



# Rochester Hills Minutes

1000 Rochester Hills Dr.  
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Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

## City Council Regular Meeting

*J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen,  
Michael Webber and Ravi Yalamanchi*

*Vision Statement: The Community of Choice for Families and Business*

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier  
community of choice to live, work and raise a family by enhancing our vibrant residential  
character complemented by an attractive business community."*

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Monday, March 1, 2010

7:00 PM

1000 Rochester Hills Drive

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**City Council, at its Regular Meeting of February 22, 2010 adopted Resolution RES0039-2010 agreeing to meet in Closed Session immediately following the adjournment of the Regular City Council Meeting of March 1, 2010.**

### CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order at 7:00 p.m. Michigan Time.*

### ROLL CALL

**Present** 7 - J. Martin Brennan, Greg Hooper, Nathan Klomp, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

### Others Present:

*Ed Anzek, Director of Planning and Development  
Bryan Barnett, Mayor  
Ron Crowell, Fire Chief/Emergency Management Director  
Derek Delacourt, Deputy Director of Planning  
Pamela M. Gordon, Director of Human Resources  
Jane Leslie, City Clerk  
Ishan Patel, Rochester Hills Government Youth Council Representative  
Keith Sawdon, Director of Finance  
John Staran, City Attorney*

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

A motion was made by Pixley, seconded by Webber, that the Agenda be Approved as Presented. The motion CARRIED by the following vote:

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

## PUBLIC COMMENT

**Deanna Hilbert**, 3234 Quail Ridge Circle, questioned if the proposed water reservoir could legally be located in Nowicki Park.

**Leonard Raffler**, 921 W. Auburn Road, commented on his difficulties with obtaining a resolution regarding his garage assessment.

**Alice Benbow**, 1582 Northumberland, stated her concern regarding the City's enforcement of the blight ordinance; specifically in relation to historical properties located within the City.

**Martha Black**, 2408 Jackson Drive, stated this evening the School Board will be voting on which school to close and expressed concern that neither Council members nor the Mayor have attended any School Board meetings.

**Theresa Mungoli**, 3435 Palm Aire Drive, Representative of the Rochester/Auburn Hills Community Coalition, announced that 'Creating Solutions - Youth Dialogue Day 2010' will be held on Thursday, March 4, 2010 from 8:00 a.m. to 1:00 p.m. at the St. John Fisher Chapel in University Center. She further announced that Battle of the Bands will be held at Rochester College on Saturday, March 6, 2010.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**President Hooper** stated that Council Member Rosen had submitted a written request to City Attorney Staran for a legal opinion as to whether the proposed water reservoir could be constructed on the Nowicki Park property. He reported that once the opinion is received it will be shared with the public. He responded to Mrs. Black's statement about a school closing stating he was not aware of this, however, he places his faith and trust in the elected officials of the School Board to make the necessary and sometimes difficult, decisions needed to manage the schools.

**Mr. Klomp** expressed his appreciation for the communication he has received from residents and encouraged residents to continue to communicate their questions and concerns with him.

**Ishan Patel**, Rochester Hills Government Youth Council (RHGYC), reported that the youth members are working on the Saturday, June 19, 2010 5k/Walk/Run Event. He stated that when more information is available, it will be posted on the City's website.

**Mayor Barnett** made the following announcements:

- He reminded City residents to complete and return the 2010 Census form. He

*stated that participation by the City's residents could positively impact federal funding for the City's schools and roads.*

*- He noted that the Hills Herald is available online and keeps the community current regarding local events and news.*

*- The State of the City Address will be at Rochester College on Wednesday, March 10, 2010, and due to limited seating, requested interested attendees call the Mayor's Office for seat reservations.*

*- He shared highlights from the Economic Outlook Luncheon hosted by the Rochester Regional Chamber of Commerce regarding its ongoing business plan for the retention and attraction of high technology business employers in the community.*

*- He stated that Staff is continuing to meet with Mr. Raffler to help resolve his concerns.*

*- In response to Mrs. Black's comments, he stated that attendance at the School Board Meetings would not be possible due to the fact that City Council meets the same evenings and times as the School Board Meetings.*

## ATTORNEY MATTERS

*City Attorney Staran had nothing to report.*

**2010-0101** Adoption of Resolution to meet in Closed Session on Monday, March 15, 2010 at 6:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices for the purpose of discussing a written attorney/client privileged communication

**Attachments:** [Resolution.pdf](#)

**A motion was made by Yalamanchi, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0062-2010

**Resolved**, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCL 15.268, on Monday, March 15, 2010 at 6:00 p.m., Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan. The purpose of the Closed Session is to discuss a written attorney/client privileged communication.

## RECOGNITIONS

**2010-0100** Presentation of a 2010 Community Heart Award; Suzanne White, presenter

**Attachments:** [Agenda Summary.pdf](#)

**Suzanne White**, 1598 Parke, Executive Director, Holiday Helpers of Rochester Hills, thanked City Council, Mayor Barnett, the Executive Board of Directors of Holiday Helpers and the City's residents for the 12th year of the Holiday Helper Christmas Program. She thanked numerous local businesses and volunteers.

