Rochester Hills

Minutes

Planning Commission

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Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Greg Hooper, Nicholas O. Kaltsounis, Nathan Klomp, David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, January 27, 2009 | **7:30 PM** | **1000 Rochester Hills Drive**

CALL TO ORDER

Chairperson William Boswell called the Special Planning Commission Meeting to order at 7:30 p.m. in the Auditorium.

ROLL CALL

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

COMMUNICATIONS

A) Letter from B. Bonkosky, dated January 23, 2009 re: Rezoning R-3 to O-1
B) Letter from D. Kocenda, dated January 23, 2009 re: Rezoning R-3 to O-1
C) Email from J. Woliung, dated January 26, 2009 re: Rezoning R-1 to RE
D) Letter from A. Greene, dated January 26, 2009 re: Ajax Materials
E) Email from A. Greene, dated January 27, 2009 re: Ajax Materials
F) Letter from H. Howell, dated January 27, 2009 re: Rezoning R-1 to O-1
G) Letter from Juengel's Orchards Homeowner's Assoc., dated January 23, 2009 re: Rezoning from R-1 to O-1
H) Letter from K. Svehar, not dated, re: Rezoning R-1 to O-1
I) Email from F. Hill, dated January 21, 2009 re: Rezoning R-1 to RE
J) Letter from M. Saksa, dated January 18, 2009 re: Rezoning R-1 to O-1
K) Letter from E. Zanotti, dated January 19, 2009 re: Rezoning R-1 to O-1
L) Letter from C. Saksa, dated January 22, 2009 re: Rezoning R-1 to O-1

UNFINISHED BUSINESS

2008-0581 Request for Recommendation to Approve Adoption of amended Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills and the accompanying Zoning Map.

(Memo from James Breuckman, dated January 22, 2009; Zoning Ordinance prepared by McKenna Associates, Inc., dated January 6, 2009; accompanying Zoning Map; and related correspondence had been placed on file and by reference became part of the record thereof).

Present for the discussion was James Breuckman, McKenna Associates, Inc., 235 East Main St., Suite 105, Northville, MI 48167.

Chairperson Boswell announced that it was a Public Hearing, and he explained the procedure for speaking. He summarized that Staff and Mr. Breuckman would give a brief synopsis of the changes to the Zoning Ordinance, and after any questions or comments from the Commissioners, that he would open the Public Hearing and invite people to speak. He asked that comments be limited to three to four minutes. Following the Public Hearing, there would be further discussion by Staff and the Commissioners. At that point, he would not accept comments from the public, although he acknowledged that subsequently during the meeting, a need to hear from the audience might arise.

Mr. Delacourt related that the subject project, a complete evaluation and re-write of the City's Zoning Ordinance, had been under review for quite some time. A Technical Committee, made up of Planning Commission, City Council, Zoning Board of Appeals and Staff members studied and made recommendations on the language and processes of the Ordinance, and based on that, Mr. Breuckman of McKenna Associates prepared the new Ordinance. The Planning Commission had an opportunity to review several drafts, and he noted that there had been another Public Hearing in December. That meeting did not involve the proposed rezonings, so they would be discussing those, as the Zoning Map would be adopted along with the Ordinance. He explained that there were 11 map amendment areas, which were based on recommended changes to the Ordinance or to the updated Master Plan.

Mr. Delacourt recalled that the Planning Commission had narrowed its list of concerns from the previous meeting to just a few issues. The current draft addressed most of those issues, but Staff still needed to know about the direction for a few items, which he hoped could be resolved. Mr. Delacourt directed the discussion to Mr. Breuckman, and said he would discuss the proposed rezonings afterwards.

Mr. Breuckman noted that there were some items they had not decided at the last meeting, and he pointed out what had been done to address them and what needed further action. The first item concerned existing nonconforming residential structures, Section 138-3.105 on page 40. The Ordinance had been changed to allow the expansion of structures that were nonconforming with respect to side or rear yard setbacks so that an addition would match the existing nonconformity. He reworked the

Section, and it now allowed expansions into the setback area that were equal to the nonconformity or five feet, whichever was greater. If there was a structure set back three feet from a property line, someone would not be allowed to match the setback; they would have to start an addition at five feet back. Also, additions in a setback area could not be taller than 16 feet or one story. He did not think there had been clear direction about the five-foot minimum, and he wanted the Commissioners to decide.

Mr. Breuckman next discussed that helipads were removed from the use table. There was a reference added under Outdoor Dining regarding requiring right-of-way permits. He had revised the wind energy standards to be a little clearer. There would be tower and roof-mounted systems, and he tailored the residential and non-residential applications for both by adding appropriate, specific standards. The maximum height for the wind energy systems were lower than that permitted for cell towers, and the setback requirements were greater. He referred to manure processing facilities, and said that he did not add it to the Ordinance because he did not think it was appropriate for Rochester Hills. He talked about front yard solar panels, and said that he added a requirement for evergreen landscaping as a buffer. He had asked the Commissioners to think about solar access permits at the last meeting. A permit would allow a property owner to get an easement or some type of restriction on neighboring properties to stop them from erecting structures or landscaping that would block access to a solar panel. The permit would be based on a hypothetical ten-foot wall at the property line, going up at a 30-degree angle from the wall, at which point the height would be limited. He admitted that it was very new and sort of "pushing the edge." They needed to decide whether to keep it in the Ordinance. The next item was parking; the new Ordinance required nine-foot wide spaces across the City. The question was whether they should be ten-feet wide, or ten-feet for retail only, or nine-feet for employees, or some combination. He referred to irrigation, and said he added an exemption for LEED compliance landscaping. All landscaping had to be irrigated, but if someone was installing landscaping and getting points toward a LEED or equivalent rating system, the irrigation requirement could be waived.

Mr. Breuckman noted that the I-2, Heavy Industrial, district had been rolled into the I, Industrial, district, and the distinction between both was eliminated. In the existing Ordinance, the intent of the I district was to allow manufacturing and processing of items that were already finished or semi-finished. The I-2 district permitted processing of raw materials and also mentioned uses that could have offsite impacts, such as noise, vibration or smoke. The I district was not supposed to generate those

kinds of impacts. He added a Section (138-4.420) that addressed heavy industrial uses, which were permitted in the I-2 district currently. That Section also grandfathered in existing heavy industrial uses, because there were greater setbacks established for those. They would be applicable to new operations that wanted to locate in the City. The grandfathered uses could continue, as long as any nonconformity was not increased. He felt that struck a balance between protecting the City from inappropriate locations of new heavy industrial uses, while also allowing existing businesses to continue and expand within bounds.

