts Commission for a period not to exceed one year.

Ayes: Golden, Hill,

Nays: Duistermars, Robbins, Dalton, Holder, Barnett

Absent: None

**MOTION FAILED**

**Ms. Hill** requested that City Attorney Staran clarify what would be the next step in this process, inquiring whether the applicant would receive a demolition permit.

**Mr. Staran** stated that the property owner would be required to obtain a revised Conditional Land Use approval prior to demolition. The issue would go back to the Planning Commission and then eventually would return before Council.

**Mr. Delacourt** stated that it was his understanding that a revised Site Plan approval was not necessary, only the Conditional Land Use approval was necessary.

(Recess 9:05 p.m. – 9:21 p.m.)

**14b.** **Rochester College Library Addition** - located on the north side of Avon Road, west of Rochester Road, Parcel No. 15-15-376-001, zoned SP (Special Purpose) District; Rochester College, Applicant (Members received an Agenda Summary Sheet dated July 28, 2003, from Deborah Millhouse, Planning Department, with attachments)

**Ms. Hill** noted that she sits on the Board of Regent for Rochester College, but did not feel this presented a conflict of interest as it is not a compensated position.

**Ms. Deborah Millhouse**, Deputy Director of Planning, gave a brief overview of the project indicating the necessity for the Height Modification and that the Conditional Land Use is consistent with what was previously approved.

**Mr. Gary E. Carson** Director of Special Projects, Rochester College, 800 West Avon Road; and **Mr. Barry A. Nebhut**, AIA, TMP Associates Inc., 1191 West Square Lake Road, Bloomfield Hills were present.

**i. Request for Approval of Revised Conditional Land Use**

Resolution A0163–2003–R0276