

Aye 8 - Boswell, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Absent 1 - Brnabic

Chairperson Boswell stated that the motion had passed unanimously, and he wished the applicants good luck.

- 2014-0322** Public Hearing and request for Conditional Land Use Recommendation - City File No. 14-002 - for a proposed 40,000 square-foot trucking and storage facility on approximately ten acres at the northwest corner of Hamlin and Dequindre, zoned I, Industrial, part of Parcel No. 15-24-402-041, JB Donaldson Co., Applicant
- 2014-0323** Request for Approval of a Tree Removal Permit - City File No. 14-002 - for the removal and replacement of as many as 24 regulated trees associated with the construction of a 40,000 square-foot industrial trucking and storage facility at the northwest corner of Hamlin and Dequindre, JB Donaldson Co., Applicant
- 2014-0324** Request for Site Plan Approval - City File No. 14-002 - General Trucking industrial trucking and storage facility (see file nos. 2014-0322 and -0323)
- 2014-0325** Public Hearing and request for Rezoning Recommendation - City File No. 14-011 - An Amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills to rezone approximately 77.7 acres of land, located east of John R, north of Hamlin, Parcel Nos. 15-24-326-008 and 15-24-302-007 from R-4, One Family Residential to RMH, Manufactured Housing Park district, Six Star Investments, LLC and DNL Property Holding, LLC, Applicants
(Reference: Staff Report prepared by Ed Anzek, dated August 15, 2014 and Rezoning Application had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Kenneth Frantz, Six Star Investments, LLC, 37000 Woodward Ave., Suite 250, Bloomfield Hills, MI 48304 and Lixing Cao, DNL Property Holding, LLC, 25680 Shoreline Dr., Novi, MI 48374.

Mr. Frantz stated that they were seeking a change in zoning from R-4 to RMH.

Mr. Anzek advised that with a Rezoning request, it was the burden of the applicant to establish a basis for the Rezoning. He asked Mr. Frantz to

say why he felt R-4 was not appropriate and why RMH was.

Mr. Frantz noted that the property was a former landfill. The two properties were part of Stan's Trucking, and because they were municipal landfills, the development options were very limited. They were dealing with methane and subsidence, which were the same issues, on a different level, that the last applicant was facing. They looked at many different options for the sites, and he felt that the current R-4 designation was impractical. Houses could not have basements because of settlement, and there would be cracking. They considered options such as industrial or commercial, but he did not believe there were any viable opportunities with those. The crowd present was very opposed to a commercial development for the previous application, and he did not think it would go over very well for his property. Most of the neighbors would not want to see a trucking facility or a manufacturing facility, and probably would not want to even see a shopping center. Those would produce light pollution, traffic and noise. He observed that there were residential areas on all sides, and to him, manufactured housing would be the only viable option. They would be built on sturdier frames. When the homes were transported, they would be set up on the sites. They could be elevated slightly on the slabs in case ventilation was needed. The slab would protect from issues with the landfill. He had looked for many years for buyers or developers, and he found that manufactured housing would be the only viable option.

Mr. Frantz said that Mr. Anzek mentioned in his report, and the DEQ had also mentioned it, that it had not been done before in Michigan. Mr. Frantz agreed; however, he said that it had been done quite successfully in other states. He showed a development from Ohio, and said that it was on a brownfield site that had been industrial. It was a worse situation, because there were toxic chemicals and issues much more severe to the health than methane, which could be vented.

Mr. Frantz claimed that Rochester Hills was not the same community that it was when the landfill closed in 1982. He indicated that if they tried to do an industrial development, it would just add to the pollution, and the toxicity would be less acceptable than anything else. His sites were in the middle of the Landfill Area on the Master Plan, and that Plan was supposed encourage creative thinking and the development of the property to put it back into productive use. Mr. Frantz stated that there was nothing else that he could come up with that would be a productive use, and he believed that there was no better use for the property than residential, and that the only way to do residential was with manufactured

housing. He showed some manufactured homes done by Rochester Homes, Inc. He noted that someone mentioned that it would just be a trailer park, but he maintained that the homes were much nicer now.