Mr. Breuckman said the Commissioners needed to decide about basically four items; the nonconformity of residential side yards, solar access permits, parking space width and about the I-2 district.

Mr. Hooper brought up the five-foot minimum required for side yard setbacks. He presumed that it applied mainly to the Brooklands area, and it was his opinion that if there was a home that was 40-50 years old that was built closer than five feet, that the homeowner should be allowed to extend along that side yard line. He did not think there should be an artificial five-yard or other minimum for those types of homes, and he felt they should take it out.

Chairperson Boswell said that the five-foot minimum was something he had suggested as a compromise, but in thinking about it over the past few weeks, he agreed with Mr. Hooper. He noted homes in Brooklands, as he lived in and drove around it quite a bit; in fact, one of his neighbors' garage was right on Chairperson Boswell's property line, and the other's was about six feet away. He stated that it was not uncommon in the whole area. If Brooklands was going to be revitalized, he felt that people that had lived there for 50 years or more and wanted to expand their house should be able. If the house was three feet off the property line, the expansion should be allowed along that line. He agreed with Mr. Hooper that they should eliminate the five-foot requirement, and he felt that it would offer long-time residents something that would benefit them and the City.

Ms. Brnabic agreed with both Mr. Hooper and Chairperson Boswell, and said it would encourage reinvestment in the community. It was not just for the Brooklands area, but she agreed that the Zoning Board of Appeals heard most of their cases from the south end of the City. She was not sure how many, but a lot of homes were built in the 1930s and 1940s, and there were people who wanted to reinvest in their homes. The current Ordinance required them to do something substandard and piecemeal

that did not look right. She stated that the City should want to encourage reinvestment of the older homes, to alleviate deterioration and blight, and she totally agreed with removing the five-foot requirement.

Mr. Kaltsounis agreed with the comments, and said that the key was the 16-foot, one- story requirement. He noted that his brother-in-law lived in Birmingham, where there were a lot of older homes, and said there were two or three-story homes very close to lower homes, which looked rather ominous. He agreed with allowing an expansion to go along the current setback, so a home did not look staggered, but he would like it kept at one-story.

Mr. Schroeder observed that everyone was in agreement, so he felt they should take the five-foot minimum out and move on, to which Mr. Reece also agreed.

Mr. Hooper referred to solar access permits, and he asked if the City would be legislating to the neighbors that they could not plant a tree more than ten-feet high. Mr. Breuckman said it would allow a property owner, after a Public Hearing, to request that the restriction be placed. It would be a mechanism for a property owner so that a neighboring property owner, in the future, could not do something to block access to the sun. The height could increase as something moved away from the property line.

Mr. Delacourt recalled that it was put in the Ordinance at the beginning of the process, and Staff had discussed it with Mr. Staran. Staff would now recommend taking it out. He believed that there would be enforcement issues. They liked the chapter about Sustainable Energy, but they did not really see a need to require a permit. Mr. Breuckman agreed that it had been added at the beginning, and throughout the process, he had asked the Commissioners to take a good look at it. He was fine with removing it. Mr. Hooper agreed it would be unenforceable, and he did not think it would be supported by Council.

Chairperson Boswell did not necessarily see where it was forward thinking, and he did not think the City should be in the business of pitting neighbor against neighbor. Mr. Breuckman said that it would set the process whereby the City could arbitrate it, but once it became a deed restriction, the City would step back. It was not the City's job to enforce it, but he agreed that they could take it out. Chairperson Boswell commented that government at all levels was rather intrusive and getting more so every day, and he did not see a reason to get on that bandwagon.

Mr. Klomp agreed. He appreciated the effort, and said he understood where it came from, and that a lot of good Ordinances came about as a result of that initiation. He did wonder, however, how often the height and the 30-degree specifics would be an issue with all the tall houses in the community.

Mr. Hooper referred to parking widths, and said he favored a combined approach. He thought that nine-foot spaces for employee parking were fine, but he wished to see ten-foot spaces for public parking. He recalled that the spaces were changed in the Ordinance a few years ago to ten by eighteen feet. They modified the standards to try to reduce the amount of impervious area. He thought nine feet was very narrow for a public spot. He suggested they could mark some narrower spaces for small cars, but reiterated that he would like a combined approach.

Mr. Kaltsounis agreed with Mr. Hooper. He wondered how much employee versus public parking there would be in a retail area. He noted that for certain businesses trying to move into the City, there was a lack of parking, and making some spaces nine feet would help. For employees who came once a day, he thought it would be manageable, but for in-and-out retail shoppers, nine feet would be an issue.

Mr. Delacourt explained that the idea behind nine-foot spaces was to further decrease the amount of impervious surface and stormwater retention and because of re-users of buildings. The original user of a building might have 30 employees using nine-foot spaces, but Staff would not know when that user moved. It could be a distraction to a business owner to have to convert parking from employee to general spaces, and that would tie Staff's hands with regard to flexibility. Staff understood that nine was a little tight, but if the business owner felt it was too tight, they would be free to propose ten. If the Planning Commission preferred a combined approach, they could change that prior to going to Council.

Mr. Hooper thought Mr. Delacourt was referring mainly to an Industrial district, where the building would be primarily for employee parking with four or five visitor spaces. The retail areas were more of the issue. Mr. Kaltsounis said he would be more concerned about big box stores, like Home Depot, that had 50 employees and the rest retail parking. Mr. Delacourt said that the intent of the Ordinance was not to make the dimensional requirements so use-specific, which would allow more flexibility for reuse. If a manufacturing building was to be converted to an

office building, for example, there would be more generalized standards to allow that. If the spaces were all nine or all ten feet, Staff would not have to review a Revised Site Plan. Mr. Hooper offered that the spaces should all be ten feet, with an option for the developer to use nine feet for employee parking. Mr. Delacourt said that would not be a problem. Mr. Breuckman asked if Staff should have the ability to approve it, and Mr. Hooper agreed that for re-development on a smaller scale, it should be an administrative approval. Mr. Delacourt asked if it would be limited to non-commercial uses only, or whether there should be flexibility for retail as well. Mr. Hooper agreed with both. Mr. Delacourt asked if the spaces should be signed or painted as employee parking only. Chairperson Boswell did not think painting would do any good in bad weather. Mr. Delacourt said he was just trying to figure out how they would differentiate between employee parking and regular, or if it did not have to be distinguished. Mr. Hooper said that it would be striped for nine feet, and if people wanted to park there, they could. Mr. Kaltsounis said it would be designated on the Site Plan - he did not think a sign was needed - and the Commissioners would decide if it was reasonable.

