

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

Absent 1 - Klomp

DISCUSSION

2009-0393

Discuss proposal for northeast corner of Hamlin and Livernois; Signature Associates.

(Reference: Memo prepared by Derek Delacourt, dated October 16, 2009 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Chileshe Mulenga and Kathy Wilson, Associates, Signature Advisory Services, One Towne Square, #1200, Southfield, MI 48076 and Brian Iseler, 1921 S. Livernois, Rochester Hills, MI 48307-3369, owner of one of the parcels under discussion.

Mr. Delacourt recalled that several years ago, the Planning Commissioners looked at a request for a Rezoning to O-1 (Office) for the subject parcels, which was not supported by the Master Land Use Plan, and recommended denial. The matter did not progress further. Recently, Staff was approached with a request to again discuss the potential for O-1 zoning. He summarized that there had been changes to the economy, a change to the intersection at Hamlin and Livernois, and that the City had updated its Master Plan. Staff and the applicant felt there was merit to re-evaluate the matter, and the applicant wanted to get input from the Planning Commission. The applicants represented both property owners, and they were considering a Rezoning to O-1 from single-family residential. They submitted a basic Site Plan, although they did not have a user, to see if the parcels could be reasonably developed under the O-1 district. There would obviously have to be some issues worked out and a complete set of plans submitted.

Chairperson Boswell asked Mr. Delacourt to explain what the Master Plan showed for the parcels.

Mr. Delacourt replied that the Master Plan identified the parcels to be Single-Family Residential with a Mixed-Residential overlay, which would allow flexibility in the type of residential, including senior living and would allow several other uses.

Chairperson Boswell noted that the parcels were bordered on the north

and east by churches. Mr. Delacourt added that one of the parcels was currently developed with a single-family residence and the one directly on the corner was vacant.

Mr. Mulenga reviewed that they were proposing a change in zoning from R-3 to O-1. The Site Plan showed a maximum allowable building, if used as O-1, of about 28,000 square feet at three stories high. It would require 248 parking spaces. They overlaid the proposed roundabout at the corner of Hamlin and Livernois to show the impact on the property and intersection. He asked Mr. Iseler to speak about the roundabout's impact to his residential property.

Mr. Iseler noted that he lived just north of Hamlin on Livernois, and when the light turned red, he could now at least make a left turn. When the roundabout was added, he said there would be a constant flow of traffic, and it would be impossible for him to get out. He said he was not looking forward to the roundabout.

Mr. Mulenga proposed two means of ingress and egress for the site, which were pushed back as far as possible from the roundabout. That was due to the merging issues that would be attributable down both Hamlin and Livernois. If it stayed as a residential use, it would be a major issue to get in and out of the site. The traffic in the area would be increased with the roundabout. They felt that by changing the use, it would compliment some of the adjacent uses that were business-oriented and in close proximity to the corner. They felt a business use would be more appropriate for the corner. There had been a market shift nationally and locally, and the housing market had been dramatically changed. Housing was projected to drop by 15-25% by 2011. A business use would have a higher impact as far as the tax rolls, and they felt the use would also be synergistic with regards to some of the local institutions - Crittenton Hospital and Oakland University, for example. He asked if any Commissioners had feedback.

Chairperson Boswell asked Mr. Delacourt about the present occupancy rate for office in Rochester Hills. Mr. Delacourt said it was somewhat high, but overall it was about 8.5% for office and light industrial, which was much better than most communities (Oakland County average at the time was 14%).

Mr. Kaltsounis recalled when the matter was before them previously, and said the proposal was for a one or two-story office building and a day care center. It did not go over well at the time. He remembered that the corner

was brought up in the Master Plan review meetings, and they discussed it at length. They went back and forth about what should be on the corner(s), and what it should look like. They ended up with the Mixed-Residential overlay, where there could be fewer curb cuts and houses could be attached, to try to accommodate the challenges of the corner. He observed that if there was a residential development, 37% of the trees would have to be saved, but an office building would give the corner a completely different look. There was a potential to lose most of the trees, replacing them with pavement and underground retention and a three-story building, and that really concerned him. With all the work that went into the Master Plan, he did not think the corner was right for an office building, although he felt that the south corner might be different. Three stories was pushing it, and he did not think it would be compatible with the environment, and it would stick out like a sore thumb.

Mr. Schroeder wished to echo those sentiments. He noted that the Site Plan showed the property going into the Livernois right-of-way. He asked if the City had not acquired the right-of-way. Mr. Mulenga advised that a small amount had been acquired for the right-of-way.

Mr. Schroeder stated that a three-story building was not acceptable for the site. He did not think it was the right site for commercial. He noted that no detention was shown on the Plan. The applicant had commented that traffic would increase due to the roundabout, but Mr. Schroeder assured that a roundabout did not increase traffic. It might change the character, but it did not increase traffic. He stated that the driveway onto Hamlin Road would definitely be a right-turn only, which the applicant had no control over. The southwest corner would be a concern; they had the same situation. They had the same situation on the southeast corner, but he believed the City now owned that property. He did not think the site was proper for a Rezoning and a three-story building.

Mr. Mulenga offered that the Site Plan was only conceptual. It described the maximum allowed, and he stated that in no way, shape or form was it final or what would be built. Mr. Schroeder acknowledged that.

Ms. Brnabic asked the applicants if they were the same group that was before the Commission in 2005. Ms. Wilson agreed that she was with the former applicant, Talon Group, but said they went out of business. They still owned the property, and Signature was representing them and acting as consultant for the project.

