



Sara Roediger &lt;roedigers@rochesterhills.org&gt;

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**FW: Flex Business Overlays - Rochester Hills**

3 messages

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**Jeff Gabrielson** <jeff@jenerxx.com>  
To: roedigers@rochesterhills.org

Thu, Mar 3, 2022 at 9:11 AM

Sara,

Good afternoon morning.

Leanne Scott was kind enough to confirm you are correct conduit for communications to the Planning Commission. Kindly forward the communication below to the Planning Commission.

I would appreciate your confirmation that my understanding of you as the conduit is correct (or not) and that the letter below has been forwarded.

Thank you in advance for your support.

*Regards,*

*Jeff Gabrielson*

*201 Cloverport Ave.*

*Mobile 248-761-0277*

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Dear Rochester Hills City Council and Planning Commission,

We are writing as our Cloverport neighborhood to thank you all very much for your work and efforts to re- address the Flex Business Overlays in our city, especially in our residential areas.

We appreciate these efforts and also your willingness to use our neighborhood as a model for some of the difficulties that can arise with these districts in residential areas. We also appreciated that you took the time to really look at the impacts and to have meaningful discussion about them and what you intended and did not intend with the FB overlays, during your joint meeting with our neighborhood representative Jeff Gabrielson.

We realize as you have, that sometimes what we hope will provide additional helpful tools, ends up having unintended consequences that we could not have anticipated until things were lived into a bit. We are again grateful that you have the insight and fortitude to recognize this, to reevaluate, and to take meaningful action when things show that they aren't working. This willingness to make positive, necessary shifts is a good indicator of the kind of growing and evolving mindset that will serve our city well.

We thank you each for your part in this and we look forward to working with you towards positive outcomes with regards to changes to the FB overlays in residential areas.

Thank you,

**Mark & Donna Love**

133 Cloverport Ave.  
Rochester Hills, MI  
48307

**Ron & Jeri Peckens**

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Leanne Scott, MMC, MiPMC II

City Clerk

City of Rochester Hills

scottL@rochesterhills.org

(248) 841-2460

(248) 656-4744 - Facsimile

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----- Forwarded message -----

From: **Jeremy Olstyn** <[jeremyolstyn@gmail.com](mailto:jeremyolstyn@gmail.com)>

Date: Tue, Mar 1, 2022 at 9:40 AM

Subject: RE: FB Overlay District – Cloverport Subdivision (attachment)

To: Kristen Kapelanski <[kapelanskik@rochesterhills.org](mailto:kapelanskik@rochesterhills.org)>

Good morning, Kristen.

Given the upcoming proposed moratorium on FB zoned development proposals, potential development in our neighborhood, as well as future discussions regarding FB zoning in general, the Cloverport Neighborhood would like to add our thoughts to the process. Please see the attached pdf in consideration of the adjustments that could be made to FB zoning and the positive impact it would have on our neighborhood and the Rochester Hills area as a whole.

Thanks for your attention to this matter.

Jeremy Olstyn  
152 Cloverport Ave.

March 1, 2022

City of Rochester Hills  
Planning Department  
Attn: Kristen Kapelanski

1000 Rochester Hills Dr.  
Rochester Hills, MI 48309

**Re: FB Overlay District – Cloverport Subdivision**

Dear Kristen and Rochester Hills Planning Department,

We are writing this letter to you as the representatives of the Cloverport subdivision, which includes Cloverport Avenue, Childress Avenue and Enid Street. First and foremost, we would like to thank the City of Rochester Hills, including the Planning Department, City Council and Planning Commission for their thoughtful consideration regarding the FB Overlay District and the problems and concerns that such a district creates. We were encouraged by the discussion regarding the FB overlay district and its past use and potential impact on the City moving forward. This matter is at the front of our concerns due to the rumblings of development talks for the parcel to the south of our subdivision, west of the KFC on Rochester Road. As stated in our prior conversations, for reasons unknown to us, the FB Overlay District was extended to one of the residential lots on Cloverport Avenue, potentially causing major issues depending on any development of the parcel to the south of our subdivision.

We appreciated the opportunity to share the real issues regarding the FB Overlay District as a case study, and real-life example of where the FB Overlay District can become problematic. The receptiveness by Planning Commission, City Council and Mayor Barnett to hearing and understanding the situation was encouraging. In fact, we are very encouraged that the Planning Department is currently working on potential changes/elimination of the FB Overlay District. The purpose of this letter is to provide some thoughts, suggestions and concerns that we have, that were briefly discussed at the meeting. We hope this to be an open dialogue with the City to help address what may have been a thoughtful decision initially, but one with unanticipated consequences and potential issues moving forward. Rather than waiting for a developer's unfavorable proposal to use the residential parcel with the FB Overlay and voice our objections to it, we thought the better approach would be to provide comments and potential solutions to avoid this from being considered at all.

We believe there is a hierarchy of favorable outcomes regarding the Cloverport subdivision scenario that would likely be applicable throughout the City's neighborhoods. The most favored

outcome to our subdivision would be the elimination of the FB Overlay District entirely. From listening to the various participants at the joint meeting, this suggestion is one that already has support. Experiences with the FB Overlay has already shown to the City that it creates problems and unintended consequences. Eliminating the FB Overlay District would simply involve eliminating the Ordinance that establishes it. This would not be a zoning change since the underlying zoning would not change. Further, eliminating the Overlay District completely would not prohibit property owners from utilizing their property as permitted in the underlying zoning district. Rather, it would just remove the ability to develop in the expanded ways that the Overlay District may arguably allow. In addition, the property owners would still have the option to seek traditional or conditional re-zoning that would allow the City to consider uses not otherwise permitted under the current underlying zoning. Especially in the case of conditional re-zoning, those tools can be very effective in providing solutions for unique issues that would still allow the City to have control over the site to some extent, including ensuring that uses are not incompatible with adjacent property uses.