**Presented.**

## NEW BUSINESS

**2010-0094** Discussion regarding proposed revisions to the City Place Planned Unit Development Agreement

**Attachments:** [Agenda Summary.pdf](#)  
[WWRP Ltr 021610.pdf](#)  
[PUD Comparison Chart.pdf](#)  
[Map \(aerial\).pdf](#)  
[City Place PUD Site Plan.pdf](#)  
[Land Use Site Plan.pdf](#)  
[PC Minutes 081809.pdf](#)  
[PUD Agreement.pdf](#)  
[Resolution.pdf](#)

**Mr. John Gaber, Esq.**, Williams, Williams, Rattner & Plunkett, P.C., 380 North Old Woodward Avenue, Suite 300, Birmingham, representing G & V Investments, stated that the request for modification to the current Planned Unit Development ("PUD") which had been approved in 2004, would allow for family residential and commercial development to the frontage of Rochester Road. He explained that the benefits of the modifications in the PUD would reduce building height and density, offer more flexibility with respect to building locations and design thereby creating greater potential for business use. He stated that the request to eliminate the historical designation of the home located at Eddington Boulevard would have no negative affect on the PUD.

Mr. William Gilbert and Mr. Cornell Vennettilli of G & V Investments and Mark Abanatha, Vice President of Alexander V. Bogaerts & Associates, Architect, were present to answer any questions or concerns.

**Mr. Derek Delacourt**, Deputy Director of Planning, reported that Mr. Gilbert had met with Planning Department Staff to discuss various options. He asked City Council for direction regarding the following:

- (1) If the Flexible Business Overlay 1 (FB1) and a revised PUD is a valid tool, should the City Staff and Mr. Gilbert continue to work together to present to the Planning Commission and to City Council?
- (2) Is City Council comfortable with the status quo of the existing PUD? If so, the applicant has outlined several areas that have slight deviations either through use or dimension from the existing standards in the Zoning Ordinance, both by the introduction of commercial elements and height elements. Would it be acceptable to City Council that a discussion regarding these elements take place with the Planning Commission?
- (3) Does City Council have any concerns or suggestions that should be included in a revised PUD agreement?

Mr. Delacourt stated that upon receipt of the information from the State regarding the status of the historical home designation, the Historic Districts Study Committee would make its report to City Council.

**President Hooper** commented for the benefit of residents in attendance that

*the historic home is a separate matter and not included in this Agenda item. He stated that this matter is a discussion before City Council and that no votes would be taken this evening. He asked Mr. Delacourt to explain the setbacks for FB1 and FB2.*

**Mr. Delacourt** responded that FB1 and FB2 require very similar setbacks, but the interior setbacks from Rochester Road, and any internal streets, are dependent upon the type of street or alley that the applicant would construct. He explained that the important setback is the one next to a perimeter lot, which is any lot not included in the FB development. He continued that in this instance, whether FB1, FB2 or PUD, the minimum setback is 50 feet. He noted that there would no change to the zoning districts or the existing PUD as far as setbacks from any outside, residential lots.

**President Hooper** asked City Attorney Staran if the existing Planned Unit Development (PUD) is in good standing.

**City Attorney Staran** stated it is.

**Public Comment:**

**Michael Carney**, 1324 Bembridge, stated his objection to the proposed revision to the PUD because the PUD was approved in 2004 and that the developer had until 2014 for construction. He questioned whether City Council members would be in favor of a development such as this located close to their homes.

**Julie Dobies**, 708 Tewksbury Court, explained that her parents could not be in attendance at the meeting and expressed her family's opposition to this revision noting they would like to see this property rezoned as single family homes so the area would be one neighborhood. She stated that Rochester Road both at Hamlin and Avon currently experience high volumes of traffic congestion and that the revisions to the PUD would further increase the traffic volume.

**Amil Patel**, 1566 Farnborough Drive, stated his concern that the development had not been plotted well, could bring more traffic density to the area and could present a safety risk to the residents of Eddington Farms.

**David Bassett**, 624 Essex Drive, expressed his concern that the proposed revisions to the PUD are significantly different from the PUD approved in 2004. He stated that the current economic downturn would result in the residential portion not being developed any time soon and urged City Council to maintain the community's character.

**Martha Black**, 2408 Jackson Drive, spoke against the revision to the PUD and stated that there is an abundance of vacant commercial space for lease located throughout the City.

**Warren DeGrendel**, 695 Tewksbury Court, stated that the revision to the PUD would result in developers with a failed project and yet more vacant space for rent in front of residential areas.

**Verlinda Wallace**, 1299 Pembroke Drive, requested that City Council continue to maintain the beauty of the City and to be cognizant of the developers' plans.

**Lea DeGrendel**, 695 Tewksbury Court, commented on her concern about the existence of many vacant stores and her desire to maintain her subdivision as residential.

**Scot Beaton**, 655 Bolinger Street, stated that this property was originally zoned R-4 Residential and when this PUD was passed in 2004, not a single resident thought it was a good idea. He suggested that Mr. Gilbert develop it as residential.

