



Rochester Hills

Minutes

City Council Work Session

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*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, April 4, 2007

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Rochester Hills City Council Work Session Meeting to order at 7:33 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Linda Raschke, James Rosen and Ravi Yalamanchi

Absent: Greg Hooper

Others Present:

*Bryan Barnett, Mayor (Entered at 10:45 p.m.)
Derek Delacourt, Deputy Director of Planning
Jane Leslie, City Clerk
John Staran, City Attorney*

Council Member Hooper provided previous notice he would be unable to attend and asked to be excused.

PLEDGE OF ALLEGIANCE

REVIEW OF AGENDA

Council members agreed to add under ANY OTHER BUSINESS Item 2007-0240 - Uniform Video Service Local Franchise Agreement with AT&T.

PUBLIC COMMENTS

Ms. Deanna Hilbert, 3234 Quail Ridge Circle, raised questions regarding the City's obligation to fund the ring road at the Grand Sakwa development. She indicated that it was Council's prerogative to determine from where that money would come, and that it appeared that other parties had made the decision. She further questioned whether the City would be paying the cost for the extension of water and sewer in addition to the costs for the ring road.

Ms. Melinda Hill, 1481 Mill Race, noted that \$25,000 was placed in the 2007 Budget to hire a consultant to review possible cost savings for the City's dispatch services. She questioned whether the administration has moved forward with this plan. She then questioned the Council's new meeting schedule, noting that it had originally been her impression that the alternating Work Session meetings would, in effect, replace the dissolved Communication Committees. She stated that it appears that, instead these Work Sessions are being used to review the items for the upcoming Regular meeting. She indicated that this has resulted in long Work Session meetings and short Regular meetings. She also noted that it increases the burden of those presenters who now must attend, at minimum, two Council meetings. She also expressed her concern that some interested parties may not watch or remain at the

Work Sessions if their item of interest does not appear until late in the evening. She asked that Council reevaluate this new system.

Mr. Steve McGarry, 2164 Clinton View, indicated that a non-resident of the City for whom Council member Holder works had written a letter to the Rochester Eccentric newspaper commenting in detail about the views of another concerned citizen.

President Rosen asked Mr. McGarry to refrain from personal attacks on Council members.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Rosen welcomed Rochester Hills Government Youth Council member Angie Jackson to the Council dais for the evening.

Ms. Holder responded to Mr. McGarry's comments noting that her employer is involved in the community and that she did not influence him to write the letter referenced.

Mr. Ambrozaitis noted that he had attended the Second Annual Steelhead Outing at Yates Park, and expressed his appreciation for those people in the community who work to protect the environment.

Mr. Duistermars, while noting that he was never under the impression that the Work Sessions would serve the purposes of the dissolved Communication Committees, agreed with Ms. Hill that there is no need for applicants to appear twice before Council, especially if they have already appeared before other boards or commissions. He stressed that those items should go directly to a regular Council meeting.

Ms. Raschke agreed, citing the thoroughness of the Planning Commission in particular.

Ms. Angie Jackson, Representative of the Rochester Hills Government Youth Council, thanked City Council for the opportunity to join them for the meeting. She then described the current efforts of the RHGYC, including a school supply drive and voter registration drive.

President Rosen noted that there are some items that will appear at the next regular Council meeting that did not appear at this Work Session, such as some site plan approvals.

PUBLIC HEARING

2007-0027

Request for Wetland Use Permit - City File No. 04-037 - Oakville Estates, located east of John R, north of School, to construct a 6-foot wide by 12-foot long boardwalk over a wetland at the northeast corner of the property over Wetland A to the natural open space area, affecting Parcel Nos. 15-24-100-028 and -038

Attachments: Agenda Summary.pdf; MDEQ Permit.pdf; WUP Notice.pdf; PC Minutes Re Oakville.pdf

Mr. Gregory Cueter of Metropolitan Property Management, Inc., 42850 Schoenherr Road, Sterling Heights, Applicant; and **Mr. John Gaber** of Williams, Williams, Ruby & Plunkett, PC, 380 North Old Woodward Avenue, Birmingham, Attorney for the applicant, were present to discuss the Oakville Estates and answer any questions posed by Council.

Mr. Cueter provided a brief history of the project, stressing the need for ranch-style condominiums in Rochester Hills. He indicated that over the past two and a half years

he had made every effort to address all concerns raised by the City administration, the Planning Commission, City Council and all interested residents.

