Rochester Hills
Minutes
Planning Commission

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

Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Greg Hooper, Nicholas O. Kaltsounis, Nathan Klomp, David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, November 18, 2008 | **7:30 PM** | **1000 Rochester Hills Drive**

CALL TO ORDER

Chairperson William Boswell called the Regular Planning Commission meeting to order at 7:30 p.m. in the Auditorium.

ROLL CALL

Present 7 - William Boswell, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nathan Klomp, C. Neall Schroeder and Emmet Yukon

Absent 2 - Nicholas Kaltsounis and David Reece

Quorum Present

Also present: Ed Anzek, Director of Planning and Development
Derek Delacourt, Deputy Director
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2008-0580 October 21, 2008 Regular Meeting

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

Aye 7 - Boswell, Brnabic, Dettloff, Hooper, Klomp, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

COMMUNICATIONS

PRESENTATION

2008-0582 Roundabouts - Presentation by Stephen Dearing of Orchard, Hiltz & McCliment, Inc., 34935 Schoolcraft Rd., Livonia, MI 48150.

Mr. Paul Shumejko, the City's Transportation Engineer and Mr. Dearing's

successor at the City, was also present.

Mr. Dearing advised that he was the Manager of Traffic Engineering Services for OHM. Prior to that, he was the City's Traffic Engineer for ten years. He also did a stint at the National Safety Council as a Traffic Safety Specialist.

Mr. Dearing summarized that he would discuss why roundabouts were good tools for mobility and reducing congestion; some of the opportunities in terms of aesthetics, to try to make them fit into the community; and the Northwestern connector project in West Bloomfield and Farmington Hills. He mentioned that when it was completed, it would represent the largest concentration of three-lane roundabouts in North America.

Mr. Dearing stated that roundabouts were a form of a circular intersection, which had been around since the dawn of time. They came in all shapes and sizes; they formed pre-eminent focal points for some communities, such as Paris, or they could be tiny and fit into neighborhoods. There were some problems with larger circular intersections because vehicles weaved in like they did on freeways, and in reality that did not work. By the mid-1950's, circular intersections fell out of favor all over the world, and companies made a lot of money tearing them out. A lot were converted to traditional signalized intersections. In the old way, people using roundabouts would yield to the vehicle on the right, meaning that anyone already in the roundabout had to yield to entering traffic. If people were always letting traffic in and not accommodating the people that were already in and letting them out, traffic got locked up. Folks in England wondered why they did not work, so they put a lot of money into it and figured it out. They had to change the rules of the road - they could not always let traffic in and not accommodate the traffic already circulating. Instead, entering vehicles had to yield to those circulating, and that unlocked a lot of the problems with the old traffic circles. He showed a picture of a traditional roundabout, which had a central island and splitter islands on all approaches to help channelize the traffic. Vehicles were told where they had to yield, and the pedestrians were accommodated. Pedestrians were away from the entry point, and they would typically be one or two cars back from the yield line. He indicated that the modern roundabout worked very well.

Mr. Dearing next showed examples from the United States of how versatile roundabouts could be. They could be different shapes and could accommodate a lot of different situations. He showed one in

Okemos, Michigan, which was tied with Rochester Hills for having the first roundabouts in Michigan. He showed one built into the side of a mountain, with over a ten-foot drop in elevation. They could be used in rural areas where there were no curbs. They could be dragged off center to avoid high value property. They could be used on divided roads. He noted that the number of entrance and exit lanes did not have to be equal. He commented that the reason roundabouts were very valuable was because they got at the root cause of a lot of pain and suffering in the U.S. There were still over 40,000 people killed each year, which was 800 per week. That equated to a couple of airliners crashing a week, which would cause a huge outcry if it happened. Even though intersections represented a tiny fraction of the total road network, they still accounted for over 25% of all crashes on the entire system. He advised that almost half of all the injuries happened at intersections, and that a quarter of all fatalities happened at the intersections. He maintained that doing something to fix the intersections did a lot to help the community, the region and the State.