A resident from the audience called out that plans could not be shown, and that it was "illegal." In reply, Mr. Staran explained that specific plans of something proposed to be built could not be shown; however, the applicant could show illustrations of things that could possibly be built, which was not prohibited. They could not get into specific Site Plan review. Mr. Frantz agreed that they were just samples. He thought that Rochester Homes was in the community, but it was in Rochester, Indiana.

Mr. Frantz stressed that they were not trailer homes, and that it would not be a trailer park. It would be manufactured housing - manufactured offsite, rigidly built, able to be elevated above the ground, but not what was in the other manufactured housing communities in the City. He commented that things had changed, and the reason they were called manufactured communities was because the quality of the housing was much better. He stated that it would be an asset to the community. They would be taking care of the environmental issue that was notorious. He mentioned that on Parke Street, nearby to the east, a house blew up about 13-14 years ago, before they acquired their properties. He stated that they would fix the sites, and that was exactly what the City planned. It was put into a brownfield designation so something like this could happen. They would bring life to the City and put in places that were better than a lot of the surrounding sites. They would be doing everything in accordance with the Master Plan. He stated again that it would be the absolute best use for the properties, and that was why they put in an application to Rezone.

Mr. Staran clarified that although he was sure the applicant was sincere in his expression of intent as far as what he intended to build and its style, a Conditional Rezoning was not being proposed. Since it was not a Conditional Rezoning, if it was Rezoned to RMH, the manufactured housing style Mr. Frantz showed was not binding, and any type of manufactured housing could go in. He pointed out that the Planning Commission could not accept those representations at face value or condition any decision to approve based on what Mr. Frantz was representing, but rather, if it was going to be Rezoned to RMH, anything that was permitted in that district under the Zoning Ordinance could potentially happen.

Mr. Frantz said that Mr. Staran was correct. He stated that it was not their

intention to build on the lots. They would continue to own the property, and they would set each site up with cement slabs and bring in utilities, but people would purchase their own homes. They (the applicants) could pick and choose what they wanted brought into the community and how it would be developed, but they would not build them. People would buy their homes and locate them on his sites and rent them on a monthly basis, which was what was being done in the other two parks in the City.

Mr. Anzek advised that the Master Land Use Plan was the basis for Rezoning decisions - whether something was supported by the Master Plan or not was a major consideration. There was a Landfill Planning overlay for the area, which did not specify uses, but it talked more about flexibility and the potential for something that might work on a landfill site. When he first met with Mr. Frantz, Mr. Anzek expressed that he felt that there was a great deal of environmental information that needed to be known, knowing that the Planning Commission liked to be able to make informed decisions and to know as much as they could. There were several parties involved with the site, including the Michigan Manufactured Housing Commission, which was a governing body. The City had to follow their rules for a manufactured housing park, which were different than the City's development rules. The applicants would also have to get acceptance from the MDEQ, another governing State agency. He had pointed out in his Staff Report that he felt that there needed to be advance support from those agencies before the matter should be heard. Mr. Anzek said that he personally had serious doubts whether it was environmentally viable and whether it was even economically feasible. He had concerns about traffic that would use School Rd., a gravel road, and traffic using Hamlin. Since he wrote the Staff Report, he had several meetings and conversations with Mayor Barnett. Mayor Barnett asked him to express, and Mr. Anzek concurred, that the Commission should strongly recommend denial of the Rezoning application.

Mr. Frantz noted that he had met with the DEQ. The person assigned to the matter did not express any environmental objections or say that something could not be done. He gave Mr. Frantz the names of a couple of engineering companies both out of state and in, that would be able to provide expertise and to help get something done in a safe manner. With regard to the Michigan Manufactured Housing Commission, he called them, and he was referred to the Department of Building Code, and that department said they would not make any decisions beforehand or send a letter to that effect. If the DEQ did not agree, the Housing Commission would not either, but if the DEQ thought it was fine, the Housing Commission would probably go along. Mr. Frantz stated that it all came

down to the DEQ. He reiterated that the whole point of having a Brownfield Redevelopment Authority (BRA) was to encourage brownfield redevelopment, and that was exactly what they were trying to do. If they could not do a manufactured housing park, then he thought that the City would be telling them they could never do anything with their property. With a stroke of a pen, he felt that the City would be taking away their property without due process, and he claimed that was not what the City charter or the BRA was for, and he did not feel that it would be best for the City. He said that he was trying to do what was best for the City, and he was asking that the Commission gave him a chance. He concluded that he could not have that chance without the Rezoning.