Mr. Derek Delacourt, Deputy Director of Planning, explained the following with regard to the approval process for this development:

- The Wetland Use Permit is granted by the City Council in association with any approved development and requires a Public Hearing.
- The project received preliminary approval for the Preliminary PUD Process and Preliminary Site Plans from both the Planning Commission and City Council.
- The project has gone through Final Site Plan Review to address all outstanding concerns.
- The Planning Commission had recommended the Final PUD Agreement and Final Site Plan for approval by City Council.
- City Council has final approval of the PUD Agreement and the Final Site Plans.
- The final steps require approval of the following by City Council:
 - * Rezoning of the PUD overlay.
 - * PUD Agreement
 - * PUD Final Site Plans
 - * Wetland Use Permit

President Rosen **Opened the Public Hearing at 8:01 p.m.**

There being no Public Comment, President Rosen **Closed the Public Hearing at 8:02 p.m.**

Mr. Cueter, Mr. Gaber, Mr. Delacourt and **City Attorney John Staran** provided the following responses to questions raised by Council members:

- Changes from the original concept of the development:
 - * From 155 units to 122 units.
 - * From very little open space to including a park.
 - * From an average square footage per unit of approximately 1,450 to 1,650.
 - * From four- and six-unit buildings to duplexes and triplexes.
- Triplexes were included to provide some variety and flexibility within the price points.
- There are limited common areas to provide for decks.
- The Wetland Use Permit is sought to create a boardwalk that would provide protection to the wetland area.
- The exterior of the condominiums will be all brick up to the soffits.
- There will be some variety in building designs with some garages turned to the side.
- All units will have two-car garages.
- All units will meet Americans with Disabilities Act (ADA) requirements for residences, with individual owners given the opportunity to have ramp access if requested, and all sidewalks will have curb cuts.

- Phase 2 of the development will be fully landscaped during the development of Phase 1 for aesthetic purposes.

- When the economy begins to improve there will be a pent up need for these types of condominiums.

- It is estimated a model home will be built by mid-summer of 2008.

- Development of Phase 2 will begin once half of the units are sold in Phase 1.

Ms. Raschke agreed that there is a need for this type of development in Rochester Hills, and praised the developer for his efforts.

Mr. Ambrozaitis stated that the process to reach this point had been difficult and noted that Mr. Cueter had been patient. He also praised him for his efforts to protect the wetland.

Mr. Duistermars thanked Mr. Cueter for coming before Council and expressed his hope that it would be for the last time.

President Rosen acknowledged that, while Rochester Hills' approval process is "tough," he believes it serves a valuable purpose resulting in better developments and, in turn, greater profits for developers. He noted that these approvals would be brought back to Council at their next meeting.

Mr. Gaber explained that neither he nor Mr. Cueter would be available for the next week's meeting and requested that the items not be brought back to Council until their meeting on April 25th.

Mr. Delacourt indicated that City staff had advised the applicant that the issue would not appear before Council until that later meeting date.

President Rosen stated that the scheduling issue would be resolved.

Discussed

ADMINISTRATION

2007-0024 Request for Zoning Amendment - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to Rezone approximately 25.7 acres, located north of School Road and east of John R (Oakville Estates), from R-3, One Family Residential, to PUD, Planned Unit Development, known as Parcel Nos. 15-24-100-019, -018, -029, -028, -040, -037, -038, -009, and -010.

Attachments: Agenda Summary 2nd.pdf; Agenda Summary.pdf; Map.pdf; Staff Report.pdf; Site Plans.pdf; CC Minutes 071906.pdf; Ordinance.pdf; Resolution.pdf

Discussed under Agenda Item 2007-0027.

Discussed

2007-0023 Request for Approval - Final Planned Unit Development (PUD) - City File No. 04-037 - Oakville Estates PUD, 122 ranch condos on 25.7 acres, located east of John R, north of School Road, Parcel Nos. 15-24-100-037, -038, -009, -010, -040, -028, -019, -018, and -029

Attachments: Agenda Summary FPUD2.pdf; Agenda Summary.pdf; Final PUD Agreement.pdf; PC Minutes.pdf

Discussed under Agenda Item 2007-0027.