Mr. Dearing recalled the many times while working at the City that people said if he would only put in a signal at a certain area, that it would be safer. Everyone believed that a traffic signal was a safety device, but he said that was not true. A traffic signal was a control device, which could be a detriment to a community. He showed a video clip of an intersection accident, in which someone ran a red light and hit a pedestrian. He stated that the fundamental problem with intersections was that people ran red lights. He explained that safety was a function of risk, and that risk was a function of exposure to conflicts. There was a lot of different ways accidents were caused at intersections because a lot of cars crossed the paths of other cars. A roundabout would simplify things by greatly reducing the number of conflict points. The splitter islands were a safe haven for pedestrians. A pedestrian no longer had to cross three or five lanes of pavement without a place they could recoup, rest and judge whether it was safe to continue. If the roundabout was done correctly, traffic should enter slowly, circulate slowly and leave slowly. They try to make sure there are not large speed differentials, regardless of the path. He indicated that the smaller the roundabout the better, to be able to control speeds.

Mr. Dearing related that the Insurance Institute for Highway Safety did a study of intersections that had been reconstructed as roundabouts, and they showed stunning reductions in crashes and injuries. The Transportation Research Board did a study more recently, with many additional roundabouts, and the numbers were almost identical. There

was a 40% reduction in total crashes; 76% in injuries; and close to 90% in fatalities. He reiterated that splitter islands were a safe haven, and that they lessened the time someone was exposed to traffic in an intersection. A standard five-lane road had 60 feet of pavement, and that was a long time to be hanging out there. The splitter island meant that the time exposed to traffic was shorter. He noted that pedestrian safety was very important because of the Americans with Disabilities Act, which was driving a lot of the discussion about it.

Mr. Dearing showed a video made by Paul Smith, a local radio newsman, which talked about and explained how to use roundabouts using drawings. The video included roundabouts from the immediate area, including those in Rochester Hills. Mr. Smith concluded that the information by the Road Commission for Oakland County could be obtained on the internet.

Mr. Dearing next talked about congestion at intersections. When it was severe, people tended to wonder how many cycles of green it would take to get through a light. The nice thing about roundabouts was that they processed a lot of traffic, sometimes at higher thru-put rates than a signal was capable. He did a case study for Hamlin and Livernois, where a roundabout is to be installed in 2009. The City planned to put in a boulevard on Hamlin from Crooks to Livernois. To get the intersection to work properly, they would need a crossover on the east side of the intersection to handle the east to west u-turn, and they would have to boulevard a 1/4 mile stretch of Livernois north and south of the intersection to get in those crossovers. They originally envisioned a signal-controlled intersection and the adjacent crossovers would all be signalized, so that would be five signals in total. They would have needed 66 parcels of land, and the total project cost, including the boulevard, would be $19.5 million. That included the design, right-of-way and construction costs. The project had been identified years ago, but there were funding delays. Costs kept escalating, and property owners wanted more for right-of-way, so they decided to look at it again and they wondered if a roundabout would work. They found out that they would not need to involve 66 parcels of land; they would only need 46. Even though they had to re-engineer the intersection because the boulevard design was done, the savings went down about $2 million for everything.

Mr. Yukon asked Mr. Shumejko how traffic would be routed during construction. Mr. Schumejko advised that there would be several different phases. Because they had to build the boulevard in halves, for a while it would be two-way traffic, and they would build a temporary road on

the south side while they constructed the north half of the boulevard. There would be a period where Hamlin would have to be one way. The final phase would be to build the roundabout. When that happened, Hamlin would actually be closed, and there would just be north-south Livernois usage. The roundabout would shorten about a month off the construction time, and they would not have to use temporary staged signals.