Ms. Brnabic agreed with Mr. Hooper that they should stay at ten feet with nine as an option. Chairperson Boswell asked if nine feet would be just for employee parking or if someone would have the option of using nine for the entire parking lot. Mr. Hooper said he envisioned nine feet for employee parking.

Chairperson Boswell opened the Public Hearing at 8:04 p.m.

***Hattie Howell, 122 Regal Ave., Rochester Hills, MI 48307**. Ms. Howell stated that she was opposed to the subject rezoning for the parcels between Regal and Stark from Residential to Office Business. She had resided on Regal for almost 13 years. Rezoning to the north of her neighborhood would sandwich their properties between businesses, further deteriorating the quality of life and peaceful character of the neighborhood. Among her concerns were increased noise and an increase in an already high level of traffic on Rochester Road. Currently, it was very difficult to make a left turn into Regal or onto Rochester, and that had not always been the case. She was also concerned about lighting glare, additional stormwater runoff, because they had a problem with that now, safety, security, privacy and the lack of visual integrity that a rezoning to a business district would do, and the potential decrease in home values, in addition to what had happened because of the economy. She stated that she wanted the subject property to remain residential, and she felt that the current zoning was a good balance between business and*

residential. As residents, they contributed to the Rochester Hills community, and she was asking the City to not squeeze her neighborhood out.

***David Kocenda, 95 Stark Rd., Rochester Hills, MI 48307**. Mr. Kocenda said he lived on the street directly to the north of the subject property discussed by Ms. Howell. He noted that he was the second generation in the house; his wife grew up in the house, and they subsequently bought it. They planned to raise their two young children there. His subdivision, with the inclusion of the lots just south of Stark Rd., were involved in an intense legal battle in Oakland County Circuit Court. The Regal development and legal documents were brought before the Planning Commission to show the stringent aspects of their deed restrictions, which kept the parcels zoned R-1 (One-Family Residential). The rezoning would allow someone to come in and aesthetically disturb a perfectly consistent line of similar type housing. Putting a business designation on the property would destroy the character of the area. He knew the parcels were Residential when he bought his property because he did research, and they bought with those expectations. He noted again that he had two young children, and he would not like to see any type of office building behind his home and have them in the backyard. He was a former police officer, and he had seen situations where homes backed up to complexes, and he had seen break-ins and an increase in other crimes. He stated that it was not the right project for the location. The people who owned the property knew what it was and what it was worth. It would penalize the people on Regal, and that was incomprehensible to him. To change the zoning, knowing the residents came to Planning Commission as a group and argued their point, and knowing that their subdivision along Rochester Road was currently being developed with homes made no sense to him. Their property values would significantly suffer. He encouraged the Commission to take it off the board and say no. He stated that it was the wrong place, the wrong project and the wrong time.*

***Richard Yoon, 75 Regal Ave., Rochester Hills, MI 48307**. Mr. Yoon stated that he was also opposing the rezoning for many reasons. He thought, as Ms. Howell mentioned, that their property values would decrease greatly. Some of them depended on their second mortgage for other business and family matters, and if the price of their properties dropped greatly, they would be negatively affected.*

***Gordon Haviland, 90 Regal Avenue, Rochester Hills, MI 48307**. Mr. Haviland said that his property was adjacent to the property in question. He purchased his property in 2002 and researched the location to other*

businesses in the area, and that the property to the north was zoned Residential. He opposed any change to the zoning, and if he had known it would be changed, he would never have bought property in Rochester Hills. He agreed with Ms. Howell, and he would be concerned about privacy rights if there were a business right behind him. There would be a downturn in the value of his property. The economy was already hitting it heavily, and that would just destroy it.

Richard Smutek, 139 Regal Ave., Rochester Hills, MI 48307. *Mr. Smutek stated that he was President of the Regal Colony Homeowner's Association, and he was speaking for the members on Regal who could not attend the meeting. He spoke to many of them with regards to their feelings toward the rezoning. He advised that he lived on the south side of Regal Ave., so he knew what it was like to have a commercial complex interfering with his residential use. They were subject to sweepers in the middle of the night because there were no cars then, and it was convenient. They were subject to more interference with snow removal because of the large parking area, and they were even subject to landscaping being done at odd hours. They were subjected to lighting into their homes and noise pollution that would not exist if it were used residentially. He talked about the history of the Regal complexes. The complex to the south of him was a commercial office condo. The developer initially wanted to build an extended commercial development, but the City was opposed and as a result of some negotiation, there was a compromise, and the developer had to first build the residential portion. At that time, it was the intent of the City to keep all the area north of Wabash residential and it was, essentially, from Walgreen's south. He reiterated that there was currently new construction of residential homes along Rochester Road. If the subject parcels were to be taken out of context with what was the original plan of the City and with what had consistently been developed between Wabash and Walgreen's, he felt that it would be inappropriate for several reasons: It would create an island for the Regal Colony people, surrounding them by commercial; and it would cause more traffic and difficulty in attempting to enter and leave the complex. They felt that the representations of the City opposing the developer's attempts to make it commercial, when they bought 20 years ago, should be held up with a plan that was consistent with what existed.*