**Tony Deshaw**, 1638 Farnborough Drive, stated his concern that his home's property values would be negatively impacted by the close proximity to this commercial development.

**Susan Deshaw**, 1638 Farnborough Drive, commented that her family had purchased their Rochester Hills home five years ago because of the family-based character and values of the City.

**Stevie Morris**, 1276 Pembroke Drive, stated that she had been against the PUD six years ago and remains against development of the site for anything other than single family residential homes.

**Angela Kadowaki**, 185 Windriff Lane, reported that the wooded land located behind her residence was cleared after the PUD was approved in 2004 and that no activity on the land had taken place. She spoke against revision of the PUD.

**Tim Collinge**, 553 Essex Drive, noted his many years of participation on the Eddington Home Owner's Association Board and stated there had been poor communication between the developer and the residents regarding the PUD.

**Melinda Hill**, 1481 Mill Race Road, stated she was a former member of the Planning Commission and City Council which had approved the PUD in 2004. She stated that because construction had not commenced within two years of the PUD approval according to Article 12, Phases of the PUD and the current number of vacant PUDs located in the City, the PUD should revert back to a residential development to maintain the family residential character of the City.

**Paul Durak**, 480 Essex Drive, stated that the developer had not maintained its property. He continued that there had been no communication with the residents and the PUD should revert back to single family residential.

**President Hooper** asked City Attorney Staran to respond to the concerns regarding the completion time specified under Article 12 and what the developer has done to comply.

**City Attorney Staran** explained that the agreement provides that the entire PUD shall be completed within ten (10) years of final PUD approval, which is 2014. He stated that until this evening, it had not been brought to his attention that the developer has not complied with Article 12.

**President Hooper**, referring to the comments brought up about the possibility

of this property reverting to it's prior R-4 Zoning, inquired under what scenario this could happen.

**City Attorney Staran** stated that there is no automatic reversion process of zoning under Michigan Zoning Law. He clarified that there is no reversion language stated in this PUD agreement, the City's Zoning Ordinance or the Michigan Zoning Enabling Act. He explained that zoning is a legislative act that can only be done by ordinance, it is not automatic.

**Mr. Gilbert** stated that his company is billed annually for a percentage of the landscaping maintenance costs for the subdivision's entrance located on the company's property by the Homeowners Association.

**Mr. Klomp** expressed concern that drive-thru restaurants are permitted under FB1 and questioned that although the developers are stating that they will not develop these types of businesses, what is to stop them after they have received approval from doing so.

**Mr. Gaber** responded that under the City's current FB Ordinance a drive-thru restaurant is a conditional land use which would require approval from City Council. He suggested that Council place a restriction on the revised PUD preventing this type of business from being allowed.

**Mr. Delacourt** concurred and stated that anything currently permitted under FB1 could similarly be restricted under a revised PUD.

**Mr. Klomp** stated that the necessity for a traffic light at Eddington and Rochester Road should be looked into.

**Mr. Pixley** commented that revising the existing PUD is a viable option.

**City Attorney Staran** reiterated that this item is being discussed this evening to determine whether or not Council would consider looking into any possible revisions to the existing PUD. If Council is receptive to the idea, this item will proceed on to the Planning Commission for further deliberation and appropriate Public Hearings. Once that process is complete, it will once again come before City Council for final approval.

**Mr. Rosen** stated he is willing to look at a proposed revision to the existing PUD, however, he stressed that now is the time to protect the residential character of our City.

**Mr. Yalamanchi** recommended that Mr. Gilbert take the time to talk with the residents and discuss their concerns prior to pursuing approval for the revisions to the current PUD.

**Mr. Webber** stated he is willing to look at a revision to the PUD, however, expressed his concern over the proposed increase in retail space.

**Mr. Gilbert** commented that to pre-design buildings for unknown future purchasers is very difficult to do. He noted that they had attempted this six years ago, and

*unfortunately, it did not work out the way they had hoped which is why they are requesting a revision. He stated that the flex zoning is the tool that gives them the ability to have the flexibility that they are looking for.*

***Mr. Delacourt** stated that there are architectural controls such as acceptable materials, heights, designs, etc., that could be put in place through the language in the revised PUD. However, he cautioned against placing buildings in specific elevations as was done previously and stated that the City now has a Zoning Ordinance that accommodates the mixed use development that was put into the Master Plan.*

**Discussed.**

## **ANY OTHER BUSINESS**

*None.*

## **NEXT MEETING DATE**

*Regular Meeting - Monday, March 15, 2010 - 7:00 PM*

## **ADJOURNMENT**

*There being no further business before Council, President Hooper adjourned the meeting at 9:42 p.m.*

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*GREG HOOPER, President  
Rochester Hills City Council*

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*JANE LESLIE, Clerk  
City of Rochester Hills*

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*CHRISTINE A. WISSBRUN  
Administrative Secretary  
City Clerk's Office*

*Approved as presented at the (insert date, or dates) Regular City Council Meeting.*