Mr. Dearing noted that the intersection did not work well during the peak evening hours, and there were long delays. If they did nothing with the traffic growth, it would get a lot worse. The roundabout would give better operations, lower delays, there would be fewer parcels disrupted and it would lower the cost, which, he felt, was a classic win-win. He said, however, that it was not a silver bullet. Roundabouts were just a tool to be used in the right locations for the right reasons. They worked best if there were safety problems, and the traffic on the two roads had relatively balanced flows. They could be used in local roads and collector roads. They worked at the section of two arterial roads, such as Hamlin and Livernois, which had the same traffic loads. They should not be at a location where an arterial intersects with a local street for obvious reasons of imbalance.

Mr. Dearing indicated that roundabouts would be more expensive to build but cost much less to operate. He showed a roundabout in North Carolina that used to be a five-lane intersection that went to a one-lane roundabout, and freed up space for parking and other amenities for the downtown business area. They did not need as much pavement to store vehicles while waiting for their green signal phase.

Mr. Dearing showed a schematic of the roundabout areas in Farmington Hills. The Road Commission subsequently found that building a six-lane boulevard on Orchard Lake Road was no longer financially prudent. They had counted on getting a lot of right-of-way donated, and there were no business owners willing to do that it in today's climate. He had been told that the roundabouts, however, had cut anywhere from ten to twenty minutes off the commute. Mr. Klomp said he could attest to that, as he traveled that route, and he agreed that it was much better.

Mr. Dearing had done another case study for the City's new Master Thoroughfare Plan, which looked at the intersection of Auburn and Rochester roads. The traditional way to solve the traffic problems there would be to throw a lot of pavement at it. He had heard that people liked the improvement at Tienken and Rochester, and he said they could "put

that on steroids" and that would be what was needed at Auburn and Rochester. They would need one more thru lane in all directions, and eastbound could probably use a dual right to go south to the freeway. The pedestrian would have to cross eight or nine lanes of pavement. If traffic were off peak, pedestrians would probably drive how long cars waited for the green. He felt that boulevards could do wonders, and they looked at a six-lane boulevard along Rochester Road, and it was also suggested that a three-lane roundabout connecting to five-lane roads might work. They took the image from the Northwestern connector project along Maple Road and put it over Rochester and Auburn. If it was the design solution the City and State wanted to closely look at, they would have to decide if they wanted to buy all four corners of the intersection or if they should drag it off center, where it would be a total take from one or two corners. He discussed having a four-lane boulevard with a 35-foot median with a series of roundabouts along Rochester Rd. north of Auburn. All of the driveways would become right-in, right-out, and that would make it a significantly safer road by eliminating left turn conflicts.

Mr. Anzek asked how close curb cuts to businesses on corners could get before they started to interfere with the flow of a roundabout. He asked if any standards had been published. Mr. Dearing said that nothing had been published, but that the rules of thumb were starting to develop. He had mentioned that they wanted a pedestrian crossing to be one or two car lengths from the yield line. They would also want to get a driveway at least two car lengths from the ped crossing. If there was a driveway that close, they should extend the splitter island so the driveway was a right-in, right-out only.

Mr. Anzek thought that the corner businesses might have to be right-in, right-out only because of the splitters. Mr. Dearing said there could still be driveways relatively close to a roundabout, but if they were particularly close to the pedestrian crossing, they would have to be restricted. Mr. Anzek said that he hoped that someone on the site would have enough maneuverability to exit the same side they came in, which would allow them to get into the roundabout and make a choice. Mr. Dearing indicated that corner parcels would want to have driveways on the approach and departure side of a roundabout. That would give the most flexibility in terms of maneuvering. He commented that once people started using roundabouts, that they would start using them in a more inventive manner.

