



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, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, November 18, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

Quorum present.

Also present: Sara Roediger, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2014-0493](#) October 14, 2014 Special Meeting

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

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

[2014-0485](#) October 21, 2014 Regular Meeting

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

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

COMMUNICATIONS

- A) *Letter from Ed Anzek, dated November 13, 2014 re: Used Car Operation*
- B) *Memo from Ed Anzek, dated November 18, 2014 re: Next Oil and Gas Meeting*

NEW BUSINESS

2013-0360

Public Hearing and request for Rezoning Recommendation - City File No. 03-016.3 - an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to rezone one parcel of land totaling approximately 1.35 acres, known as Parcel No. 15-34-352-013, located at 800 South Boulevard, east of Livernois from R-2 (One-Family Residential) to R-2 (One Family Residential) with an FB-1 (Flexible Business) Overlay and to prescribe penalties for the violation thereof, AGE of Rochester Hills, Inc., Applicant

(Reference: Staff Report prepared by Sara Roediger, dated November 18, 2014 and EIS had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Chuck SeKrenes, AGE of Rochester Hills, 1245 E. Grand Blanc Rd., Grand Blanc, MI 48439.

Ms. Roediger stated that the Rezoning request was for 880 South Blvd., which was located on the north side of South Blvd., east of Livernois. The parcel was 1.36 acres. The applicant intended to construct a senior living facility on the subject site, and also on the site immediately to the west. She recalled that the applicants were before the Planning Commission about a year ago to ask for a Rezoning for the property to the west to allow the FB-1, Flexible Business Overlay district. Since that time, they had submitted Site Plans to the City. Through Staff reviews, it was determined that the site would better function with a little more land. There was not enough room for all the required storm water, open space and internal circulation and as a result, the applicant was seeking additional property. The property they were looking at was not included in the Flex Business Overlay district, however.

Ms. Roediger showed a brief presentation, and pointed out that a lot of the surrounding properties were zoned for residential except for the Flex Overlay districts going west to Livernois. The future land use map did show the subject parcel to be residential, and it called for Flex Business around the intersection at Livernois and South Blvd. She noted that the

FB-1 district was an overlay; it did not replace the underlying zoning of R-2. FB-1 would allow office, residential, education and institutional to provide redevelopment options. She concluded that she would be happy to answer any questions.

Mr. SeKrenes said that he had been dealing with Ms. Roediger for quite awhile with the site plans for 920 South Blvd., trying to make a design work. As Ms. Roediger mentioned, they needed a little more space based on the City's Ordinances for Fire Department access and to have more green space. He commented that everything happened for a reason. They had tried to fit everything on the site over the past year, but they could not fit their product on the one parcel they owned. They approached the owner of 880 South Blvd., who was open to selling her property. If they could get the FB-1 zoning extended, it would give them the ability to put their building a little more to the east, bring the drive around the back and have a second access for the Fire Department and other facility vehicles. It would allow for more walking areas and a courtyard for the residents. Regarding detention, there was a high water table, and it was not feasible to put a system in the ground. With additional property, they could have an open, more natural looking system. He hoped they could continue with Staff to make it work. A year ago, they said they would build a senior facility and not do anything else with the property, and that was still their intention.

Mr. Schroeder asked if the development would be landscaped with trees on the east side. Mr. SeKrenes replied that their new design would come within 15 feet of the existing home. The rest would be used for detention (behind the house) and a drive down the east side of the property for emergency and other medical vehicles. The parking lot was being changed in the back so the headlights faced their buildings, not the residents to the north. Behind the detention, one of the buildings would have a fenced in courtyard, gazebo and walking path. They talked about putting in a small putting green to give the residents something to do. 75% of the parcel would be used for green space. Mr. Schroeder clarified that there would be a landscape buffer on the east and north property lines for privacy, and Mr. SeKrenes agreed that they would either meet or exceed the requirements. Mr. Schroeder realized that they could not tie a Site Plan to a Rezoning, but he just wanted to be assured that there would be buffering for the residents.

Mr. Hetrick, asked what, if any, conversation there had been with the surrounding neighbors with regards to the proposed facility.

Mr. SeKrenes advised that Mr. Kenny, who was the applicant present last year, had approached the neighbors previously, and there were no objections. He went out again, and they had not heard any objections from the neighbors. The seller of 880 South Blvd. said that the neighbor to the east was an older fellow, and he asked if AGE wanted to buy his piece also. They were not interested, however. Mr. Hetrick said that it appeared that the neighbors saw what the applicants were attempting to do as an enhancement.

Mr. Reece acknowledged that they were not supposed to talk about a proposed development, but he wondered what the applicant had done to try to make the proposed building fit on the site as it was. He questioned whether the Commission would be setting a precedent for people who wanted to develop but did not have enough room and then wanted to buy another piece of property and ask for the zoning to be changed. He realized it was an overlay, but if he were a nearby resident, he would be concerned about that kind of discussion.

