

between wetlands, woodlands, safety, and access. He stated he did not think he had any problems in supporting the project although he would like to think about it a bit more. He noted one of the things that helped was Mr. Stinson mentioning about the emergency access. He stated he was not aware of that and if a bad situation came up, it was available. He noted the benefit to the north and east of the "Y" and stated on balance, he came out in favor of it.

Chairperson Kaiser suggested the applicant talk to City Staff and determine when they would be ready to come back before the Commission. The applicants thanked the Commissioners for their time.

*[Recess – 8:55 PM to 9:00 PM]*

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**DISCUSSION ITEMS:**

**3. Rochester College Master Plan**

Chairperson Kaiser stated the next Agenda item concerned the Rochester College Master Plan.

Mr. Mark VanRheenen, Executive Vice President of the College came forward and introduced himself. Mr. Barry Nebhat with TMP Associates, came forward and introduced himself and stated they are working with the college on their plans for development. He introduced Mr. Richard Borrelli, also with TMP Associates.

Ms. Millhouse thanked the Planning Commission for taking the time to review this matter. As a brief background, she indicated the last major work that was done at College was with the dormitories about five years ago. She stated the College is now ready to propose a new library. They have submitted their site plan for first review. During the discussion, it was determined there would be a need for a conditional use for this facility. She noted they are aware the College does have a Master Plan for about twenty years into the future. She explained a site plan is required to go along with the conditional use.

Ms. Millhouse stated the question the College has tonight, instead of having to go through a revised conditional land use every time a new facility is going to be proposed over the course of the next few years, is whether the Planning Commission would feel it conducive to use the Master Plan as the "site plan" to proceed on through a conditional use procedure at this point. She explained when they were ready to build the next facility, it would simply be a site plan issue, unless for some reason there would be conditions on the conditional land use that might kick in. In other words, to use this plan to look at the site overall, and to base the conditional use consideration based upon the Master Plan as opposed to site specific plans for each facility as the College progresses in its development.

Chairperson Kaiser indicated it was a good idea. He explained they have run into the issue several times before of whether it was enough of a change on a conditional use to be reheard by the Planning Commission and the City Council. He questioned whether the result would be along the lines of a conditional use recommended for approval consistent with the Master Plan dated received "whatever date is used", with conditions that the use be allowed so long as future plans did not exceed those uses. Ms. Millhouse added that all code requirements would be met. Chairperson Kaiser clarified they would still see each development as it came on a site plan basis. Mr. Anzek agreed it was correct.

Mr. Nebhat indicated Mr. Borrelli would present the Master Plan that was developed a period of years ago, as Mr. Borrelli had been instrumental in preparing it with the College at that time.

Mr. Borrelli stated the Master Plan as is shown tonight is a historic element, noting the name displayed on it of Michigan Christian College, which predates the name change at the College. He stated the Plan was done prior to and coincidental with the resident hall project about six or seven

years ago. At that time it was shown for intent and that intent was there would be development occurring in front of the existing buildings toward Avon Road and that would be of an academic nature. An example of these academic facilities would be a library, an administration building and an auditorium. He explained the plan was done in conjunction with the resident hall project since the need was there for some additional resident halls.

Mr. Borrelli stated the Master Plan would be an enduring document, except for the fact that changes over time may and have moved the position of the library as shown. He indicated they wanted to present the Master Plan as a guideline for the future and not as a specific blue print.

Chairperson Kaiser suggested consideration be given to the renaming the College to be consistent with its location. He noted he would review the Master Plan to be sure there were no indications they would be seeking waivers or intrusions into buffers, etc. He suggested the applicant avoid planning for waivers and intrusions into protected areas. Mr. Borrelli indicated they were well aware of the limitations that the natural features of the site show. He stated that was a major part of the effort in the initial Master Plan sequence.

Mr. Anzek explained one of the items that prompted this inquiry is that Mr. VanRheenen had brought up the success of the College and the fact that enrollment has increased 30% over the last two years consecutively and that they were laying out an aggressive expansion program. Mr. Anzek felt if site plans were going to be seen one after another, it might serve the City's best interests if they could get the conditional use "umbrella" and then deal with the individual site plans as they come forward.

Ms. Hill referred to the historic barn on the site and asked how that issue has been dealt with or what the status of the barn is at the present time. She felt that was another issue that would have to be addressed before any plan was approved. She noted the example in front of them did not indicate it being there.

