

Chairperson Boswell opened the Public Hearing at 7:06 p.m. Seeing no one come forward, he closed the Public Hearing.

Hearing no further discussion, Mr. Kaltsounis moved the following motion:

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 11-010 (Pam's Day Care), the Planning Commission **recommends** to City Council **approval** of the **Conditional Land Use**, based on plans and information dated received by the Planning Department on September 9, 2011, with the following findings.

Findings:

1. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:

Aye 7 - Boswell, Brnabic, Dettloff, Hetrick, Kaltsounis, Reece and Schroeder

Absent 2 - Hooper and Yukon

Chairperson Boswell stated for the record that the motion had passed unanimously.

2011-0431 Request for density discussion for a 7.3-acre parcel on Dequindre, abutting Rochester Corporate Limit - File No. 05-042. Project originally received

Tentative Preliminary Plan Approval for ten site condo units in November 2006 and was known as Little Winkler Estates, Parcel Nos. 15-01-277-015 and 15-01-278-006, Damian Kassab, Little Winkler, LLC, Applicant.

(Reference: Memo, prepared by Ed Anzek, dated September 27, 2011 and Site Plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Vito Terracciano of Arteva Homes, no address on record.

Mr. Anzek stated that he and Mr. Breuckman were contacted several weeks ago by Mr. Vito Terracciano, a home builder who had been actively been working on the Summit at Kings Cove. He took over the development from the bank and had been very successful - the project was almost sold out. Mr. Terracciano had talked to Mr. Anzek about other sites in town, including the project known as Little Winkler Estates, a ten-unit development on Dequindre approved in 2006. It was a seven-acre tract of land, and there were two homes at the end which would share a private drive with the Little Winkler development. Mr. Damian Kassab, who could not be present, owned the Little Winkler property. He came to the City to talk about reactivating the development, and it was discovered that the approval had not been extended and had expired. Staff realized that subsequent to the expiration, when the City adopted a new Zoning Ordinance, that the property had been rezoned to RE, Residential Estate, a new zoning designation which required a minimum of one-acre lots. He recalled that it had been put in place for the most northeastern properties in the City. The City had wanted to try to establish some means of protecting the larger lot developments in those areas. The subject property was previously zoned R-1 and had reached Preliminary Approval for ten units, but in applying the new zoning standards, with one acre lots, the development could perhaps get only five lots. That was not necessarily a bad thing, but the land surrounding the development would leave it a little out of context. The property to the north, Winkler Estates, had an average lot size of 20,000 square feet. To the east in Shelby Township, the lots averaged 12,000 square feet and the homes in Rochester, to the south, averaged 14,000 square feet.

Mr. Anzek said that Staff was raising the question about the appropriate density for the subject property. They felt it would be more appropriate as R-1, as previously zoned, rather than its new designation of RE. If the Planning Commission agreed, Staff would initiate a Rezoning to R-1 to create a more appropriate scale for the property in question. He indicated that R-1 developments did not have small lots; Little Winkler proposed 22,500 square-foot average lot sizes (half-acre).

Chairperson Boswell asked if the Planning Commission changed Winkler Mill Estates (directly north of Little Winkler) from R-1 to RE, and Mr. Anzek said it remained as R-1. Chairperson Boswell asked why the Planning Commission changed the Little Winkler parcels to RE. Mr. Anzek thought that at the time, they might have thought it was vested, or it might not have been thought through long enough. There were over 200 parcels rezoned to RE. Each owner received a letter from the City, and he and Mr. Breuckman met with owners on several evenings about the pros and cons of rezoning. The people that came seem satisfied.

Mr. Kaltsounis said that he would support changing the property back to R-1, because it would be more harmonious with the surrounding environment. He agreed if there were only five lots, that it would stick out like a sore thumb. He pointed out the properties to the north, south, and east, and said he felt that it justified Rezoning to R-1 and keeping the development at ten lots. He said he would leave it up to Staff as to what tools should be used, and Mr. Anzek felt that a straight Rezoning would be best, so it would match the property to the north. Mr. Kaltsounis did think a precedent might be set with this decision, but looking at the surrounding environment, he felt it could be justified in this case. Mr. Anzek agreed, and said that was why they were pointing it out. They felt that in this situation, surrounded on three sides with smaller parcels, that it would be defensible. He mentioned that to the west, there was another six-acre parcel where an applicant wanted to put in ten homes.

Chairperson Boswell asked the Commissioners if there was anyone who disagreed, and no one offered that they did. Mr. Anzek stated that Staff would advertise a Rezoning initiated by the City for the subject property. He did not feel it was the developer's fault because it expired, but because the City Rezoned it to Residential Estate.

Mr. Dettloff asked if Mr. Kassab had lost the property, and Mr. Anzek advised that he had not. He said that Mr. Kassab thought he was vested by getting the Preliminary Approval. He was not aware he was required to get Extensions. Mr. Reece asked if the applicant was noticed when the City decided to Rezone the property. Mr. Anzek said that he was on the mailing list, and he did not show up for any meetings, but if he thought he was vested, Mr. Anzek said he could see why he might not show up. Mr. Reece asked if there was any discussion with the two neighbors to the west. Mr. Anzek said that he had not talked with them; he wanted to first find out what the Planning Commission thought about changing the zoning.

Mr. Schroeder asked Mr. Anzek if he would like a motion. Mr. Anzek did not think it was necessary. Mr. Dettloff asked if Mr. Terracciano and Mr. Kassab would be partners. Mr. Anzek explained that the Site Condo process would have to start from the beginning, so the Planning Commission would see it at that time. He reminded that there were new engineering standards. Mr. Dettloff noted that he lived in Kings Cove and he attested to the fact, and said that the Association was pleased, that Mr. Terracciano was doing a good job with the Summit.

Discussed

- 2011-0381** Discussion regarding a proposed Zoning Ordinance text amendment to allow gas stations in B-3 Zoning Districts as Conditional Uses; Meijer, Inc., Applicant

UNFINISHED BUSINESS

- 2011-0365** Discuss potential Zoning Ordinance Amendments - James Breuckman, Manager of Planning
(Reference: Memo, prepared by James Breuckman, dated September 6, 2011 and proposed amendments had been placed on file and by reference became part of the record hereof.)

Mr. Breuckman recalled that at the last Planning Commission meeting, he had introduced a list of potential Zoning Ordinance amendments. He felt that the amendment for handicap accessible parking represented the most significant change, so he wished to put that at the end. He said that it would be helpful to Staff to get an indication whether they should start preparing language for each. As a starting point, he had offered suggestions as to what they might modify.

Mr. Breuckman first brought up drive-thru requirements, an issue that arose because there were currently two separate standards for drive-thrus, and he felt that for fairness, they should be consistent. He asked the Commissioners if they thought it was an amendment worth pursuing.

Mr. Schroeder stated that if it was a concern to Staff, it should be a concern to the Commissioners, and they should all be considered. Mr. Anzek noted that Staff had received several inquiries regarding facilities that were not in use or had been abandoned, and they could not be brought into use because of some of the constraints. Drive-in restaurants now required a 150-foot wide minimum lot, but businesses were starting to