Ms. Roediger responded that when Staff looked at the Master Plan for the area, they looked at how land was redeveloping. They felt that the proposed use was reasonable for the area. When there would be individual driveways on major collector streets such as South Blvd., it was not the most attractive place for single-family homes. They would be able to keep the current zoning and still allow for some other options that were compatible with residential neighborhoods on major streets near a busy intersection. She understood Mr. Reece's concerns, but she said that Staff felt that the request made sense.

Mr. Reece asked what other uses could go in FB-1. He observed that there was always the possibility that tomorrow the world could change and the applicant could go away. Ms. Roediger agreed. She said that if that happened, a lot of the same uses would be permitted as in a residential district, which included single-family homes, state licensed homes, day care facilities, places of education and places of worship. The additional uses included with FB-1 were senior living facilities and office uses. A restaurant could be permitted with a Conditional Land Use approval from the Planning Commission and City Council.

Mr. Reece noted that one of the tests for a Rezoning was the impact it would have on the development. He asked if they looked at downscaling to meet the size of the property they originally purchased. Mr. SeKrenes

said that they did look at downsizing, but it was not feasible dollar wise. They kind of got "caught" with the second access requirement. They had built in Clio, Fenton, Swartz Creek and Clarkston, and they all required only a single access. Rochester Hills required a second access, and that was a big hindrance as to how they could make it all work. In some of their other locations, the drives and parking were in the front of the building, but Rochester Hills wanted it behind. They had to have so much room for the fire lane and no parking in that area.

Mr. Reece said that those requirements did not change; they were always part of the review. Mr. SeKrenes thought that they would be able to use the same design in Rochester Hills that they used in their other locations. The detention they used previously was underground, but now they had to go to a sealed tank system, and it was not feasible from a financial perspective. Ms. Roediger had suggested going to two stories, but that was not the model they wanted to use. It would look more like a commercial building, and they wanted a more residential looking facility, which they felt would fit better in the neighborhood. They were trying to have that "homey" feel for people to bring their parents, not be just another senior facility.

Mr. Kaltsounis asked Ms. Roediger how easy it would be for the City to undo what they possibly did today. Ms. Roediger advised that the City could change the zoning back in the future - as a City-initiated Rezoning. Mr. Kaltsounis asked if Staff planned to bring a revised Site Plan to the Planning Commission, or if it would be handled administratively. Ms. Roediger confirmed that it would definitely come before the Planning Commission.

Mr. Kaltsounis said that when reviewing the Rezoning request and looking at the surrounding area, he would probably say no. They would be starting to stretch the proposed zoning too far from the corner. He reiterated that the Planning Commission could not consider a Site Plan or what could go on the subject parcel, but he wondered what their safety net would be if they did not eventually see a business case. Ms. Roediger related that the City would have the right to initiate a Rezoning.

Mr. SeKrenes mentioned that they were all set to start construction. Their bank wanted them to close on the loan this year, and they were trying

hard, if everything was approved, to start by February 1st. They would be back before the Planning Commission as soon as possible with the Site Plan.

Mr. Kaltsounis indicated that there was a risk for the City. Mr. SeKrenes remembered that it had been brought up at the last Rezoning request. The applicants could say what they wished to do but then if they did not end up doing it, people questioned what could be built instead. He noted that they could have walked away and sold the property, but that was not what they wanted. They felt that Rochester Hills needed what they offered, and that was why they wanted to bring their product to Rochester Hills. They realized that all the big boys were in town. Even in Grand Blanc, where he lived, there was a 200-bed hospital going in the next year, but they still felt that they did not have to be as big. He reiterated that they would give people that "homey" feel.

Chairperson Boswell opened the Public Hearing at 7:20 p.m.

Debora Lungo, 850 South Boulevard, Rochester Hills, MI 48307 Ms. Lungo said that she lived a couple of lots down from the subject parcel. She observed that when the senior facility went in, they would be one of the two last homes in that block. She wondered what would happen if the applicants needed to expand further. She thought it would look ridiculous to someone who might wish to purchase her house if there was a senior facility nearby.