Mr. Rosen commented the Plan was not actually a set of guidelines, rather it defined the boundaries of what is contemplated in the conditional use. In other words, they are "putting a box around it" and as long as it stays within the box conceptually, it is fine and they do not need to go back for conditional land use or go before City Council, it is just assumed all of it still works. He felt to do that for such a large facility and for potentially twenty years into the future, required them to think pretty far ahead and to think about being able to comply with the Ordinances today. He thought it would take more work than simply one public hearing and a recommendation to City Council. He noted work meant staff work, particularly from the consultant's point of view, and everyone needs to fully understand what they are committing to. He stated it was a great idea but he did not want to think about it as a guideline, but rather as setting the edge of the envelope within which everything is O.K. and beyond which they would have to think about whether it is a conditional land use.

Mr. Nebhat pointed out the City still maintains control by being able to follow each project through its full cycle, so that protection of the City's interests are inherent by the other requirements the City has laid out.

Mr. Rosen agreed that would happen anyway. He stated what they were trying to do was get the whole concept out well enough defined and thought through so that the applicant and the City can pretty reasonably rely on it. This would avoid arguments about conditional land use which have more opportunity to get off the track. He noted the City had to consider what impact it would have down the road, on the whole general area, on traffic, etc.

Chairperson Kaiser indicated he not did feel it meant that everything inside the box can happen, but rather how it is described in the Master Plan is what they would end up conditionally approving. Not just the outer perimeters, but there may be conditions on where the parking has to be, whether it is interior or exterior, etc. Mr. Rosen agreed that was a good way to state it. Mr. Borrelli stated that would show specific intent of what the development would be. He liked Mr. Rosen's word choice and the concept of definite boundaries.

Mr. Anzek suggested to the applicants, as they do their total thought process of working out the total campus development, they put it in a time frame, such as 2005, 2010, 2015. He believed that would demonstrate to the Commission the type of intensity over time and how it will fit together piecewise.

Ms. Millhouse added the key word in all of this is the intensity of the development. She referred to the reference about it being roughly twice the college they have today. She noted if, in reality, they are growing so quickly they need to be looking 2-1/2 times the college, now would be a good time to build that into their Master Plan. She explained they would be looking at something based upon the intensity of two or three additional dorms or two or three classroom facilities. It is the intent of use and the volume of the use as it would relate to the area. She suggested it was a perfect opportunity to get a handle on how far they want to go at this point in time and the intensity of their future expansion.

Chairperson Kaiser noted for the record if they were to master plan for eventually owning and operating all the way down westerly to the intersection, particularly with the recent weekend activity going on there, he had no objection. Chairperson Kaiser indicated the Commissioners felt it was a good idea to put a Master Plan together and bring it before the Planning Commission and the City Council for the conditional land use request.

Attorney Staran stated it made sense for all the reasons articulated to consider it as a Master Plan, certainly with some conditions. He stated there would be a need for conditions taking into account that they are not talking about a Master Plan for something they are going to see in 2001, but rather over a period of ten to fifteen years. He noted over that period of time Ordinances can and presumably will change which could even effect the layout that is proposed. It should be made clear in any conditional approval that site plans will have to come forward and they will need to comply with all Ordinances in effect at the time of submittal. He indicated some of that goes without saying; however, for posterity's sake, it would be important to note. He noted they did not want to unwittingly create a non-conforming use situation. He saw benefit both to the City and the applicant to have at least a reasonable amount of certainty as to what is going to be laid over time rather than doing it in a piecemeal fashion over a period of years with different people involved in the approval process. He did not see a problem with it and suggested it needed to be thought out and talked out more, but there should not be anything they could not deal with.

Mr. Kagler stated he concurred with everything and stated it will be helpful for general building placement and it will be very helpful for determining area of development on future site plan approvals. He pointed out one of the challenges they had when they first saw the initial concept plans for the library was in looking at a site plan, or a tree removal permit, or a wetland determination, normally they look at the sidwell numbers. He indicated the parcels of the subject property do not necessarily correspond with the areas of development. He stated if the College's plan is for a finite period of time, some potential conditions of conditional land use approval could relate to that period of time. Specifically, in terms of when the next conditional land use might be required or things that would trigger it. He stated it could be very helpful and could aid in the future development of the College and possibly cut down the amount of reviews that may need to take place.