If the City does not come to the conclusion that the FB Overlay District should be removed from the code, there are other options available to the City if it is to remain:

1. The City could eliminate the FB Overlay District from underlying residentially zoned properties.
2. The City could change the Overlay Ordinance to only allow residential overlay uses for properties with underlying residential zoning districts.
3. The City could amend the Overlay Ordinance to preclude allowing non-residential overlay uses adjacent to residential properties.
4. The City could amend the Overlay Ordinance to require all overlay uses to have significant buffering and direct access to roads or other commercial access points, but not allow access through residential neighborhoods. We do not think it is good planning or use of property to allow a commercial business to potentially have its access through residential streets, let alone over an unimproved residential roadway, such as Cloverport. The property to the south of Cloverport is also adjacent to the commercial properties to the east of it, which already connect to Rochester Road. We believe that the proper access road for non-residential uses on that property should be directly onto Rochester Road. If Rochester Hills believes that another curb cut is not favored, there should be opportunities to connect with one of the other properties already maintaining direct access onto Rochester Road. It doesn't seem logical to have access to that property go over Cloverport Avenue which is purely residential. We know it was discussed at the joint meeting, but it is important to remind the City that there are no sidewalks down Cloverport and, in fact, the school bus drop-off for children is on Rochester Road. To allow a commercial business to have an access through and onto Cloverport Avenue would create several safety issues, most importantly conflict with school kids walking to their homes from Rochester Road. Unfortunately, we are all aware of the dangers with school kids and traffic as demonstrated a few months ago.

5. The Overlay Ordinance could be amended to clarify that driveways, roads, and access drives are not permitted uses in residential districts (regardless of overlay status) but can only be accessory to the permitted principal use on the same lot. This would preclude the potential development to the south from utilizing the Cloverport Subdivision parcel as an access drive (connecting over the residential road) as this change would require such a drive to be accessory to the principal permitted use under the residential zoned district.

To reiterate, these changes would not require any re-zoning efforts since the underlying zoning doesn't change. The City is permitted to amend its ordinance and change the terms of the FB Overlay if it were to continue.

Again, we want to be proactive on these issues and not wait to be reactive if/when a development is proposed for that property. We would make ourselves available for any meetings at the City, whether at City Council, Planning Commission or internal planning department discussions. Considering the possible development of the property to the south of our subdivision directly and, potentially negatively, impacts our subdivision, we would appreciate obtaining updates if/when discussions are occurring and/or plans are being submitted to the City for discussion.

Of note, we just received notice of a possible moratorium for FB projects while this issue is being considered. We applaud the City for being proactive. Hopefully, a developer does not try to sneak in consideration of a project before the hearing to consider the moratorium. As we understand that you and your department are very busy with multiple projects, we will continue to initiate "reach outs" to you periodically to find out where this topic and potential development stands. We propose to do this not as a means to be an irritant, but to stay connected and visible with the City as things may move forward. Should you or anyone else at the City want to connect with us, the best way is to reach us via Jeremy Olstyn our neighborhood representative at [jeremyolstyn@gmail.com](mailto:jeremyolstyn@gmail.com) or 248.854.4744. Otherwise, we look forward to future updates and communications with you. We appreciate your efforts and considerations in this regard.

Very Truly Yours,

Mark & Donna Love  
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Rochester Hills, MI  
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Timestamp	First Name	Last Name	Property Address	Comments on the Flex Business (FB) Overlay Moratorium	I would like to be notified of future communications
3/4/2022 8:44:21	Cloverport Subdivision letter			See separate letter in FB directory	
3/10/2022 13:21:16	Thomas	Rose	3081 S Livernois Rd, Rochester Hills, 48307	<p>My property, zoned R-4, has had businesses attached on our North boundry since the 1940s and 50s with no issues. Properties to our South were all residential. In the early 1980s those neighbors and other properties have been purchased by the people who built the Mosque and all their houses removed. We have been approached to sell but have not been ready to leave this location yet.</p> <p>Our house was built by my father when I was born and I purchased it from him when he retired and moved. With the change in the area my wife and I realize the next owner will want to change direction since there is no longer any neighborhood. This place is ideal for business because of its location and 200' frontage on Livernois. My Wife and I had lobbied City Hall since before Flex Business Overlay came into being. We were always counting on having a business take over when we left the property.</p> <p>As changes to various neighborhoods around the city become unsuitable for their current designation, some method must remain available to redesignate their application. Reviewing the FB is definitely necessary but removing it from consideration might hinder future planning in some instances.</p> <p>Thank you for your time. Respectfully, Thomas and Cornelia Rose 3/10/2022</p>	Yes
3/1/2022 9:40 AM	Jeremy	Olstyn	152 Cloverport Ave.	Given the upcoming proposed moratorium on FB zoned development proposals, potential development in our neighborhood, as well as future discussions regarding FB zoning in general, the Cloverport Neighborhood would like to add our thoughts to the process. Please see the attached pdf in consideration of the adjustments that could be made to FB zoning and the positive impact it would have on our neighborhood and the Rochester Hills area as a whole.	