Mr. SeKrenes answered that when they looked to build a facility, and they were not a big box institution like a hospital, they looked for condos and residential areas to put a facility. He maintained that they were not looking to expand any further. He said that he could guarantee 99.9% that they would not be back asking for any further expansion. Ms. Lungo pointed out that there was a senior facility on the south side of South Blvd. Mr. SeKrenes said that it would look nothing like that - it would look more residential. Ms. Lungo said that the same thing happened across the street. At first, they had half of what they currently had, and they expanded because they got much busier. Mr. SeKrenes assured that they would not be expanding. Ms. Lungo also had a concern with noise. There were ambulances going to the facility (Heartland) across the street non-stop. Mr. SeKrenes said that there would be ambulances at medical

facilities no matter where someone lived. They would even be in subdivisions. He explained that none of the residents of his facility drove. The only people who drove were the employees. They did a traffic study for the facility in Grand Blanc, and traffic was 85% less in their facility than in a nursing home or at other facilities. Ms. Lungo asked if the proposed facility would be enclosed and private. She asked if there would be a brick wall around it. Mr. SeKrenes said that they would do whatever the City required for privacy between the residential and their facility. Ms. Lungo asked if she could find out exactly what the building would look like. Mr. SeKrenes said that Ms. Lungo would be able to see the Site Plan when it came before the Planning Commission. Mr. SeKrenes said that the building would only go about 25 feet onto the piece they wanted to purchase. The rest would be for a drive, detention, landscaped areas and open space. Ms. Lungo said that as long as it did not look really commercial or affect the value of her home, she thought it might be o.k. Mr. SeKrenes said they felt that it was not a commercial or institutional style building. It was more residential, with a shingled roof, bay windows for the bedrooms and the drive a parking in the back.

Chairperson Boswell closed the Public Hearing at 7:26 p.m.

Mr. Hooper asked what the buffer requirement was between FB-1 and residential. Ms. Roediger said that she would have to confirm, but she knew that in the initial Site Plan review, they talked about having a solid landscape screen for the east and north property lines. Mr. Hooper clarified that it would be at least a six-foot, obscuring screen with 15-foot tall deciduous trees.

Mr. Hooper asked the applicant if he had explored purchasing the Moose Lodge property to the west.

Mr. SeKrenes said that they did, but they had no luck. They looked into buying their building and land, but it was out of the question. The Moose Lodge said they would give them access if they paid for the Lodge's parking lot. If he paved their parking lot, it would increase the detention, and there would be no where to put the water. The Lodge would allow them to have a gate for Fire access, but they would not control who parked in front of the gate when they had parties. Mr. Cooke of the Fire Department was not happy about that.

Mr. Hooper noted that the lot was gravel now, and it was used for overflow parking. Mr. SeKrenes agreed, and he said that the Lodge wanted the applicants to create another 20 spaces, which they could not do.

Hearing no further discussion, Mr. Schroeder moved the following, seconded by Mr. Hetrick:

MOTION by Schroeder, seconded by Hetrick, in the matter of City File No. 13-016.3 (880 W. South Blvd. Rezoning) the Planning Commission **recommends approval** to City Council of the proposed rezoning of parcel no. 15-34-352-013 to add an FB-1, Flexible Business Overlay District in addition to the R-2 One Family Residential underlying zoning district, which will remain, with the following three (3) findings.

Findings for Approval

1. *FB-1 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan.*
2. *Approval of the proposed rezoning will allow for uses that are consistent and compatible with existing uses to the west and south.*
3. *The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.*

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Schroeder and Yukon

Nay 1 - Reece

Chairperson Boswell stated that the motion had passed 8-1. He remarked that the Planning Commission expected to see Mr. SeKrenes back soon.

ANY OTHER BUSINESS

Chairperson Boswell brought up securing a date for the next meeting for the oil and gas matter. The Commissioners had been asked their availability for January 6 and 13, and it was determined that the 13th was

the better date. Chairperson Boswell noted that Mr. Staran and some people from the MDEQ would be in attendance.

Mr. Reece clarified that the purpose of the meeting was to have MDEQ present for a discussion only, and Chairperson Boswell did not believe that they would be ready to recommend any Ordinances.

Ms. Roediger reminded that if anyone had questions in the interim, they were encouraged to get them to Staff beforehand so the right professionals from the MDEQ could be there to answer any questions. Mr. Reece felt that it was important to be clear that the intent of the meeting was to have a discussion with the MDEQ. He did not want anyone's expectations falsely set. Chairperson Boswell stated that was correct; the meeting would be purely for discussion purposes.

Mr. Kaltsounis wondered if the request for questions could be put into the meeting notice. Chairperson Boswell said that it would not be a Public Hearing, but it would be on the website, and all the people who wished to be notified or who spoke at a previous meeting would be notified. Mr. Reece felt that it would be best to request that questions be submitted soon to better serve the public with answers from the MDEQ. Mr. Kaltsounis agreed that the more time the MDEQ had to prepare, the better the study session they could have. Mr. Hetrick said that it was incumbent upon Staff to get the message out that if someone had a question, it should be sent in so that it could be submitted to the MDEQ. Otherwise, people could show up at the meeting with questions that might need a different expertise.

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for December 16, 2014.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Kaltsounis, seconded by Mr. Hetrick, Chairperson Boswell adjourned the Regular Meeting at 7:35 p.m.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary

