

Mayor Barnett responded that he will welcome City Attorney Staran's opinion on this and Council can consider the penalty options further.

President Hooper commented that he shares Ms. Morita's concern and would question why the infraction needs to be a misdemeanor as it should not be put into the same category as marijuana or alcohol. He noted that this item would be deferred to a future meeting.

Discussed.

2014-0325 Acceptance for First Reading - An Ordinance to Amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills to rezone approximately 77.7 acres of land, located east of John R, north of Hamlin, from R-4, One Family Residential to RMH, Manufactured Housing Park district, Six Star Investments, LLC and DNL Property Holding, LLC, Applicants

Attachments: [Agenda Summary.pdf](#)
[Rezoning Staff Report 081514.pdf](#)
[Rezoning Application.pdf](#)
[Map Aerial.pdf](#)
[Minutes PC 081914.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Ed Anzek, Director of Planning and Economic Development, explained that at its August 19th meeting, the Planning Commission heard a request to rezone 77.7 acres on School Road, previously known as the Six Star Landfill and B&B Landfill for a Manufactured Housing Development. He introduced Kenneth Frantz, representing Six Star Investments, LLC, the Applicant. He noted that approximately 80 individuals attended the Planning Commission meeting, with 16 individuals speaking to express their opposition to the request. He explained that the recommendation of the Administration and the Planning Commission is that the request be denied. He noted that the use is not supported by the Master Land Use Plan, would put an inordinate amount of traffic on School Road, and raises questions of the economic viability and feasibility of the development.

Mr. Frantz stated that he spent over an hour at the Planning Commission Meeting, and he would not repeat the entire presentation. He commented that it was discussed that manufactured housing has a negative image. He noted that it was suggested that a separate contract or arrangement, or conditional rezoning be developed to ensure that whatever is developed on the property would be a benefit and add to the city. He stated that the Planning Commission was under the belief that a separate agreement cannot be made due to the laws of the State which govern manufactured housing. He commented that this is not true, and conditional rezoning is a viable option. He suggested including conditions that the housing units located cannot be older than a certain age or smaller than a certain size, or only sectional homes will be permitted, in keeping with the architectural character of the neighborhood and meeting all building codes. He stated that this would be a positive thing for the city, cleaning up a landfill that closed 32 years ago and a brownfield property that has no other use. He commented that the owner of the property pays taxes every year; and his investigation suggests that there is no other use. He stated that every problem has an engineering solution, and the

manufactured housing density would allow a solution for the City, the neighborhood, and the surrounding community. He commented that while Mr. Anzek suggested a Planned Unit Development be proposed, it does not appear viable and feasible to him. He stated that this would be a development that the city would be proud of.

President Hooper stated that Council's consideration is that for a rezoning from R-4 to RMH, not a conditional rezoning.

Mr. Anzek responded that this is correct. He noted that the options that could be considered were reviewed with Mr. Frantz, and were rezoning, conditional rezoning, or Planned Unit Development.

Mr. Frantz stated that at the time, he did not have an appreciation for what conditional rezoning meant and how it could apply to the developer's plans. He commented that he was not aware of the limitations that are placed on the City with manufactured housing zoning. He pointed out that the City has preliminary site approval; however, the State then steps in and has more control than it would with other developments.

Public Comment:

Kathie Troshynski, 2138 London Bridge, stated that a mobile home park should not be permitted on a previous landfill where a methane gas explosion occurred on a nearby street. She commented that the property has been unlivable for 32 years for a good reason.

Lisa Winarski, 194 Bedlington, questioned why the item was offered to Council as a First Reading when the Planning Commission voted unanimously against the development. She commented that the owner should have known that this was a landfill when he purchased the property. She stated that nothing should be built on this brownfield due to the methane gas underneath.

President Hooper explained the rezoning process, noting that any property owner can request a rezoning. The rezoning request is considered at the Planning Commission during a Public Hearing, and a recommendation is provided to Council. He stated that the property owner has the right to appear before Council, regardless of the Planning Commission's recommendation. He noted that any rezoning issue is at a minimum a three-step process; first to the Planning Commission and then at least two meetings before Council with the first time being a First Reading.

Mr. Anzek noted that if the request is denied on Council's First Reading, it does not come back for a Second Reading.

Mr. Frantz noted that both public commenters mentioned methane gas; and he pointed out that the development would require the approval of the Michigan Department of Environmental Quality, with methane addressed in a much more vigorous fashion than it is currently. He explained that if the development proceeds, methane would be drawn out and sold to Landfill Energy Systems of Novi, Michigan. He noted that the remediation efforts would be guaranteed by a

bond. He pointed out that a similar development nearby is full, and the developer believes the project is economically viable.

Council Discussion:

President Hooper stated that he serves on the Planning Commission, and noted that the recommendation for denial was unanimous. He commented that he does not support this request as rezoning to RMH is not appropriate for the property or for the residents surrounding it. He stated that the City has a landfill legacy in Rochester Hills, and has a Brownfield Redevelopment Authority to try to find ways to redevelop the 660 acres of previous landfill properties in the city. He noted that the property owner has a huge hurdle and millions of dollars will be required to effectuate a clean property for a future development. He stated that while he wants to see something developed there to reduce the leachate runoff and methane gas, this is not the right vehicle to do so.

Mr. Wiggins commented that he does not see the development's merit from an economic standpoint. He noted that costs are unknown and it is not appropriate for the neighborhood.

A motion was made by Wiggins, seconded by Kochenderfer, that this matter be Denied by Resolution. The motion carried by the following vote:

Aye 6 - Hooper, Kochenderfer, Morita, Tisdell, Webber and Wiggins

Absent 1 - Brown

Enactment No: RES0201-2014

Resolved, that an Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Rezone two parcels of land totaling approximately 77 acres, located east of John R and north of Hamlin, Parcel Nos. 15-24-326-008 and 15-24-302-007 from R-4, One Family Residential to RMH, Manufactured Housing Park and to prescribe penalties for the violation thereof, is hereby denied for First Reading.

NEW BUSINESS

2013-0264 Request for Approval of a Final Planned Unit Development Agreement - Villas at Shadow Pines, a proposed 28-unit residential development on 9.8 acres located on the north side of South Boulevard, between Adams and Crooks, zoned R-4, One-Family Residential, Shadow Pines, LLC, Applicant