Mr. Dearing noted that Rochester Hills had six roundabouts - two in Country Club Village, one at Firewood and Raintree; one at Falcon and

Coachwood; at Tienken and Sheldon and at Tienken/Washington/ Runyon. He pronounced that no other city had that. Mr. Dettloff asked if there was an example of a poorly designed roundabout. He had always heard things about the one at 18 ½ and Van Dyke. Mr. Dearing noted that it was a composite - east-west was two lanes and north-south was three lanes. It was actually a test bed for MDOT because they were continually modifying it. A month ago, they changed all the pavement markings and prior to that, they changed many of the signs. They rebuilt the center island to lift it and put in landscaping. They were talking about other changes, so it was hard to point at it and say it was a poor design because it kept changing. It was, however, working so well that in less than a year, it was carrying more traffic than they thought would be carried in 30 years. It was carrying so much that traffic on 18 and 19 Mile had gone down because people preferred to use 18 ½ Mile. There were more fender benders, but no injuries. He remarked that in terms of casualties and safety, it was a resounding success. It was hardest for truckers to learn to use it, but they were finally learing.

Mr. Yukon noted that the markings for a three-lane roundabout started almost as the cars were entering the roundabout. He asked if there would be markings further back, which he thought would be much less confusing. Mr. Dearing said that at 18 ½ Mile, there were no lane markings particularly far back. When they built the roundabouts for the Northwestern area, the markings would be much further away. There would be much more traffic than at 18 ½ Mile. Their thought was that they had to train the drivers well, and they would add lane assignment signs directly overhead. They did not think they would be needed forever, but they would help train the drivers.

Mr. Schroeder noted that Northwestern came in right above the 14 Mile roundabout, and he asked how that worked, traffic-wise. Mr. Dearing said it was challenging to design. Northwestern Hwy. intersected with Orchard Lake Rd., and it would be under signal control. 14 Mile Rd. went straight across Northwestern. It would be interrupted, and the east leg would be made to curve to the south and tee in. Instead of one intersection with a high skew, they would turn it into two intersections. If people were westbound on 14 Mile and they wanted to continue westbound, they would drive by the middle school, the road would curve to the left and they would come into a tee intersection with Northwestern and have to turn right and get into a left-turn pocket to left turn back onto 14 Mile, go through the roundabout and keep going. The 14 Mile intersections would be signalized; Northwestern and Orchard Lake would be signalized; and Orchard and 14 Mile would still be a roundabout. They figured out how

much pavement would be needed for the roundabout and all the approaches, and how to time the signals that close to a roundabout and still make everything work.

Ms. Brnabic asked what was recently changed at the roundabout at 18 ½ Mile, and Mr. Dearing said that most recently, it was the pavement markings. Ms. Brnabic said she asked her son about it because he traveled through it five days a week, and it was his opinion that the biggest problem was getting in the proper lane. People tended to swerve in front of each other. It depended on the day - some days things went smoothly, and other days it looked like mass confusion. She felt it was a good idea that they were experimenting with it.

Mr. Hooper asked if there was a maximum peak hour or the time roundabouts max out. Mr. Dearing said that there were a handful of roundabouts in England that were handling about 9,000 vehicles an hour. At 14 Mile and Orchard Lake, with three lanes in and three lanes out, the roundabout was designed to handle 8,000 an hour. That was supposed to represent traffic flows to the year 2025. Since then, they had learned that the economy was still poor and SEMCOG had revised the growth forecast for the region to show that there was a loss of population and jobs, and they did not think the roundabout would get that kind of traffic within the next 30 or 40 years. Mr. Hooper said that the biggest complaint he heard about Hamlin and Livernois was that if it was successful but Livernois and Hamlin backed up, the traffic would fill the roundabout and it would come to a gridlock. No one would go anywhere because the capacity going north and east was not there, and traffic would still be backed up at Avon and Livernois Mr. Dearing clarified that Mr. Hooper meant that the Hamlin and Livernois intersection would be great, but they would just be moving the problem. Mr. Dearing stated that they could do several roundabouts for the cost of widening one mile of a two-lane road to five lanes. Mr. Shumejko added that the signal timings would change at the other intersections upstream and downstream.

Mr. Schroeder asked what would happen if they overbuilt a roundabout with too many lanes. He felt that could create problems. Mr. Dearing said that was what the Road Commission was finding out. They were thinking about putting in a bituminous curb and hiding some of the pavement and taking it to two lanes.

Mr. Klomp commented that roundabouts were more efficient, they cost less, they were safer, and it seemed that the City should be putting them in at every intersection. He asked why they were not doing more

intersections as roundabouts. Mr. Dearing expressed that a lot of people were afraid of change. The first one done in Rochester Hills was on the border of the Historic District and also involved the City of Rochester. There was opposition to the roundabout, but afterwards, people said it was a good thing. Everywhere it was surveyed, there was an overwhelming percentage of public opposition to a roundabout that usually translated into overwhelming support after they were built and operating for a year. Mr. Klomp thought that if someone zipped through the intersection at Hamlin and Livernois and got stuck at the next intersection, that they would wish it was a roundabout. Mr. Dearing noted that in New York State, the State DOT recently adopted a policy that said any location that otherwise met the warrants for the installation of a traffic signal had to be looked at as a roundabout first. They had to justify why a roundabout would not work before they could put in a signal. The Maryland DOT had been a pioneer in using roundabouts in rural areas with high-speed state highways. There was a national roundabout conference in Kansas City. Kansas and Missouri were very proud that they became focal points for roundabouts and even published a hard cover book. He stated that it was amazing how everyone was vying for roundabouts and trying to have the prettiest aesthetics. He suggested that they could be dressed up and used as gateways to the community.

Mr. Delacourt had heard of a subdivision that was converting all the 4-way stops to smaller roundabouts. At first there was enormous opposition from the neighbors, so they were put in on a temporary basis using paver blocks. They were such a success that they were made permanent. A lot of the neighborhoods agreed to SADs to have them put in an entire subdivision. Mr. Dearing agreed they worked very well as a traffic-calming feature in a neighborhood setting.

Mr. Anzek referred to the roundabout at Tienken and Runyon. He asked the basis for improving that intersection - for example, if it had a high accident rate. Mr. Dearing explained that there was development going in, and they had to decide about the roads' priorities, and they had to come up with an intersection they did not have to throw away when Washington got paved. A roundabout did not care which road had a higher functionality as long as the traffic was relatively balanced, so it made a lot of sense.

Ms. Brnabic referred to Rochester south of Auburn, and said there were two lights, including one by Lowe's. She felt that was a real plus for the area, but she noted that the traffic backed up to South Boulevard because of M-59. She asked if a roundabout for safety was the main issue,

because there were certain circumstances in that area that would remain.

Mr. Dearing said that before Tienken and Rochester was improved, the roundabout at Sheldon was put in. It was not uncommon for traffic at the intersection to back up through the roundabout. In spite of that, the roundabout worked pretty well. Drivers could see the backups and they tried to stay out of the roundabouts long enough to make sure other people could circulate. As soon as it was green at Rochester and they could start clearing, the roundabout did its job well to get the traffic cleared out. He agreed that a roundabout could gridlock, but it unclogged very quickly. A roundabout at Auburn and Rochester made a lot of sense because it was one of the highest crash locations in the City and County, and it was on the Federal Highway watch list as a safety problem for Michigan. It had a lot of congestion and long backups, and a roundabout would go a long way in resolving those issues. There would still be intermediate signalized intersections like at the Lowe's driveway. It would not be the end of the world if traffic signals got mistimed and traffic at the Lowe's driveway backed up into the roundabout because it would unclog very quickly. In a traditional signalized setting of a grid network, gridlock would propagate. Roundabouts facilitated that because of how fast they could process traffic through them. Ms. Brnabic said that it seemed that simple measures could be taken to eliminate confusion.