Alan Greene, 39577 Woodward, Suite 300, Bloomfield Hills, MI 48304. *Mr. Greene stated that he was present to talk about the proposed rezoning of the Ajax properties (south of Hamlin and west of Crooks). He had sent in a letter, and indicated that Ajax had a major, very valuable, ongoing*

business operation on the property. Ajax was the largest supplier of asphalt building materials in southeast Michigan. It was one of the largest paving contractors in the area. It was unfortunate how the rezoning came about, because they were not aware of the process for a new Zoning Ordinance. He said they only got notice of the meeting, and the possible rezoning of their property, a few weeks ago. The president of the company was out of town and could not be in attendance. Rezoning the property to a different classification would create the potential for nonconforming uses. That was a serious issue for them, particularly with respect to the value of the business operation, the ability to finance the operation and the ability to continue to get credit. They had operated in the City without any violations, and they had not gotten any complaints that they were aware. In that regard, they were appreciative of the effort that was done by the consultants to start to craft a method of dealing with their operation. However, that just occurred last Friday (January 23), and although he felt it was a good first step, it was done without any consultation with the owners or discussion about what would work. He had emailed a quick list of some of the issues that were raised by their plant operations manager with respect to the Ordinance, and those were the things they were concerned about. As it stood, they did not know under the new Ordinance if they would be able if they wanted to expand their operation. He questioned if that would cause an expansion of a nonconformity. He wondered if they would have to do all the changes proposed in the Ordinance, which were onerous to exclude or discourage new development, and might prevent them from improving their operations. He mentioned that they were always upgrading their facilities, and that they had Public Hearings with the MDEQ regarding permits, so they were very concerned about the impact of the rezoning. He stated that it was a huge issue for them and their ongoing operation. He believed that the intent was not to shut them down or drastically impact the value of their operation, so he just wanted to ask that they defer a decision about it, and allow them to meet with Staff and go through some of the issues. If the City was going to adopt a new Ordinance, it should deal with their ongoing operation and not unintentionally affect them negatively. He said that they had no opportunity to review it, and that it came up quite suddenly. They were surprised to see that there was a rezoning proposed for their property. They knew that the City's intent was not to allow further expansion of new heavy industrial operations in the City, and he felt that could be accommodated while their operations could be accommodated and maintained. He did not think that the proposed language would allow that. There were issues, particularly with respect to application and changes. He wondered, for example, if they tried to expand the building if they would have to pave the whole 20 acres. Those

types of things needed to be addressed, and he urged the Commission not to approve it in its present form, and to give them an opportunity to talk to Staff.

Chairperson Boswell closed the Public Hearing at 8:19 p.m.

Chairperson Boswell said that in going over the proposed zoning changes, he did not believe the Commissioners needed to discuss the Residential Estate rezonings, but they obviously had a couple to discuss. He noted that he was around when Regal was developed, and he remembered the City saying that there could be offices, but the area to the north had to be residential, and the offices would be a buffer to commercial to the south. He tried to remember why the property north of Regal was shown on the Master Plan as possible Office zoning. It seemed odd that they would isolate an R-4 property between two Office zonings, and he asked Mr. Delacourt how that came about.

Mr. Delacourt said he did not recall, as it had been done as part of the 1998 Master Land Use Plan, and he was not with the City then. It was carried over to the current Plan, but there was no specific reference in the files. There was a concern about putting in another subdivision on the parcels because of traffic. He indicated that Staff was not saying it had to be changed to O-1. It was put forth because it was identified in the Master Plan. If the Commission was more comfortable leaving it R-3, Staff had no objections. There were valid arguments for both designations. He advised that there was no project being proposed for the area, and that none of the owners had made a formal request, but none had objected.

Mr. Kaltsounis said they discussed Juengel's Orchards a lot, but for some reason, the area south of it went by them. He was a little embarrassed that they had missed it. When he first saw it in the packet, he thought about compatibility and harmony with the surrounding areas. He shared Chairperson Boswell's opinion that they should leave the property as it was, and they could address it the next time the Master Plan was updated.

Mr. Schroeder said that the property was surrounded by Residential zoning to the north, south, east and west. The Juengel's Orchards situation had been settled as Residential, and he thought this property should stay Residential.

Mr. Yukon agreed that the property should stay Residential. He weighed in on all the residents' concerns. He mentioned that he passed the area on his way to work and over the last couple of weeks, he tried to envision

Office going in there, and he did not think it would be a good fit. He stated that he would be against the rezoning at this time.

Mr. Hooper dittoed all the comments, and stated that he did not support O-1. He would support Mixed Residential, but at this point, he did not feel there was a reason to go to O-1.

Ms. Brnabic said that since they all agreed, she wondered why they would wait until the next Master Plan review. She clarified that the Plan could not be implemented until they updated the Zoning Ordinance, which would complete the process. She said they had identified an area that was troubled, and the Commission did not envision it staying O-1, so she wondered why they would not work with it before the process was totally completed.

Mr. Delacourt explained that it was not zoned O-1 currently and that it could stay R-3. It was only identified in the Master Plan, and it was only a proposed rezoning. It would be a Recommendation to City Council, who ultimately made the decision. It could be changed on the map prior to going to Council, and the record would reflect that Recommendation.

Mr. Reece agreed with the Commissioners about keeping it Residential for the current Plan. Chairperson Boswell recalled that when they started the Master Plan 14 years ago, there was sentiment on the Planning Commission that Rochester Road should not be Residential. He thought this area was kind of overlooked. They all recommended that Juengel's Orchards be Office, but they all knew it would not be, and that it would be Residential. Mr. Delacourt said that there were some very good land arguments as to why the property should be considered for Office and not Residential. The residents brought up traffic, noise and safety, but someone could put in a cul-de-sac with 15 homes with a single access to Rochester Road. He felt that merited some discussion. The Tech Committee did discuss the area, and he did not feel it was overlooked. If an individual request came in for a rezoning to O-1, based on land use principals regarding traffic, buffering, etc., as opposed to rear yard to rear yard relationships for residential usage, Staff might recommend Office. Chairperson Boswell commented that it would be more valid if the properties were not surrounded on three sides by Residential. He felt that the Planning Commission would recommend that no rezoning took place on these properties. Mr. Delacourt suggested that there could be a Condition that Map Amendment number 11 be removed prior to consideration by City Council, and Mr. Staran agreed that would be the best way to deal with it.

Chairperson Boswell moved the discussion to the I-2 district. He stated that there was considerable concern on the part of Mr. Jacob and Mr. Greene that they would somehow lose property rights. He asked if there was a guarantee that nothing would change for them, or whether there needed to be further discussion.

