

the preliminary report? Mr. Delacourt responded no and reiterated the Commission is not evaluating whether the property meets the criteria for designation, only whether the designation will have an impact on the Land Use Plan.

MOTION by Schroeder, seconded by Brnabic, *Resolved*, that the Planning Commission has reviewed the Preliminary Report prepared by the Historic Districts Study Committee regarding the proposed designation of the Historic District known as 2040 S. Livernois Road and has determined that the proposed designation will not have an impact on the property with respect to the City's Master Land Use Plan.

A motion was made by Schroeder, seconded by Brnabic, that this matter be Accepted. The motion CARRIED by the following vote:

Aye 7 - Boswell, Brnabic, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

2010-0107 Request for review and recommendation of the Historic Districts Study Committee Report for 1585 S. Rochester Road, located on the east side of Rochester Road, north of Hamlin Road, as it relates to the City's Master Land Use Plan.

(Reference: Staff Report prepared by Derek Delacourt, dated January 11, 2010 had been placed on file and by reference became part of the record thereof.)

Mr. Delacourt commented the property is incorporated in an approved Planned Unit Development, City Place, a dense large-scale mixed use development consisting of office and residential, with a small amount of retail allowed in some of the Rochester Road facing buildings. The question before the Commission is the same as with the other properties, only this recommendation does have the ability to impact the Land Use Plan. Discussions have ensued between the applicant and City Council relative to a revised PUD, and as such, this designation does have an impact on documents relating to land use. If Council decides not to delist the district, a discussion regarding the future land use will occur and the PUD would still have to incorporate a designated property. Mr. Delacourt suggested the Commission may want to add a condition acknowledging they are aware the property is part of an approved PUD agreement. The preliminary report's recommendation is to delist the property as it no longer meets the criteria for designation. The PUD, if modified, would return to the Planning Commission for discussion and public hearing. Mr. Delacourt offered to answer any questions.

Chairperson Boswell indicated reference to the property being part of a PUD could be made as a finding or clarified within the motion itself.

Mr. Hetrick asked what happens if discussions break down and the PUD is not revised. Mr. Delacourt stated if Council determines to delist the property, an amendment to the existing PUD would have to be recorded indicating the delisting. This amendment would also have to indicate any future development on the property no longer requires approval of the Historic Districts Commission.

Mr. Reece asked for a synopsis of comments from last night's Council meeting wherein this issue was discussed. Mr. Hooper said the applicant is looking for the correct

vehicle to modify the agreement and change the mixture of development. The applicant proposed reducing the maximum height of the buildings to 3-story, changing the overall mix of uses, removing the minimums and maximums for the proposed number of residential units, requesting a change to FB1 zoning as part of the agreement rather than the current B-2 zoning, and any architectural changes will be reviewed and approved by the Planning Commission.

In response to Ms. Brnabic's question relative to zoning, Mr. Delacourt stated prior to the PUD, the property was zoned single family and master planned for mixed use. Another impetus for the use of a PUD is that the applicant wanted to discuss a mixed use development with the City in 2002, but that zoning district did not exist. The B2 rezoning took place to support the PUD.

Mr. Schroeder remembers a lawsuit relative to this property in the 1970's. Mr. Delacourt replied he is not aware of any lawsuit that prevented City Council from moving forward with the PUD agreement.

MOTION by Schroeder, seconded by Hetrick *Resolved*, that the Rochester Hills Planning Commission has reviewed a Preliminary Report regarding the proposed delisting of the property identified as 1585 S. Rochester Road, and has determined that the proposed delisting will have an impact on the property with respect to the City's Master Land Use Plan and the PUD dated May 5, 2004 that is in good standing and covers the property.

A motion was made by Schroeder, seconded by Hetrick, that this matter be Accepted. The motion CARRIED by the following vote:

Aye 7 - Boswell, Brnabic, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

ANY OTHER BUSINESS

Appointment of a Planning Commission Representative to replace E. Yukon on the CIP Policy Team for 2010. Chairperson Boswell explained Mr. Yukon is unable to serve on the CIP team this year and asked if any other Commissioner was interested. Mr. Hetrick indicated his interest in serving. By unanimous affirmation, Mr. Hetrick was appointed to the CIP Policy Team for 2010 replacing Mr. Yukon.

Recommendation of a Planning Commission Representative to the ZBA for a one year term to expire March 31, 2011. Chairperson Boswell indicated Ms. Brnabic is presently serving on this Board and wishes to continue in this capacity. By unanimous affirmation, Ms. Brnabic was recommended to serve as the Planning Commission Representative to the Zoning Board of Appeals for a one year term to expire March 31, 2011.

NEXT MEETING DATE

The Chair reminded Commissioners that the next regular meeting is scheduled for April 6, 2010.