Mr. Dearing said there was another kind of delay called "incident driven delay." That included the time it took to clear crashes off the road quickly. He had driven through the roundabout at 18 ½ Mile while policemen were there dealing with an accident, and the roundabout still worked. That was not seen at a signalized intersection. He stressed that he could not say enough about having a roundabout at Auburn and Rochester. There was a fatality every other year, and roundabouts did a remarkable job dealing with severe collisions.

Mr. Klomp asked if there were any studies that looked at intersections with regard to people traveling them on a regular basis versus people using them infrequently. He drove the roundabouts on Maple and noticed that for the first couple of months, people were stopping and going in the wrong lanes, but after awhile, they started to figure it out.

Mr. Dearing said that Mr. Klomp had described the learning curve. There had been a few studies looking at the learning curve for roundabouts. It was faster and a more positive experience when it was a commuter route, and the same people used it day in and day out. Another thing that came up was that one-lane roundabouts came across as far more intuitive to

drivers than two or three-lane roundabouts. Quite a number of areas in the U.S. were starting to use roundabouts that were recreational-driven. A lot of the ski areas in Colorado had one-lane roundabouts, and they found that the tourists were getting around them pretty well. Florida had a lot of one-lanes, and they seemed to be very driver-friendly.

Mr. Schroeder asked Mr. Dearing if the County or State had plans for roundabouts in areas other than he had discussed. Mr. Dearing said there was a long list. In the spring, construction would start at M-53 at 26 Mile for a roundabout at the freeway interchange. Marquette would have one. There would be a couple in Commerce Township. Macomb County was talking about several locations. It was hard to get the funding, though. There was a funding source called CEMAQ - Congestion, Mitigation and Air Quality. In the past, CEMAQ paid for things like adding transit service (buying busses). CEMAQ money could be used for upgrading and optimizing signals or adding turn lanes. Recently, SEMCOG agreed to use CEMAQ money to pay for 100% of a roundabout for the City of Ann Arbor . He remarked that the competition, of course, was fierce. He concluded that the Feds were starting to recognize the value of roundabouts and the improvement to air quality.

This matter was Discussed

DISCUSSION

2008-0581 Zoning Ordinance Re-write: Review and assess draft completed by McKenna Associates, Inc.

(Reference: Memo prepared by Derek Delacourt, dated November 18, 2008, and draft Zoning Ordinance, dated June 10, 2008, prepared by McKenna Associates, Inc. had been placed on file and by reference became part of the record thereof.)

Mr. Anzek noted that the Technical Committee had been working on the re-write for some time. It was about 95% complete, but they found that the Articles regarding form-based zoning and the Regional Employment Center (REC) were complicated and cumbersome to apply. He asked a local design firm to test various sites using the form-base, and it did not work. They were still trying to simplify it, but they wanted to move forward because there were people who were waiting to build in the community and the codes were not in place. They wanted to bring the Zoning Ordinance forward, but they thought that the REC should be done after they completed an M-59 corridor study, which was scheduled for next year. That would help them define space, height, bulk and other arrangements. They wanted the form-base completed for the Rochester

Road corridor in case some projects such as Bordine's came forward. He thought that the new Ordinance was considerably different than what the Commissioners were used to. They would go over some of the changes, continue the discussion at the next meeting, and have a Public Hearing on December 16th.

Mr. Delacourt summarized that the Ordinance had been reviewed throughout by the Technical Committee, which was made up of City Council, Planning Commission, and Zoning Board of Appeals members, staff and McKenna Associates, Inc. He stated that 80% of the Ordinance did what it always had. The major changes were the new districts, including the Estate Zoning districts for parcels over an acre. There were new Flexible Business districts, but that Article was still being discussed, as Mr. Anzek mentioned. The biggest process changes dealt with the Site Plan review. It formalized the approval and allowed for a two-step approval. Someone could still go through a one-step approval if they wanted to do complete plans up front.