Mr. Delacourt responded that the uses identified in the previous I-2 district had been included in the current draft as Permitted or Conditional uses. That would eliminate the concern about a nonconforming use. There were some dimensional requirements that were different for Mr. Jacob's use indentified in the I district than compared with I-2, which he noted were in Section 4.420. That might or might not make any proposed future expansion conforming. When a Zoning Ordinance was reviewed, it was done based on existing businesses or the current situation and what would be appropriate for the district as a whole across the City. Section G. clearly grandfathered Mr. Jacob's business as it existed currently. If they came forward and requested a change to the approved Site Plan, just as with any other site that came forward as a legal, nonconforming site, the Planning Commission would have the opportunity to impose what they felt was reasonable compliance with current code. It would not be automatic that Mr. Jacob would have to conform with all of the requirements. The Planning Commission would be allowed to evaluate what was being proposed as an addition, and determine what requirements in the Ordinance were reasonable to the request. Staff felt there had been adequate protections in the new Ordinance for the heavy industrial uses, which were done because the City had changed and evolved over the last 20 years. The existing business was grandfathered in and allowed to continue to operate unfettered, and it would also allow the Planning Commission to re-evaluate the use if the applicant came forward with a requested revision. Staff felt that was a reasonable middle ground, based on everyone's concerns. It was a difficult thing to just set aside, and it would be hard to amend the Ordinance to put I-2 back. He mentioned that over 350 individual notices about the rezonings were sent, and he did not think that Staff would recommend that it was the most appropriate decision to set aside one proposal and negotiate a zoning district based on one use. He thought it would be difficult to go forward with the Zoning Ordinance without this issue decided. If they put the I-2 district back in, Mr. Jacob's use would be a Permitted Use, but it would be the only I-2 use in the City.

This matter was Discussed

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Mr. Dettloff clarified that the language would allow the applicant, at any time in the future, an opportunity to consider an expansion, and it would allow the Planning Commission to come to some type of common ground to approve it. Mr. Delacourt agreed, noting that it would be similar to other cases the Planning Commission had considered. There were existing retail centers that did not conform to the buffer requirements, and the Commission had evaluated some to see if an addition would require the need to conform to the current buffer requirements. He reiterated that the Planning Commission was able to make a determination about what was reasonable to comply with current code.

Mr. Breuckman referred to Section 4.420 and items in Mr. Greene's letter. He felt there were two places he might be able to further clarify things with the language. It occurred to him that for something like an office or something part of the heavy industrial use that would not generate higher impacts, they could specifically exempt those from the dimensional requirements. They could add something to the grandfather clause regarding expanding, which had been the intent. Now it read, "Heavy industrial uses that existed at the date of adoption of this Ordinance may continue in their present location," and he suggested that it could say, "may continue or expand operations in their present location, providing that any nonconformity of these requirements is not increased." Another option would be to add a sentence that read, "The viewing authority would be allowed to waive any of the above requirements if the specific characteristics of the use do not and will not negatively impact neighboring uses." That would give the Commission the discretion to deal with the existing uses that might not comply with the new standards but were not generating negative impacts currently, and they could continue that way.

Mr. Hooper stated that his employer used to own the Ajax property, and he participated in a business on the property currently. To avoid any appearance of a conflict of interest, he recused himself from the discussion. He hoped that if there was a vote on the Ordinance that the I-2 recommendation could be removed for a separate vote so he could participate. Chairperson Boswell advised that he would speak with Mr. Staran before any voting took place.

Mr. Yukon referred to Item G., and asked if the alternative wording would allow an expansion as long as there was no nonconformity. Mr. Breuckman replied that there were dimensional requirements in Section 4.420. For example, there was a minimum site area of ten acres. If there was a business operating on five acres, Item G. said that even though the

dimensional requirements showed there was not enough land area, the City would not stop the expanding or continuing use because it was an existing business in operation at the time of the adoption of the Ordinance. If there was a new heavy industrial use that wanted to locate in the City, there would have to be ten acres. The existing dimensional situation could continue as it existed under Item G., but it could not expand beyond the five acres. If there was currently a 50-foot setback, that business would not have go to a 1,500-foot setback. Mr. Yukon clarified that it would be allowed as long as the expansion stayed within the requirements.

Mr. Schroeder asked if this had been reviewed with Ajax or Mr. Greene. Mr. Delacourt said that they were provided a copy of the changes Friday (January 23) afternoon. Mr. Schroeder asked if Mr. Greene had reviewed the changes. Chairperson Boswell advised that he had, and he sent an email to Mr. Anzek, asking that it not be voted on. Mr. Schroeder felt that since Mr. Jacob was a major property owner with a major concern, that the City should have his concurrence.

Ms. Brnabic asked if the subject property had an existing nonconformity with regards to use or dimension. Mr. Delacourt advised that a Site Plan had not been evaluated in relation. When Staff evaluated the Zoning Map, it was not done on a parcel-by-parcel basis; it was done by use and district. As far as nonconformity, he would assume that towards the new dimensional requirements, it probably related. Mr. Jacob could continue operating as long as he did not expand the nonconformities. Ms. Brnabic indicated that was the point. The owner would be grandfathered in, but with the new changes, a nonconformity had been created, and that was an issue. The owner could not expand the nonconformities but usually when someone was grandfathered in, anything that existed was not considered. Ms. Brnabic thought that if they changed the zoning, that the use would be nonconforming. Mr. Delacourt clarified that the use would not be, but there could be dimensional nonconformities.

Mr. Kaltsounis commented that it was a tough one. He asked what would be considered an existing nonconformity on the property. Mr. Delacourt asked if he was talking about in relation to the existing or proposed Ordinance. Mr. Kaltsounis was talking about the proposed. If they could not expand into nonconforming areas, he questioned if that meant they could not build out in certain areas. Mr. Delacourt said that there was a good chance they were nonconforming with the current Ordinance. They might not currently meet the setbacks of the existing I-2 district. Mr. Kaltsounis asked if they would not be able to expand towards M-59 or the

east. Mr. Delacourt explained that he was not saying they could or could not do something. If they proposed to do something, they had to do it within the requirements of the new Ordinance as defined. Mr. Kaltsounis asked how that applied to the property if they wanted to expand the crushing operation, for example. Mr. Delacourt said they would have to conform to the dimensional requirements. If they were currently nonconforming, they could not increase it any further. If the current height of a stockpile was limited to 12 feet and they were at 35, they could continue the pile, but they could not expand it any higher. If they wanted to go higher, they would need a Dimensional Variance. They could not move a 40-foot high pile somewhere else on the site. Mr. Kaltsounis asked if they would fall under the new requirements for heights, etc., if they wanted to double the crushing operation. Mr. Delacourt explained that any new expansion would be reviewed for reasonable compliance with the Ordinance.