Discussed

2007-0022 Request for Final Site Plan Approval - City File No. 04-037 - Oakville Estates PUD

Attachments: Agenda Summary FSP2.pdf; Agenda Summary.pdf; Site Plans.pdf; PC Minutes.pdf

Discussed under Agenda Item 2007-0027.

Discussed

2006-0746 Request to extend the Historic Districts Study Committee review rights for 920 South Boulevard W. for an additional six (6) months

Attachments: Agenda Summary.pdf; 040407 Agenda Summary.pdf; CC Minutes 101806.pdf; HDSC Minutes 030807.pdf; 920 South Blvd Preliminary Report.pdf; Survey Sheets.pdf; 041107 Ltr Hildebrandt Trust.pdf; Architectural Review.pdf; Building Inspection.pdf; Letter Taubman 06

Mr. Derek Delacourt, Deputy Director of Planning, explained that Council had previously granted review rights to the Historic District Study Committee (HDSC) for this property and was now being asked to extend those rights for six months. He further noted that, if granted, the property would become a de facto historic site and, thus, be subject to the Historic District Commission (HDC) approval of any changes beyond routine maintenance. He indicated that the property is currently owned by a trust and purchase was recently sought for the purpose of building a daycare center on the site. Mr. Delacourt noted that a demolition permit had been requested for the site, which triggered the original request for review rights by the HDSC. In addition, he explained that a Use Variance had also been sought by the proposed developer, which was ultimately denied by the Zoning Board of Appeals (ZBA). He noted that the City had not been contacted by the trust to indicate whether they intend to continue to pursue development of the property.

Ms. Kristine Kidorf of Kidorf Preservation Consulting, 451 East Ferry Street, Detroit, had assisted the HDSC with their preliminary findings and was present to answer any questions.

Mr. Delacourt explained that submission of the Committee's findings to the State takes sixty days and then the State has sixty days to review it. He noted that he felt six months was appropriate to ensure that the research was complete, but assured Council the HDSC would return with a recommendation sooner if possible.

Mr. Yalamanchi indicated that he had no objection to extending the review rights, but asked that Council be kept informed of any communication from the property owner.

Mr. Duistermars expressed his belief that no property owner should be forced to participate in historic preservation if they do not care to. He considered this process a taking away of property rights.

Mr. Delacourt explained that neither the property owner nor the proposed developer had specifically indicated that they were opposed to historic designation of this property. In fact, he noted that the developer had discussed either demolishing the existing structure or using it as an adaptive reuse for the proposed daycare center.

Mr. Duistermars asked that the developer's plans be clarified, as he felt a request for a demolition permit made it clear they did not want to maintain the structure.

President Rosen noted that the developer might not want to reveal his plans at this time.

Mr. Delacourt reminded Council that the HDSC was merely seeking review rights at this time, not actual historic designation, and he assured Council that he would make every effort to contact the trust before this issue was brought back before Council.

Discussed

2007-0214

Request for Historic District Designation - Ferry Court (Wayside Park) located on the north side of Hamlin Road, west of John R Road and east of Rochester Road, consisting of Parcel Numbers 15-23-300-025, 15-23-300-026, 15-23-300-029, and 15-23-300-030, Zoned R-4 (One Family Residential).

Attachments: Agenda Summary.pdf; Ferry Court Final Report.pdf; PH Minutes 082103.pdf; HDC Minutes 060905.pdf; PH Minutes 062206.pdf; SHPO Letter 012003.pdf; PC Motion.pdf; Letter Ball 020807.pdf; Survey Sheets.pdf; Resolution.pdf

Mr. Derek Delacourt, Deputy Director of Planning, described the property as a proposed contiguous historic district consisting of three parcels on the north side of Hamlin Road, just east of Rochester Road commonly referred to as Ferry Court or Wayside Park, between the cemetery and the Bordines' property. He then noted the following regarding the process:

- The Historic District Study Committee's (HDSC) preliminary report was finalized in 2002.
- A public hearing was held as part of the process wherein the HDSC and the property owners discussed what type of future development would be permitted under designation.
- Following that discussion the HDSC chose to table the issue and not move forward its recommendation to allow the property owners the opportunity to meet with the Historic District Commission (HDC) to discuss acceptable redevelopment options.
- Various meetings were held to assist the property owners in understanding the advantages and disadvantages of historic designation.
- The HDSC determined that it was now time to bring their recommendation for Local Historic designation forward and held a second Public Hearing in conformance with the City's ordinance.