Mr. Kaltsounis commented that by the book, it was a recommendation to change the zoning. The Planning Commission was not allowed to consider a Site Plan, and they had to consider everything that could be put there, and they had to consider density.

Mr. Frantz maintained that the density would be the same as the State allowed. Mr. Kaltsounis said that in his mind, there were several tools, including a possible Planned Unit Development (PUD), Staff could recommend. He noted the PUD that was going in to the north of School Rd., where the developer used a PUD to be able to put in apartments. A PUD was a contract between a developer and the City as to what densities would be allowed, what type of uses would be allowed, etc. When he thought about the whole scope of Mr. Frantz' request, he thought it would be better to discuss some concepts with Staff that would make sure all the boxes were checked and that would end up suiting Mr. Frantz and the Planning Commission. Mr. Frantz said that he was not sure exactly how that would work. Mr. Kaltsounis said that the tool that Mr. Frantz was proposing was a blank check to be able to do whatever he wanted in the RMH district, and Mr. Kaltsounis said that he had a problem with that. Mr. Frantz said that would be the case with any RMH development anywhere in the City. Mr. Kaltsounis advised that was where a PUD would come in - there would be more flexibility, more selection of homes, more agreed to densities, and even where they would locate the methane recovery systems. He felt that it would be one of the best tools to use for the properties. Mr. Frantz indicated that MJC (developer of the apartments) had more resources. He had tried to get other people with resources involved, and the proposal was the only thing they could potentially do themselves. Mr. Kaltsounis did not think it was a resource issue. He suggested that they needed to sit down with Staff and work through the issues and at the end of the day, see where they were. He commented that he was not a fan of a blank check. Mr. Frantz disagreed and said that

it would not be a total blank check, since the DEQ had the final authority over what would or would not be allowed. Mr. Kaltsounis said that he appreciated Mr. Frantz' comments.

Mr. Hetrick stated that in many respects, he concurred with Mr. Kaltsounis. The opportunity to do something with the site was probably best suited using a PUD. They could think of it as a contract between a developer and the City versus an Ordinance change. He saw four things that had to be done, and the first regarded the methane. If there were 490 residences, it would take a lot of maneuvering to keep the people who were going to rent the properties and the surrounding people safe. Next were the utilities to get to the infrastructure. The previous applicant was going to do a lot of work to ensure that the utilities ditches were well contained so things did not leach out, and there were no methane problems. Third was the road infrastructure. The previous matter raised concerns about using millings for a parking lot. Mr. Frantz would have to build a set of roads and infrastructure for 490 residences. To Mr. Hetrick, that was a large concern given the potential movement of the earth around the site. Lastly, he mentioned the home foundations. Mr. Frantz had said that he could install slabs, but with the movement of the ground below the foundation, the previous applicant was going to have to put in pilings just to put up the building. Mr. Hetrick did not think Mr. Frantz would put in pilings for 490 residences. That did not seem feasible, and with all of those things Mr. Hetrick had mentioned, he was not really thrilled about supporting a Rezoning to RMH or a manufactured community. It appeared that the Manufactured Housing Commission was not that willing to get behind the plan at this point, either. Those four items he mentioned suggested that a Rezoning to manufactured housing did not make sense for the property.