Chairperson Kaiser asked whether a conditional use could include a sundown-type of provision. Attorney Staran indicated he would like to consider it further, but he was not aware of any good reason why it could not in these circumstances. Chairperson Kaiser indicated if it was tied to a Master Plan dated received next month, and City Council conditionally approved it, a condition could be perhaps "consistent with the Master Plan so long as they have reached Phase 8 by the year 2020, otherwise they would have to reapply for the conditional use". Attorney Staran agreed it might make sense to do that ordinarily in anything, i.e., a site plan approval, a Zoning Board of Appeals variance, or anything like that. If it is not implemented or acted upon within a certain period of time, just like a building permit expires. He explained the purpose was to take into account that circumstances change over time as do Ordinances. The City would want to be sure the current conditions and Ordinances are being taken into account. He stated there was no reason that same type of philosophy should not apply in this instance.

Mr. Rosen stated he was looking at it from the perspective that ordinarily a conditional land use would expire after a certain period of time. Attorney Staran stated that went along with what he was saying. He noted there would have to be some implementation of it or else they will lose it. He stated they were talking about something akin to a phase development, which they have dealt with before with subdivision plats with future phases, which require when they are ready to move ahead with those later phases, they come back and get approval. He indicated this was the same type of thing, although it would have to be understood they were not going to do everything shown on the Master Plan within one year. He believed they could put some type of "sunset" provision that if a certain percentage or aspect of the Plan is not completed within a certain time, it would expire. He indicated the Master Plan should include a timetable as Mr. Anzek had suggested.

Mr. Kagler noted the City has had different degrees of attachment of a plan to conditional land use approval in the past. He stated they have had use approvals where they actually have the completed site plan approval in front of them simultaneously and they are attaching that as it is. The City has had others, such as St. Paul's Albanian Catholic Church, where the use was approved attached to a plan that was in concept and had not been fully developed and the plan was done later. He saw the College's proposal as being one step more vague than that, where they would be attaching to it a plan that has been presented by a property owner that represents a very general conceptual development plan for a certain timed future of the property. The City needs to acknowledge that and will review each of the plans individually consistent with a set number of conditions attached to the use approval.

Chairperson Kaiser suggested the applicant formalize their Master Plan and submit it for review. Ms. Millhouse pointed out that did not mean the library site plan had to be put on hold. However, at a certain time it has to catch up. Mr. Borrelli indicated there is a significant amount of documentation that has been prepared associated with the Plan, and he suggested they will submit that to the City as their initial Master Plan approach, with the hope they can move forward with the library as quickly as they possibly can to gain site plan approval for that particular project.

#### **4. Update of 2002-2007 CIP (Capital Improvement Plan) Process**

Mr. Anzek stated he wanted to provide the Commissioners notice that the Capital Improvement Plan process has begun for the 2002-2007 year cycle. He indicated there has been one meeting with the policy team committee, which consists of Melinda Hill, Jim Rosen, Bill Boswell, Steve Erickson, Bob Spaman and himself. He stated the project team has also met. He pointed out there has been no substantive change identified as of yet to the process. There will be several meeting dates in the future for the Planning Commission to review submittals, projects, the plan, etc.

#### **ANY OTHER BUSINESS:**

#### **5. Request for Workshop with City Council**

Chairperson Kaiser referred to a memorandum prepared by Mr. Anzek to the Planning Commission. Mr. Anzek indicated he did not have a target date that City Council may be considering. He indicated there was a memorandum submitted to Gerry Robbins a couple of weeks ago requesting Council's consideration of this. He wanted to let the Planning Commission know it has been requested. In the spirit of the discussion they had at the November workshop about trying to get more involvement with the Council on major zoning questions and issues that come before the City, this was something he would like to request. He had recommended to the applicant, Tony Curtis and Joe Curtis, that they request such a workshop meeting to present their concept and have an input discussion. He stated it may be too early to request a date, however, if Wednesdays before Council meetings are acceptable, then he will go forward with some targeted dates.

Ms. Hill stated she had not heard anything about it other than receiving the memo. She indicated she was not exactly sure what the expected outcome was. She asked Mr. Anzek what he was expecting to gain by having a joint meeting between Council and the Planning Commission regarding this particular issue.