Ms. Linda Ball, 1083 North Livernois Road, spoke on behalf of herself and her husband Jim as the property owners of Ferry Court and stressed that they "strongly" oppose historic designation of their property. Ms. Ball displayed photos and described in detail the conditions of the structures on the property in question, noting that while they are currently used as rental units, the cost to maintain them has begun to exceed rental revenues. She noted that she and her husband had originally agreed, at the request of the City, to delay any redevelopment plans to await the completion of the updated Master Land Use Plan (MLUP). Following that delay, the issue of historic district designation was raised resulting in a second delay. She listed the following deficiencies with regard to the structures on the property:

- Extremely small buildings of 625 square feet.
- Bathrooms are located in the basement.

- *Head clearance is less than seven feet.*
- *Rooms are very small.*
- *Buildings were never designed for continued use.*
- *The structures are physically deteriorating.*
- *It is very difficult to attract "quality tenants."*

Ms. Ball stressed that they have invested thousands of dollars to maintain the properties and are unable to charge adequate rents to afford further necessary improvements. She further indicated that, with regard to the historic integrity of the structures, there have been many changes such as new siding. She stated that they have no desire to maintain these structures in their original form. She described the time and effort she and her husband have expended to reach a compromise with the HDC and HDSC, including fees for professional consultants to assist with a redevelopment plan that is now effectively obsolete. She indicated that, while they have been approached repeatedly by potential buyers, the "cloud of historic designation" has acted as a deterrent to any sale. Stressing that historic designation would likely be financially ruinous for her and her husband, Ms. Ball requested that Council either remove the property from historic consideration or deny this request for designation. She finally noted that they would consider a historic designation, in effect, a taking of their land.

President Rosen stressed that all parties concerned in this matter have been very cooperative.

Mr. Delacourt, City Attorney John Staran and Ms. Kristine Kidorf of Kidorf Preservation Consulting, 451 East Ferry Street, Detroit, appearing on behalf of the HDSC, provided the following responses to questions and concerns posed by City Council:

- *Historic designation does not prevent expansion or adaptive reuse of the property; nor does it dictate types of uses.*
- *Historic designation provides for an additional layer of approvals for any changes and in some cases provides added flexibility.*
- *There have been cases where designated properties have undergone extreme changes including large additions.*
- *There is no question that the structures are in disrepair.*
- *Part of the historic significance of the site is not just the appearance of the structures, but their grouping as well.*
- *This is a very early example of this type of building arrangement and is unique to Rochester Hills.*
- *There is a 25% State In Context Credit available to locally designated historic district properties providing a financial incentive to such property owners.*
- *If designated historic, the interior of the structures would not be regulated.*
- *It is possible that the original redevelopment plan could be approved by the HDC.*
- *While historic designation is not considered a taking of property, how it is applied has resulted in such legal claims.*

- *The HDC does not have the final say in designation issues and any decision can be appealed to the State Historic Preservation Office and, ultimately, Circuit Court.*
- *Following historic designation any property owner can petition City Council for de-listing of their property.*
- *The intent of the Historic Preservation Ordinance is to protect what is perceived to be a valuable asset to the City.*
- *The HDSC makes the recommendation for designation and works directly for the City Council by ordinance, and the designation process is not reviewed by the HDC.*
- *The HDSC's efforts have been in accordance with what the Council, by ordinance, has charged them to do on a continuing basis.*
- *Renovations and additions done reasonably and in accordance with standards can be approved.*
- *Historic designation does not mean that the structures must remain at their current sizes and interiors are not reviewed at all.*
- *The City's HDC does not provide funding for maintenance of designated properties.*
- *The site as it currently exists is non-conforming for any type of zoning district based on dimension, use, parcel, etc.*
- *Historic designation would provide flexibility for Council when considering redevelopment plans.*
- *In the case of State tax credits, the person who incurs the cost gets the credit and they can only be applied towards rehabilitation, not additions.*
- *The property must be retained for at least five years to take advantage of the tax credits.*
- *The reviewed redevelopment of the property that would ensure the integrity of the property is of value to the City.*

Ms. Ball stressed for Council that State credits require that property owners expend dollars to gain these credits. She noted that these credits are more geared toward homeowners interested in preserving a "labor of love." She further noted that, while it may be permitted to expand the structures, the desire to maintain the integrity of the grouping of the structures would likely preclude that possibility. She then stated that to pursue de-listing would represent further delays and more expenditures for expert and legal consulting fees.