Mr. Kaltsounis agreed that something had to be done with the property as they went forward. They also needed to consider what was there currently and how that worked. He recalled that whenever they had hard issues, they told the developer to talk with their neighbors and to work things out. He did not know if everyone was on the same page yet. He agreed with what needed to be changed, but he was also concerned that if they were not on the same page, that they would have problems down the road. He thought that perhaps they should forgo making a change until they were. He suggested that it might become the first amendment to the Zoning Ordinance.

Mr. Anzek said that obviously, one of the difficulties in trying to define the use was that it was a moving target. There were stockpiles that went up and down and were rotated to other sites. It would be difficult for the City to try to measure the height of piles. The piles eventually were turned into asphalt and recycled into roadways and other things. To try to measure them at a point in time was very difficult. He did not think anyone would like a situation created where the owner was put in a box so he could not function right. Staff had a lot of debate about it, and it was only brought to the Commission's attention after he had received a letter last week from Mr. Jacob. Staff was not totally in agreement; they questioned whether 12 feet was enough for a pile when buildings were allowed to be 30 feet high. The new Ordinance required a 100-foot setback, but he did not think there was a pile onsite that was 100 feet back from a property line. If they left the pile where it was, it would be fine, but if it were moved, it could be deemed noncompliant dimensionally.

Mr. Reece asked if Ajax had to come in for a permit every time they moved a pile. Mr. Anzek said he understood that it was a unique use that had been required to get an annual permit. For some reason, it was no longer required. Mr. Reece construed that unless it impacted MDEQ requirements, they were fairly free to move about the property.

Mr. Kaltsounis stated that he wanted to see the Ordinance pass, and he was not sure what would happen if they delayed a decision about the I-2 district. Chairperson Boswell pointed out that the problem with delaying that portion was that it was part of the Zoning Ordinance.

Mr. Klomp thought that the City's objective was that there should not be any more heavy industrial uses like Ajax. It seemed inappropriate to him to tailor the entire process of the Ordinance for one specific use. However, he felt that a good point had been made about the matter coming up fairly quickly for Mr. Jacob. The City did its part to communicate, but he felt that if the owners had seen it coming and known sooner, that they might have acted more quickly. He felt it was important to consider the businesses in the City and to try to work with the existing infrastructure of businesses, and he did not want to rush through it. He could appreciate that the City wanted to get the entire Ordinance package passed and to move forward, but he wanted to work with their business, and he felt it was important for the Commission to do the right thing. If that meant taking more time, he felt that perhaps it was the appropriate course of action.

Mr. Breuckman concluded that there were two choices. The difficulty they were struggling with came from the fact that they did eliminate the I-2 district because there was only one functioning I-2 use in the City, and the purpose and intent of the district did not match what Rochester Hills had become. It was a use that was reflective of a different time in the community's history. If they eliminated the I-2 district, they would have to respect the operating characteristics of Ajax, and the fact that the business had built up equity in the community. They tried to do that with Item G. They could put the I-2 district back in for one owner, but he cautioned that was a fairly bad way to do a Zoning Ordinance because they would not typically want to create a zoning district for one owner. He suggested that although it might not be the best answer, to put it back in might be the expedient answer. The other option would be to take a little time, and get on the same page with the property owner and delay a decision. They could take a look at Section 138-4.420 and make sure everyone was more comfortable with the language they put forward. He thought the intent of Item G. was not to say that the storage piles were in

one place at one time, and that it was the only place they could be. The intent was that it was the area where things could be stored, and it did not matter if the pile was in one spot or another. The aerial map showed the northwest corner of one of the parcels as the place where all the storage occurred. He thought that the language could be tweaked, and that they could become comfortable with it, or that they could put the I-2 district back in the Ordinance.

Mr. Delacourt pointed out that the changes did address the concerns identified in Mr. Greene's letter. They were allowed to continue operating, and any expansion would not automatically be eliminated based on the changes in the district. Without knowing what the expansions would be, he was not sure how that would be addressed in the Ordinance. It would be very difficult to sit down with every property owner each time the Ordinance was updated, and there was a potential for nonconformance. He was struggling with what remaining issue for Mr. Greene was not addressed by the changes proposed for the I district. Mr. Delacourt was also concerned about a solution that included a zoning district when there was only one property zoned or master planned that way in the entire City. If he knew what concerns had not been addressed, Staff could take a look at them. The Ordinance applied to every industrial site in the City, and there were a lot. He stated that they would have to include all the businesses the use could potentially make non-conforming, not just one.

Mr. Yukon indicated that he did not care for option one, which was to put I-2 back in for one property. He preferred option two. Mr. Dettloff said he agreed, and he asked Mr. Breuckman to repeat the language that would be added to Item G., and asked Mr. Staran if he felt that would be a reasonable conclusion.

Mr. Breuckman said it could read, "Heavy industrial uses that existed at the date of adoption of this Ordinance may continue or expand operations in their present location, provided that any noncompliance with these dimensional requirements is not increased." They could also add that, "The Reviewing Authority may waive any of the above dimensional requirements if the specific characteristics of the use do not, and will not, negatively impact neighboring uses."

Mr. Yukon asked the difference between noncompliance and nonconformity. Mr. Breuckman indicated that there was no real effective difference. He said it was more about semantics, and noncompliance would not cast the nonconformity "cloud" over it, which brought more negative impacts to mind.

Mr. Staran agreed with the word change, explaining that nonconformities was a term of the zoning field which had a particular connotation. Noncompliance might be viewed as a little more of a softer term, even though the practical effect might be the same. He was not sure he could definitely say whether everything was taken care with the language Mr. Breuckman suggested. For all the reasons said, they were dealing with a moving target. Everyone on the Commission, as well as the applicant, understood what they were trying to do without basically outlawing Ajax's reasonable operation. They were talking about adding some dimensional requirements. He was not concerned about the use, which he felt could be easily addressed. If they imposed dimensional requirements that significantly impacted how the use was implemented on the property, it became semantical. All the owner knew was that he had a major problem. They did not want to end up in a situation where every time a pile got moved, or it went up or down, or there were other variations in the operation over time, they were micromanaging the operation. He felt the intent was clear and might work, but if the property owner did not know how it would impact him, Mr. Staran was not in a better position to say, not knowing the operation or the various nuances. They were on the right track, but he did not know if they had all the necessary tweaks on the table.