Mr. Anzek recalled that there were requests by applicants to go in front of the Planning Commission to discuss projects prior to going through the high cost of doing extensive engineering. They wanted to know that there would be support for their project, and applicants would be able to come in front of the Commission with a conceptual plan. He had heard from several Commissioners that they felt they could do a better job if they could have seen the project more at the beginning. It was difficult to suggest changes when so much of the work was completed. This process would give the opportunity to raise questions about buffering, movement on the site or other issues.

Mr. Delacourt continued that the site plan review process defined what was allowed in an administrative approval and incorporated a sketch plan approval for minor modifications. It included a table showing what was required for each process. He referred to Article 4, Chapter 3, and said that uses were no longer identified in each zoning district, but were put into one table. There was a chapter for exterior lighting added. There was a chapter on sustainable energy. The parking section was revamped to more easily allow redevelopment of parcels, anticipated for the industrial and office districts. There were standards for banked parking included, and tables and percentages for shared parking. Landscaping had been updated. The REC would not be brought forward yet, but they would modify the PUD section to include a clause about using PUDs to meet the goals and objectives of the REC as identified in the Master Plan. He advised that there had been flexibility written into the Light Industrial

district as it related to front yard setbacks. He asked that the Commissioners send him any suggestions in writing so he would have it well in advance of the Public Hearing. He added that along with the re-write to the Ordinance, there would be zoning map amendments. Staff was evaluating what properties might have zoning changes, and the map would be adopted along with the Zoning Ordinance. He did not feel the map would be ready by the Public Hearing in December, however.

Mr. Anzek said it was obvious that if something was currently zoned commercial and the Master Plan called for it to be office and they rezoned it office, that it would create a nonconforming, pre-existing situation. They were trying to sort that out. He and Mr. Delacourt met with Mr. Staran, and had a very good discussion about Michigan's law and what would happen if a parcel were down-zoned. He asked if it would be a taking if someone enjoyed commercial zoning and the parcel became residential or office, and Mr. Staran assured that under Michigan law it was not. A person just had to be entitled to reasonable use of the property. In Florida, it was the opposite. If a parcel was zoned, it was vested, and a city could be sued for taking. There were some sites he felt the City should initiate a rezoning. Someone might complain, but if they did not have any plans, they did not have a vested right. He mentioned the asphalt plant on Avon Industrial Drive. It was the only I-2, Heavy Industrial activity in the City. The new Zoning Ordinance eliminated I-2 and just had a district called Industrial. He asked if that should be rezoned, because if they left it as I-2, there was no I-2 basis to do anything. That was something they were also sorting out.

Mr. Schroeder asked if green building was being incorporated. Mr. Delacourt said that the LEED program was more of a building code. The Master Plan had language that asked developers to consider the LEED program and green building. There were sections in the Ordinance that talked about utilization, but there was nothing that required it.

Mr. Schroeder asked if they were going to incorporate a Master Right-of-Way Plan. Mr. Anzek said it would be done as part of the Master Thoroughfare Plan. Mr. Schroeder said that the Commission had modified buffer requirements and allowed an applicant to put in a green wall. The applicants were told that if it became necessary, they might have to put in a regular wall in the future, but there was not a formal process for that in the Ordinance. Mr. Delacourt believed that the new landscaping section defined the buffering requirements with more flexibility, but he said he would look at it again.

Mr. Schroeder referred to sidewalks and bikepaths, which had been waived for an applicant until they were needed in the future. He thought that should be formally covered or the City would never get them.