Mr. Ambrozaitis, while noting that he supports historic preservation, indicated his belief that the property owner should have the right to decide whether they choose to engage in the process or not.

Ms. Raschke noted that, from a safety perspective, these properties are not sound, and agreed that property owners should not be involuntarily compelled to participate in historic preservation. She further questioned where the money for preservation would come from as the owners have expressed that they cannot afford such efforts.

Mr. Yalamanchi also noted his support for historic preservation but expressed his preference that market forces dictate the development or redevelopment of this site rather than a historic designation.

Mr. Duistermars stated that he felt historic designation of this property would, in effect, result in a taking of this land and would force the owners to act as "museum curators."

Ms. Holder noted that the City was likely to benefit more from new development at this site rather than through preservation of these structures.

PUBLIC COMMENT:

Mr. Paul Miller, 1021 Harding Avenue, while acknowledging that this is a difficult situation, stressed that historic preservation can add to the economy of a community. He noted that an individual's profit margin should not necessarily "trump" the interest of other residents of a community. He further indicated that historic preservation is an important aspect of the culture of Rochester Hills.

Ms. Melinda Hill, 1481 Mill Race, noted that she was present not only as a representative of the HDC, but also as an interested resident. She cited areas of the Country, such as New York and San Francisco, where smaller living spaces fetch top dollar in rental rates. She encouraged creative thinking in terms of redevelopment and stressed that she saw a great deal of potential in this site. She stated that this type of redevelopment brings economic benefit to a community through the creation of jobs and increased tourism. She then noted that the Supreme Court has agreed that preservation does not require the agreement of property owners. She indicated that the HDC is no different from other boards, such as the Planning Commission or the Zoning Board of Appeals, from which property owners must gain approvals.

Mr. John Dziurman, 160 Oaklane, member of both the HDC and HDSC, stressed the importance of historic preservation, noting that it is Council's responsibility to protect the heritage of the community. He indicated that the property value of historically designated properties is 20% to 30% higher than non-designated properties. He stated that this is one of the most significant properties in our community.

Dr. Richard Stamps, 2900 Heidelberg, member of the HDSC, stressed that this is a unique property in Rochester Hills, and one of only two in southeast Michigan. He stated, "We have a responsibility to preserve a cross section of our history." He indicated that the HDC would be willing to consider additions and expansion to these structures.

COUNCIL DISCUSSION:

Mr. Duistermars stressed that Rochester Hills cannot be compared to New York or San Francisco and that these properties do not represent customary living quarters for this area, thus making them unmarketable. He noted that it is also the responsibility of Council to protect the property rights of residents. He did not support forcing these property owners to take on the financial burden of preserving these properties.

Ms. Ball stressed that this property was never purchased with the intent to preserve the historic integrity of the structures. She reminded Council of the location of this property and the surrounding uses that would likely preclude an increase in value following historic designation.

Ms. Hill requested that the HDSC be permitted to make a formal presentation to the Council prior to them making a final decision in this matter.

Mr. Delacourt further requested that any presentation not be scheduled until after the HDSC's next meeting scheduled for April 12th.

President Rosen noted that he had not intended to bring this item back for final consideration immediately, but rather wished to afford Council members some to visit the site. He agreed that a formal presentation by the HDSC would be appropriate,

noting it would be scheduled for a Regular Council meeting wherein Council could make their final decision following the formal presentation.

Discussed

(Recess 10:03 p.m. - 10:14 p.m.)

2006-0956

Request for Revised Conditional Land Use - City File No. 93-352.2 - Han-Bit Korean Christian Reformed Church addition, a proposed 3,178 square foot addition to the existing 7,600 square foot church, located on Livernois, north of Hamlin, Zoned R-4, One Family Residential, Parcel No. 15-22-351-012

Attachments: Agenda Summary.pdf; Map.pdf; Staff Report 022007.pdf; Site Plans.pdf; Resolution.pdf

Mr. Derek Delacourt, Deputy Director of Planning, explained that the Han-Bit Korean Christian Reformed Church was seeking approval of a Revised Conditional Land Use (CLU) for an addition of 3,178 square feet. He noted that the matter had gone before the Planning Commission where the Site Plan, Tree Removal Permit and Buffer Modification had all been approved and approval of the Revised CLU was recommended.