Mr. Delacourt said that they tried as best they could to consider the existing operation. It was not their intent that if the pile height went from 35 to 20 feet that they could never go back to 35 feet. They understood that the piles moved around, and they were not trying to restrict that. The discussion over which dimensional standards would take effect would arise when the applicant came forward with a proposed change. At that time, the Planning Commission could discuss what was reasonable to apply. Nothing would be retroactively enforced on the operation. There would be an opportunity, when they came forward with a change, to re-evaluate the standards that had been put in place. If the Commission felt those standards were unreasonable, there could be proposed changes to City Council at that time. Staff was trying to draft something that allowed the operation to continue unhindered, and allowed the Planning Commission the opportunity to evaluate and apply reasonable standards. He could not tell how the proposed Ordinance would limit the applicant if they wanted to change something, because nothing had been proposed. It was the best effort to put a set of standards in place based on what was best for all of the I districts in the City, not just one use.

Mr. Greene asked them to assume that Ajax leased or purchased one of

the adjacent I properties in the future. He asked if that use would be a Conditional Use in the I district, meaning that they would have to meet all the dimensional standards in the Ordinance for that particular piece of property. Mr. Delacourt said that was partially correct. He explained that the decision as to what dimensional requirements had to be met would be based on a reasonable discussion with the Planning Commission about what was being proposed on a Revised Site Plan. The applicant would be allowed to propose something, and just like any existing nonconformance, the Commission would have the ability to reasonably bring a site into compliance with the current Ordinance. The new portion would have to meet the new dimensional standards, but for the rest of the operation, it would be up to the Commission to determine what would be reasonable to enforce at that time.

Mr. Greene mentioned that there were several questions he had about the Ordinance. When they talked about "an Industrial use existing on the date of adoption of the Ordinance may continue in its present location provided that any nonconformity not be increased," he wondered, for example, what would happen if an existing part of the facility burned down. He questioned whether it could be rebuilt. It would not be continuing the operation, and he felt that was a serious issue. There was the issue about the Planning Commission having discretion to say yes or no to them if they wanted to expand their office, but they were not meeting the setback requirements. He stated that it did not say anything about the Planning Commission having discretion to allow them to continue. They got a notice that their property was going to be rezoned. Mr. Jacob called the City and talked to Mr. Anzek, noting that it came as quite a shock to him. He asked that the meeting be adjourned, because he would be out of town, and he was the principal owner. He wrote a letter, and was told on the phone that his rezoning would be adjourned. He asked Mr. Greene to work with the City, to try to figure out what they wanted to accomplish. In the meantime, he found out that his item would not be adjourned, that the Planning Commission would continue with the rezoning, and that some changes had been made to the Industrial zoning that might satisfy the concerns. He received that fax after 5:00 on Friday (January 16) and he did not believe Mr. Jacob had even seen it. He asked his plant manager to take a look at the changes, to try to give him some idea of how they would impact their operation. He asked where the 1,500 feet came in and what types of nonconformities it would create. He asked how a 12-foot pile would impact them. He stated that they were serious issues for his business, but they were not unwilling to sit down and work with the City. The changes were, however, crafted without any dialogue with them. They just wanted to protect their business. He did not think there were any

nonconformities currently, and he believed that it would create a nonconforming situation, whether it was a nonconforming use or nonconforming dimensions. They were just asking for an opportunity to have some time to see if things would impact their operation. He was sure something could be worked out, but he did not understand the rush to judgment. They all wanted to figure out a way to preserve a business without causing new heavy industrial businesses in the City. He said he understood that the City did not want any new ones in the City. He asked that the Commission defer a decision, and give them an opportunity to react and give comments to Staff. He thought it could be done very quickly.

Mr. Schroeder agreed that I-2 should not go back in the Ordinance, but he thought they had to work with the existing business and resolve the matter. If it took delaying the process, he offered that it would have to happen. He suggested that the matter should be settled now rather than later, and he did not think they could vote without that matter finalized.

Mr. Kaltsounis referred to property to the north of Ajax, and said there was currently a Consent Judgment on those properties that applied to the parcel to the west. He believed that Ajax was going to put up some buildings and move operations onto the parcels zoned by Consent. He asked if the Ordinance would technically allow it if they wanted to move the crushing operation. Mr. Delacourt said that anything that did not require a Revised Site Plan would be allowed. Mr. Kaltsounis thought they wanted to move to the parcel zoned Special Purpose. Mr. Delacourt stated that a Consent Judgment was different, and it allowed certain things and changing uses that the Zoning Ordinance did not impact. The Consent Judgment contemplated the consolidation of the crushing operation onto the Special Purpose property, whether or not that ever took place or was implemented. The Zoning Ordinance was written for all the Industrial properties in the City. To take into account every use and every operation's concerns would be a huge task. The recommendation was being made on what they felt was the best set of requirements going forward for any new business or redevelopment of the parcels in the future. At the same time, it would grandfather in the existing operations, so they could continue as they were. If there was some concern with moving equipment or changing a pile, it would be evaluated at that time. Without knowing specifically what was going to happen, it would be impossible to evaluate every potential situation. The City's intent was to allow the scope of any operation to continue as it was. Only for a proposed change by the applicant would they review the site for compliance with the current Ordinance. He thought some of the piles

exceeded height restrictions currently, but it had not been an enforcement issue.

Mr. Breuckman did not feel the matter would be resolved at the meeting, and he thought it should be brought back. Mr. Kaltounis said he wanted to pass it, but he also wanted to make it sure it was done right so it was not handled in a courtroom. He thought the Commission needed more background on the situation, and that the Ordinance should be brought back with revisions. The owner of the property was willing to work with the City, and they did want to protect his property, but they did not want a misunderstanding that would bring something they did not want later. Mr. Breuckman stated that it would be expedient thing to put I-2 back in. Mr. Kaltsounis proposed to put I-2 back in and pass the Ordinance, and they could address the situation in the near future with a possible revision. Mr. Breuckman thought another option would be to work it out with the property owner while there was still impetus. His only fear with putting I-2 back in was that they would lose the urgency, and it would sit there. Mr. Kaltsounis agreed that they did not know how long it would take.