Mr. Frantz commented that he would have to disagree, because every one of the issues raised had an engineering solution. He realized that there were issues to be addressed. He had been talking with engineering companies and with the DEQ. They had looked into what had to be done for every problem. He knew there were problems with the property, because if there were not, the property would have been developed long ago. He said that Mr. Anzek had talked about having the utility trenches sealed, but in talking with the engineers, they would take exactly the opposite approach. If they trenched out the utilities along the roads, those would be a pathway to vent the methane. He talked to a company in Novi called Landfill Energy Systems, and they would set it up to draw out the methane and convert it into energy that fed back into the electric grid. It would lessen the methane. He stressed that every one of the

questions raised was one that he had thought about, and he reiterated that there was a solution for each. They would not be able to get the DEQ's approval unless every one of those questions had been properly addressed. He would rely on them to say what was or what was not safe. He did not think anyone in the room had the expertise to say something could not be done. A lot of things that people were saying could not be done could be if they had the talent to apply to it. He was trying to get the chance to address the issues and to bring the talent to bear.

Mr. Hetrick said that unfortunately, unless he missed something, none of what Mr. Frantz described was in their packet, nor was there any indication that the DEQ had in any way endorsed what Mr. Frantz was describing. Mr. Frantz said that was because they were just doing the Rezoning request. In the Environmental Impact Statement, he talked about how the methane would be following the utilities as pathways, and it talked about a passive approach. They would have streetlights, similar to the ones the last applicant mentioned, and similar to the kinds they had in the parking lots at the Home Depot at 12 Mile and Telegraph. He explained again that passive venting of the methane would trench it out, and they would create pathways. He stated that it would be better than putting very expensive, impermeable material around the trenching, and instead they would use the trenching. They were attempting to find creative solutions that needed to be done. He said that they had talked about a PUD, which he felt would tie his hands as to what could be done, but he did not have a problem with that. If the Rezoning was contingent upon the City, and there was a contract which said only certain things could be done, he would not have a problem. He thought that the City would want to have something done that would be in the best interests of everyone. He would agree to PUD conditions, but it was the first time he had heard about a PUD.

Mr. Hetrick said that they were starting to morph into a Conditional Rezoning, which was a different path. Mr. Frantz did not believe that it could be a Conditional Rezoning at this point. Mr. Hetrick advised that a Conditional Rezoning and a PUD were two separate elements; someone could do one or the other. Mr. Frantz saw it as opposite sides of the same coin, but that was probably because it was his first introduction to PUDs, and he was still not clear on exactly how it would work. Mr. Hetrick said that he did not want to cloud the water with PUDs, but it seemed that based on what they were looking at, that Rezoning to RMH would not be a workable solution. Mr. Frantz saw it as the only viable solution, and he was hearing that a PUD was a viable solution, but he was not sure what they would put into a PUD. He asked for clarification. Mr. Hetrick indicated that it would be something to discuss with Staff outside the

meeting. Mr. Frantz said again that for years, they had tried to come up with something they could do, and this was the only solution they could come up with. If there was a better solution, he said that he would like to hear it. He said that it was being sprung on him. Mr. Hetrick said that he was not trying to spring something on him, but the Rezoning did not, from his perspective, seem to be the right way to go. If there was another solution, there was an opportunity for Mr. Frantz and Staff to work through things. Mr. Frantz asked if the matter could be tabled for a month so Mr. Anzek could explain the whole PUD concept, and they could see if there was another way to work things out.

Mr. Anzek responded that Mr. Frantz could read about it in the Zoning Ordinance, which was also online. It was very detailed as to how a PUD worked. Mr. Anzek recalled discussing a PUD with Mr. Frantz, along with Conditional Rezoning, and Mr. Frantz insisted on going forward with a Rezoning request. Mr. Anzek suggested that what Mr. Frantz could present would be something suitable for an R-4 development.

Mr. Schroeder gave a little history of the site. About 50-60 years ago, there were farmers in the area who did not want any development. A sand merchant came in, and said he would dig out the sand and fill it in and put topsoil down to make it ready for farming. Mr. Schroeder stated that it was a mess, and there was no control. People started to toss garbage there, and there was no oversight or compaction. The site was covered and the drains were filled in. Then it was sold, but it was still a landfill, and no one had any idea of what was there. There was no cooperation, the Township had nothing to say, the DNR was invisible, and there were no inspections. He stressed that they did not know what was buried in that landfill. Mr. Schroeder explained that most of the methane production was gone because of age, but because of the lack of compaction, there was a mountain of trapped methane. The minute someone started to put in foundations that would all start coming out. He emphasized that there had to be studies and environmental recommendations done. The trenches could not just be dug and pipes dropped in. There would have to be support for the utilities. They would have to put in piling and sheeting, and then they would have to be lined with piping. It would not be a vent, per se. It would take a lot of work to put in the roads, which would also need to be supported. He stated that all those things would take money, and he felt that Mr. Frantz was not prepared. It was very obvious to Mr. Schroeder that Mr. Frantz was shooting in the dark, and Mr. Schroeder did not feel that Mr. Frantz was ready for this type of project. Mr. Schroeder said that he knew Mr. Frantz had no concept of the cost. Mr. Frantz had noted in his EIS that there were toxic chemicals, and Mr.