Mr. Yalamanchi questioned why the Church sought a CLU in 1994.

Mr. Delacourt explained that under the City's ordinance, all churches require this CLU approval, and any substantial expansion or addition requires a revision of the CLU.

Mr. Ambrozaitis questioned whether the Church's neighbors expressed concern about this expansion and whether the wooden fence should be included in the project.

Mr. Delacourt noted that several neighboring residents had expressed concern resulting in the Planning Commission adjusting the proposed buffering. Additionally, he explained that the buffering was preferable to the original concept of a wooden fence, which would likely lead to maintenance problems in the future.

Mr. Jeffrey Huhta of Nowak & Fraus, 46777 Woodward Avenue, Pontiac, appearing on behalf of the applicant, noted that representatives of the Church had met with residents along the property line and resolved all of the issues raised.

President Rosen asked if parking would be adequate at the Church.

Mr. Delacourt noted that the additional parking to result from this expansion project would exceed current requirements.

Ms. Raschke was pleased that the applicant would be providing a Landscape Performance and Maintenance Guarantee for a period of two years.

President Rosen noted that this issue would return to Council for a final decision at the next Regular meeting.

Discussed

2006-0791

Request for Zoning Amendment - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances, of the City of Rochester Hills, Oakland County, Michigan, to Rezone four parcels of land at the northeast corner of Crooks and South Boulevard, Parcel Nos. 15-33-351-008, -009, -018, and part of -019 from R-4, One Family Residential to O-1, Office Business.

Attachments: Agenda Summary A 2nd.pdf; Agenda Summary.pdf; Map.pdf; Application.pdf; Plans.pdf; Rev. Staff Report 030607.pdf; Ordinance.pdf; PC Minutes.pdf; Resolution.pdf

Mr. John Gaber of Williams, Williams, Ruby & Plunkett, PC, 380 North Old Woodward Avenue, Birmingham, Attorney for the applicant, described the rezoning request before Council noting the following:

- The property on the corner of Crooks and South Boulevard would be rezoned from R-4 Single Family Residential to O-1 Office Business for the purpose of constructing a bank.
- The property to the north would be rezoned from R-4 Single Family Residential to SP Special Purpose for the development of a senior housing facility.
- Surrounding uses included the following:
 - * Some vacant land
 - * RiteAid Pharmacy
 - * A strip mall
 - * Farmer Jack with a CVS drugstore
 - * Sonoco gas station
- Rezoning the corner to O-1 would be consistent with the recently revised Master Land Use Plan (MLUP), as it calls for a Business Flex 1 use that includes banks.
- As that intersection expands, traffic will increase making the corner inappropriate for residential development.
- The development will include gateway signage to be incorporated into the bank development using the City's Comprehensive Gateway Plan.
- The bank will be complementary to the other non-residential uses in the area.
- The 3.2-acre site just north of the corner site will provide space for a midsize senior living facility.
- The 1994 MLUP identified a need for senior housing and identified the corner in question specifically for that use.
- The 2007 MLUP identifies the area for mixed-use which permits senior housing.
- The Zoning Ordinance notes that SP zoning for senior housing is proper when there are close accessory uses such as shopping and other amenities as are provided in this case.
- Under SP zoning, senior housing is a conditional land use, which affords the City additional controls over development and buffering.
- Research has shown that the senior population in Rochester Hills is going to more than double between 2005 and 2030, resulting in continued demand for this type of housing.
- Current vacancy rates at existing senior housing facilities also point to an increased need.
- The Planning Commission was favorable to the rough design concept that showed the proposed bank at a 45-degree angle on the corner site.
- Planning the two developments simultaneously will provide for complementary architectural designs and materials as well as inner connectivity and shared utilities.

Mr. Gaber then provided a brief history of the process he and the applicant had followed up to this point noting that they had originally pursued a straight rezoning. The Planning Commission had questioned whether there was a demand for additional senior housing in this area and felt that the zoning would be too open ended. It was later suggested that Conditional Rezoning may be the appropriate approach for this development. He noted that it was agreed the applicant would return with a Conditional Rezoning proposal that would ensure that the design guidelines in the new MLUP would be applied to the corner parcel. He further explained that this approach would ensure that both sites would be planned together ensuring compatibility, consistency and connectivity. He stressed that the Conditional Rezoning of both sites was recommended for approval by the Planning Commission in an eight-to-one vote.