Mr. Delacourt reminded that it would not be an Approval; it would be a Recommendation to Council. There could be a Condition about exploring the issue further prior to review by Council. That would give them some time, and he noted that the issue had been reflected on the record. He realized there was talk about rushing things, but he indicated that the rezoning was noticed ahead of the normal requirements. Ajax received the same notice as everyone else. Individual properties were not treated differently - they were all treated the same, and they did not identify any they thought would be more of an issue than others and provide them a further heads up. Staff offered an open forum for property owners to come to the City and have dialogue, and no one came from Ajax.

Mr. Kaltsounis said he was not saying that Staff did anything wrong, but he felt it was a situation they were going to have to spend a little more time on. Mr. Delacourt said it seemed like everyone had a desire to move it forward, to see if there was any other resolution that could be agreed to prior to going to Council.

Mr. Staran indicated that he appreciated Mr. Delacourt's comments and the desire to keep the process rolling. He had a couple of concerns with the last proposal - one practical and one legal. As a practical one, he felt that Council would prefer that the issues be sorted out at the Planning Commission's table and not left for them to sort out. The second concern

was a legal one. They were holding a Public Hearing on the substance of the Ordinance that would be adopted. He thought that if it were left open and they were making any significant changes, and they potentially were, and the changes were going to be made after the Public Hearing, that it would potentially be a defective process. He would not like to leave something of that magnitude hanging out there, knowing they were being a little less careful than they normally would be, just for the sake of moving it along. He recommended that they take the additional time, and he agreed with Mr. Breuckman that they should try to resolve things while they had some impetus. There were a couple of ways to handle things. Putting the I-2 back in was one way to solve it, but in six months there could still be no resolution. He was confident, based on the conversation, that it would only take one or two discussions, and they would be ready to bring it back.

Mr. Dettloff commented that as pleased as he would be to see it resolved, he understood the issues. He thought it was an excellent document, and that it would be a great tool for the City. He also thought that taking a little extra time to do it the right way made total sense. Hopefully, between Mr. Staran, Staff and Mr. Greene, it would get resolved quickly, and the language would be fine-tuned, and it could be brought back at the next meeting. He asked if it would involve holding another Public Hearing.

Mr. Breuckman did not think they had to hold another Public Hearing, because the purpose of one was to raise issues to be resolved. There was one issue outstanding with one particular property owner. Mr. Staran said he agreed, as he observed the path they were going down. If, as a result of the conversations, they came up with a whole new concept, new zoning district or a total rewrite, he would say it was too significant, and they would have to re-notice. He did not anticipate that would happen. He felt that the Planning Commission would allow anyone who wanted to speak about the Zoning Ordinance to do so. The public had been notified already, so he felt they were covered, procedurally, baring any major changes.

Ms. Brnabic agreed with what had been said. She would not have been comfortable leaving the I-2 district in, but before they could make a recommendation for approval, the Commission needed to feel confident so there was no room for misunderstanding. She felt they needed further clarity, and she agreed that they should postpone.

Mr. Breuckman said that it was rare for a Commission to recommend approval on the night of the Public Hearing. He did not think they should

have any hesitation about taking the time needed to do it right.

Mr. Dettloff recalled asking Mr. Anzek in December what he felt would be a reasonable time period for adoption, and it seemed to fall within what was represented. Mr. Anzek agreed they talked about getting it to Council in March. He stated that it was complicated, and if they took a week or two to work with Mr. Jacob, and to also fix the parking and solar panel issues, that it would be a good opportunity.

Mr. Reece asked Mr. Greene when Mr. Jacob would be back in town. Mr. Anzek noted that the information they got from the plant manager was helpful. Mr. Reece indicated that relative to a sense of timing, he agreed with Mr. Delacourt that while it might have seemed rushed, he did not think it was. For such a significant issue, if he were the property owner, he would have made an attempt to be at the meeting. He also did not want to see it dragged out, but if there was a sense of urgency on Staff's behalf, perhaps they could have another Special meeting next Tuesday. He asked if the matter could wait until the third Tuesday in February. Mr. Delacourt advised that there was no urgency as far as timing. There had been a lot of time spent on it over the last two years. He reiterated that he was hesitant to make a recommendation based on an individual business owner and not give everyone subject to the code the same opportunity. He had no concern about delaying it, meeting with the property owner and listening to any suggestions he had. He would rather have the Planning Commission be comfortable than to push it forward.

Mr. Reece asked if the other I-2 property owners were noticed, which Mr. Delacourt confirmed. Mr. Schroeder asked how many other I-2 owners there were, and Mr. Delacourt advised that there were very few. Several were on the Grand Sakwa properties, which were regulated by a Consent Judgment, and there were a few others.

Mr. Reece noted that Mr. Jacob seemed to be the only one who expressed concern over the rezoning. He thought they should try to explain to Mr. Jacob what they wanted to do, and to work out the issues to try to come to a common understanding. If there was not a significant time crunch to get it done in a week, and he agreed that it should not be dragged on, he thought they should move it along as expeditiously as possible. They needed to find out if Mr. Jacob was going to be gone for an extended period. Mr. Greene said that Mr. Jacob was on vacation and would be back in a few weeks, but Mr. Greene said he would be happy to work with the City.

Mr. Kaltsounis asked if they needed a motion to postpone if they were finished talking about the Zoning Ordinance. Mr. Delacourt said they had focused on the rezonings, and he asked if there were any other issues regarding the text. He asked the Commissioners to send him any comments or changes they wished to be brought forward.

Chairperson Boswell suggested a motion to declare that the item would be brought back on the February 17th meeting, at which time a vote would be taken.

***MOTION** by Kaltsounis, seconded by Dettloff, that item 2008-0581, Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills and the accompanying Zoning Map be postponed until the Recommendation at the February 17, 2009 Planning Commission meeting, with the recommended changes as discussed at the January 27, 2009 meeting: Remove reference to a five-foot minimum side yard setback for nonconforming expansions; remove solar panel access permit language; keep parking spaces at 10 feet wide, with the developer's option for nine-foot spaces for employees; and eliminate map amendment 11, keeping the parcels Residential.*

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Postponed.
The motion CARRIEDunanimously.

Chairperson Boswell stated for the record that the motion had passed unanimously. He reiterated that there would be another meeting on February 17, and he urged Mr. Jacob arrange to meet with Staff prior to then.

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

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

ADJOURNMENT

Hearing no further business to come before the Commission, and upon motion by Kaltsounis, the Chair adjourned the Special Meeting at 9:40 p.m., Michigan time.