Ms. Brnabic agreed that three stories was too much for the location. At

the previous Rezoning request, the applicants approached it two different ways - a straight Rezoning and a Conditional Rezoning. They were waiting for the update to the Master Plan, which had now occurred. It was left Single-Family Residential with an option for Mixed-Residential. She did not have a different view than she had previously, especially regarding three stories. They had discussed office and a day care mix. She did not think she could go along with O-1 as proposed.

Mr. Reece agreed with most of the sentiments expressed. He said that Mr. Kaltsounis had a good point about the number of trees that would be cut down for an office development. The three stories would be a deal killer, and he felt it was completely inappropriate for the site. He would also be concerned about the other corners and whether it would open it up to other Rezoning requests. If there was a creative approach to the site for an office use, he would be more inclined to consider it. He tended to agree that residential on that corner would be problematic. He did not think there would be too many people who wanted to build a single-family residence on that corner, particularly with the roundabout. It was his opinion that if the applicants came up with a more creative approach, it would be more palatable. If they came back with something that allowed an office use that still blended in with the character of the neighborhood that was not three-story, he would be more open to it.

Mr. Dettloff agreed with Mr. Reece's thoughts. He would be open-minded to a Rezoning because of the roundabout issue and the glut of housing in the marketplace. If the applicants came up with something creative, that was not three-story, he would be more open to hearing about it. From an economic development standpoint, something there would be better than nothing to support the City's tax base, but he would like to see something a little better than what was proposed.

Ms. Brnabic asked if the house that was currently on the parcel was occupied, and Mr. Iseler confirmed that he was the owner and that he lived there. Ms. Brnabic said that she was not totally shutting the door to something else. As far as residential, she realized it was not moving now, but as a long-time member of the community, she had seen homes built on busy roads all over. It was surprising, but it happened. She could not be sure a home would not eventually be built on the parcel, but she stated that she could keep an open mind regarding something else. She would not want to see a three-story development, and she shared the concerns about losing trees.

Mr. Hooper recalled that when the matter came before them previously,

he felt then that single family would not be appropriate for the corner. He noted that there were spirited discussions about the corner during the Master Land Use Plan meetings that ended with Mixed-Residential, but he was not sure that would work, either. He agreed that three stories would be totally out of character, but if they would come back with a proposal for Conditional Rezoning with office with a smaller footprint that retained the character of the area and the vegetation and trees to a certain degree, he would be willing to look at it. He commented that the devil would be in the details and how it was presented. He added that the site was bordered by two churches that would not be going away, and that presented an opportunity. He thought Mr. Reece's comments were well founded, and that something creative could be an asset to the community.

Mr. Dettloff said that whatever the applicants came back with, he would like a market research included. Statistics that showed what the market would bear currently and in the future. He felt that it would be beneficial to have that, as opposed to just putting up a building and waiting for it to be leased.

Ms. Wilson said that the owners would not speculate on a building. Giving it time to get through the process and to figure out who the potential users were, they were anticipating that the market would turn. As for what the market was today, that was difficult to know. She knew the applicants had spent a lot of money on the property over the years on plans, engineering especially, and she wanted to get a better idea of what they were looking for as far as something creative.

Mr. Delacourt said that Staff discussed Conditional Rezoning. They realized that the applicants did not have a user and to come up with a Site Plan and elevations they felt would be compatible would be difficult prior to a Rezoning. The Planning Commission had considered Conditional Rezonings in the past that had conditions that limited the height of buildings and required the elevations to be approved by the Commission and so on. That would be a way to do it and not adopt a Site Plan that would come back differently. It could give some assurance that the things the Commission were most concerned about would be protected. He thought a Conditional Rezoning with conditions would be the best suggestion based on the conversation they just had.

Chairperson Boswell summarized that it was fairly obvious the Commissioners would be pretty open. They all seemed to agree that residential for the corner at this time was pretty iffy. There were churches on two sides. It was open for something, and they were not going to close

the door. A Conditional Rezoning seemed to be a good answer. As far as creative, they did not want to see asphalt, three stories, and a block building, to save some character of the corner, because it was a nice, well-treed corner that was up a little higher. He felt that the Commissioners would be open to hearing what the applicants had to say about a plan other than maximums and three stories.

Mr. Mulenga said that their task for the meeting was to describe in general the footprint and not go into details about green space and landscaping. The comments were well taken and they would do what they had to do.

Ms. Brnabic asked if the applicants were going to propose Conditional Rezoning that they first came back before the Commission to have a discussion about the conditions proposed. If they just came before the Commission for a Rezoning with conditions, there would only be the option to approve or deny. They would not have the discretion to re-discuss everything or suggest anything. If the Commission agreed with 11 out of 12 conditions, they would be put in a position. If they had a discussion first, they could go over everything, which she felt would be a better option.

Ms. Wilson asked if the City had utilized Conditional Rezoning previously, which was confirmed.

Chairperson Boswell asked if anyone in the audience wished to speak, and no one came forward.

This matter was Discussed

ANY OTHER BUSINESS

NEXT MEETING DATE

The Chair reminded the Commissioners that the next Regular Meeting was scheduled for November 17, 2009.

ADJOURNMENT

Hearing no further business to come before the Commission, and upon motion by Kaltsounis, the Chair adjourned the Regular Meeting at 8:10 p.m., Michigan time.