Mr. Joe Paluzzi, III, of Michigan Commercial Construction, 13400 Canal Road, Sterling Heights, representing the applicant, noted that he was pleased to be bringing the project to fruition. He assured Council that he had kept the neighbors of this development informed throughout the process and that there was no opposition to this project.

Mr. Derek Delacourt, Deputy Director of Planning, confirmed that the project does meet the intent of the new MLUP.

Mr. Paluzzi, Mr. Gaber, Mr. Delacourt and **City Attorney John Staran** provided the following responses to questions and concerns raised by City Council members:

- The Conditional Land Use review would enter the process during the Site Plan review process.
- Conditional Rezoning allows conditions offered by the applicant to be attached to a zoning change and is not designed to be flexible or lessen City standards.
- The rezoning process is the same for Conditional Rezoning as a rezoning except that specific conditions are applied.
- Unless there is a condition that limits the zoning to senior housing, another use is a possibility.
- The layout of the bank at a 45-degree angle creates a better "perception" from both curbs.
- All of the neighbors surrounding this site were approached in person by the developer to resolve any issues regarding setbacks, screenings, etc.
- Initial plans for the senior housing facility call for 60 to 80 units, with a mix of one- and two-bedroom apartments.
- It is believed that there is "incredible" demand for these types of rental units for seniors.
- The applicant will likely fund the project through conventional financing.
- The development of senior condominiums is not under consideration due to the current economy and because the land is more amenable to multi-story buildings.
- The height of the senior housing structure(s) will be dictated by the SP zoning, but can be no higher than three stories.
- Convalescent and nursing homes cannot exceed two stories without Planning Commission and City Council approval.

- *The developer has assured the neighbors that the building(s) will not exceed three stories.*
- *The Planning Commission will review the architecture and City Council will consider how height would impact surrounding uses.*
- *Actual building designs will be brought forward during the Site Plan approval process.*
- *Rather than specify a bank in the Conditional Rezoning, the Planning Commission preferred defining the dimensions and orientation of the building, thus eliminating the need several years in the future to reopen the zoning should the use change to something other than a bank.*
- *If the bank were to fail or close the only other office uses permitted would be professional medical office, daycare, funeral home or nursery school.*
- *A change in zoning would likely be necessary if the owner sought a change to the senior housing use for the Special Purpose-zoned site.*
- *Chase has committed to the bank project and has been involved in the development process since its start.*
- *It is intended that the architecture will be high quality and of a residential character rather than institutional.*
- *The senior facilities in the area with lower occupancy rates are typically the more expensive operations.*

PUBLIC COMMENT:

Ms. Melinda Hill, 1481 Mill Race, questioned how the wetlands on the corner property will be handled. She also cautioned Council to consider what the City would be gaining from the use of Conditional Rezoning. She stressed that the City should be receiving a development superior to what would be possible with a straight rezoning and she did not feel that this was the case with this proposed development. She urged Council to be sure the development was the best option for the future of this location.

COUNCIL DISCUSSION:

Mr. Delacourt noted that, while the Natural Features Inventory did rank this particular wetlands as a Tier 3, the City's ordinance does not regulate it regardless of the zoning. He further indicated that wetlands issues are dealt with during the Site Plan Approval process.

Mr. Paluzzi stressed that, due to the irregular shape of these two sites, the Planning Commission had preferred that these projects be developed contiguously.

Mr. Gaber noted the difference between Conditional Rezoning and the Planned Unit Development (PUD) process, indicating that in the case of PUDs the parties negotiate resulting in some "give and take." He explained that with Conditional Rezoning the developer proposes certain conditions to be attached to the new zoning, which is intended to provide a "level of comfort" to the City. He stressed that any rezoning requires that the City look to the future.

Mr. Yalamanchi requested that the developer incorporate attractive design standards for the buildings in this development.

Ms. Raschke noted that senior housing needs to be affordable.

Ms. Holder voiced her appreciation for developers who work with surrounding neighbors during the development of their projects.

Discussed

2006-0790

Request for Zoning Amendment - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Rezone six parcels of land totaling approximately 3.28 acres, located north of South Boulevard, east of Crooks, known as Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and a portion of -019, from R-4, (Crooks and South Boulevard Conditional Rezoning) One Family Residential to SP, Special Purpose.