Ms. Brnabic asked if the zoning map would be adopted after the Ordinance. Mr. Delacourt said they had to go hand in hand. He indicated that there might have to be multiple Public Hearings for different components, but he was sure that the Ordinance could be not adopted without the map. Ms. Brnabic recalled that there were some residential areas rezoned; for example off of Livernois, they went from an R-4 to an R-3. Mr. Delacourt said that the Master Plan did not change the designation - it identified the density within certain neighborhoods. Staff was not proposing to rezone whole neighborhoods because of the non-conformance it would cause for the existing homeowners. Mr. Anzek said that the only whole residential areas they were looking at were R-1 areas going to Estate. Mr. Delacourt said that Ms. Brnabic was talking about the area around Hazelton, where the parcels were zoned R-4 but the existing parcel sizes were more like a half-acre or three-quarters of an acre. Ms. Brnabic said that they discussed doing that to protect the integrity of the area because they saw what was being built. It might have been zoned R-4, but it was not built based upon that zoning. She asked what purpose it would serve to keep it zoned R-3 on the Master Plan and R-4 in the Zoning Ordinance. She did not believe there was a developer who would volunteer to build according to the Master Plan. Mr. Delacourt said that the Master Plan did not recommend R-3 or R-4; it said that the existing area was developed at three or four units per acre. Those identifications were not recommended zoning districts. There was some concern about redeveloping those areas as R-4, but the Master Plan did not recommend rezoning those areas to R-3. Ms. Brnabic said that there had been many discussions over the years about the fact that the areas probably should have been rezoned to coincide with how they were developed. Mr. Anzek suggested that at the next meeting, they could discuss it further.

Mr. Dettloff asked about Mr. Breuckman's comment about the Ordinance being user-friendly. He wondered if Mr. Breuckman was referring to the language changes so that if someone came in to do a project it painted a clearer picture and if some of the gray areas had been left out.

Mr. Anzek said that the City had wrestled with the current Zoning Ordinance for a long time. The Code Enforcement officers and the Building Department also had. Unfortunately, to make something clearer, it took more words, and the document was much thicker. He felt

that there was much less legalese, and it was more in layman's terms. He thought it would be easier to apply. He said he had been involved with about 12 Zoning Ordinances in his career, and if history had any lessons, they would be back in six to nine months with revisions because of something they did not anticipate.

Mr. Hooper asked if there could be a chart showing what activity required a Public Hearing. He asked about eliminating side yards for people redeveloping in Olde Towne (C-1, Commercial Improvement district). Mr. Delacourt said that B-2 (what was used to redevelop C-1) already allowed zero interior side yard setbacks. Mr. Hooper wondered if it could be loosened up somewhat to help the redevelopment of Olde Towne. He asked if they could add language for protecting the natural features setback area, such as requiring a rock wall (physical boundary). Mr. Anzek agreed that those worked better than other boundaries they had used. Mr. Hooper noticed that parking space widths went to nine feet. They had already dropped it to 10 by 18 feet and now it was 9 by 18. Mr. Anzek believed they were focusing that size for employee intensive areas in the industrial areas. They were running into problems when the manufacturing parks changed to R&D, and they thought it might work in those areas. They would still keep visitor spaces at 10 by 18. Mr. Hooper did not see a separate category, and only saw 9 by 18 spaces as the standard. He suggested that they might need another table. He noted that the Commission encouraged the use of green buffering, and he went over the table in the Ordinance, but he did not really see that, and he asked if Ms. Dinkins (City's Landscape Architect) had come up with the description for buffering. Mr. Delacourt said it was Ms. Dinkins and Mr. Breuckman. Mr. Hooper said he would like something in the Ordinance to make buffering easier to interpret.

Mr. Dettloff asked when Mr. Anzek would anticipate the Ordinance being adopted. Mr. Anzek thought there would have to be several meetings with Council also, and he hoped it would be late February or early March.

This matter was Discussed

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

The Chair reminded the Commissioners that the next Regular Meeting was scheduled for December 2, 2008.

ADJOURNMENT

Hearing no further business to come before the Commission, and upon motion by Mr. Schroeder, the Chair adjourned the Regular Meeting at 9:50 p.m., Michigan time.

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William F. Boswell, Chairperson
Rochester Hills Planning Commission

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Maureen Gentry, Recording Secretary