Attachments: Agenda Summary B 2nd.pdf; Agenda Summary.pdf; Map.pdf; Site Layout.pdf; CR Agreement.pdf; Senior Housing Info.pdf; PC Minutes.pdf; Ordinance.pdf; Resolution.pdf

Discussed under Agenda Item 2006-0791.

Discussed

CITY COUNCIL

2007-0078

Discussion of City Council Mission Statement

Attachments: Agenda Summary.pdf; 040407 Agenda Summary.pdf; Excerpt Draft CC Minutes 013107.pdf; Current Mission Statement.pdf; Memo Scott 041107.pdf

President Rosen explained that he, Mr. Yalamanchi and Mr. Hooper had met to review Council's previous discussion on the matter of a mission statement and devised the proposed mission statement included in Council's meeting materials. He noted that once a mission is determined Council could move forward with discussions of their goals and objectives.

Due to the lateness of the hour, **Council Consensus** was to take time to consider the suggested mission statement and to discuss the matter and make a final decision at the next Council meeting.

Discussed

ANY OTHER BUSINESS

President Rosen asked his fellow Council members if they had any issues to discuss with regard to the Council's new meeting schedule.

Mr. Ambrozaitis noted that he felt Council should have had a budget meeting by this point in the year.

President Rosen indicated that that was part of the purpose of establishing the Mission Statement, so that Council could move forward with goals and objectives and, ultimately, the budget process.

Ms. Raschke stressed that there were only two main issues in the City that require attention, that being local roads and police funding. She reminded Council that there would be new Council members joining in the fall and it would be beneficial to address these two issues before that time.

Mr. Duistermars questioned where the administration was in terms of the budgeting process.

President Rosen noted that he would pursue the budget issue further.

Ms. Holder criticized a recent article in the Rochester Eccentric regarding Mr. Ambrozaitis, suggesting that it was "tabloid" in nature.

Mr. Ambrozaitis stated that he understood that this type of reporting was part of being on Council, noting that he takes these types of articles "with a grain of salt." He then suggested a more professional dress code for Council members on meeting nights.

President Rosen noted he would prefer that his fellow Council members use their own judgment in that matter.

2007-0240

Uniform Video Service Local Franchise Agreement with AT&T

Attachments: Agenda Summary.pdf

City Attorney John Staran explained the new State legislation involving AT&T cable service in the City. He stressed that he was not requesting any action on the part of Council at this time, but rather was providing an update of the situation. He noted the following:

- The new law provides for a standardized Franchise Agreement.
- Essentially the law provides for AT&T and similar cable providers to utilize the City's rights-of-way to provide cable alternatives to Comcast and WOW.
- There had not been enough time for any formal Work Shops.
- There are some technical deficiencies in AT&T's application.
- The City had fifteen days to deem the application incomplete.
- The City must approve the Franchise Agreement within thirty days of submission of a completed application.
- The thirty-day time frame will not begin until after the technical deficiencies are addressed.
- One or more communities may mount a challenge to this new statute.
- Existing franchise fees cannot be renewed or extended and the currently operating cable providers can elect to suspend their current franchise fees and switch to the new ones dictated by the new legislation.
- One local community is considering a lawsuit on the grounds that the new State law conflicts with their local ordinances.
- There are some significant legal issues relating to Federal law preemption and constitutional issues.
- The new State act caps franchise fees at five percent, but states that a community can charge AT&T the same amount as its largest existing cable provider.
- It is not clear whether the legislation means that, in effect, all existing franchise agreements are negated.
- AT&T will be fully credited for the Metro Act Fees that they otherwise would pay, which amounts to approximately \$100,000 to \$200,000.

- The PEG contribution is maximized at two percent; however, it cannot be increased if a municipality is not receiving two percent or more when the legislation was adopted.

- In the case of Rochester Hills, the PEG is set at one percent.

Mr. Staran stated that this State law is a serious encroachment on the City's constitutional authority over the control of its roads and rights-of-way.

Mayor Barnett noted that this issue exemplified some problems with City Council's new meeting schedule format in terms of meeting expected deadlines. He urged Council to take that into consideration when evaluating the new meeting schedule.

Discussed

NEXT MEETING DATE

Regular Meeting - Wednesday, April 11, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 11:51 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*MARGARET A. CASEY
Administrative Secretary
City Clerk's Office*

Approved as presented at the May 23, 2007 Regular City Council Meeting.