Schroeder underscored how dangerous they would be. He advised that there would be gas generated, and Mr. Frantz had to have a way to handle that. He stated that there was no drainage pattern; it was a dump, and Mr. Frantz would have to address the drainage. When the landfill operator was trying to close it, the City got him to open the drains, and that had to be addressed. The water mains and sewers would have to be supported, and he stated that it would not be a simple thing. There would be no compaction (anything underneath), and it would be a major engineering job. Mr. Frantz had said that the PVC pipes would be installed by the DNR. Mr. Schroeder remarked that the DNR never installed pipes. If there was any installation, it would be by the developer trying to get the site signed off for water quality. Mr. Schroeder mentioned that there would be a lot of traffic generated. The roads around the site could not handle that, and there would have to be road improvements. The City would not improve the roads, so that would be another huge expense. Mr. Schroeder said that Mr. Frantz mentioned having flexible water main and sewer, and Mr. Schroeder commented that it was ridiculous because flexible water mains had breaks. He explained that sewer was a gravity utility, and there could not be a flexible sewer. Mr. Schroeder said that his point was that Mr. Frantz was simply not ready. He did not have any facts, and Mr. Schroeder did not believe that Mr. Frantz really knew what he was doing. He did not think that the matter should even be considered.

Mr. Frantz responded that every single thing Mr. Schroeder brought up was an engineering issue. He had talked to a couple of engineering and environmental companies, and he had done research. The people they would retain to address the problems had told him that each issue could be solved. Each question Mr. Schroeder raised had an answer. Mr. Schroeder agreed, but he said that Mr. Frantz did not have the answers. Mr. Frantz maintained that he had done other developments, and he found that he could hire the expertise. Mr. Schroeder reiterated that Mr. Frantz did not understand how much it would cost. Mr. Frantz thought he had worked things out. If it turned out that he was wrong, the only thing that would have happened was that the property would have been Rezoned, and someone else could come it and develop it if he was unable to do it. Mr. Schroeder stated that there was no reason to Rezone it. Mr. Frantz said that the only reason to Rezone it would be because it was not suitable for R-4. Manufactured housing would be the only way to develop. He was hearing they could do a PUD. He agreed that it would be an expensive proposition, and without the volume they would get with manufactured housing, the economics would not work. They would not work with R-4. There would be enough sites with manufactured housing that it could work. The cost would be too great for an R-4 development.

He concluded that they needed RMH, or the property would never be developed. Mr. Schroeder indicated that they needed more conversation; Mr. Frantz had not given them any facts.

Mr. Hooper stated that manufactured housing was not appropriate for the area, and he would support denial with the second finding: Approval of RMH zoning would increase the potential for development with trip generation that is unsuitable for the area and he would add that it was not compatible with surrounding land uses. He emphasized again that it was not appropriate, and that he would not support the Rezoning request.

Chairperson Boswell opened the Public Hearing at 10:40 p.m.

Tom Moleski, 1874 Willowood, Rochester Hills, MI 48307 Mr. Moleski had left the meeting.

Raymond Anderson, 1480 Gravel Ridge, Rochester Hills, MI 48307 Mr. Anderson said that he had lived in his home for 49 years. He asked the applicant what his connection with Six Star was. He said that he was trying to point out that Six Star was responsible for the landfill.

Joe Girouard, 1568 Parke St., Rochester Hills, MI 48307 Mr. Girouard had left the meeting.

Josh Dace, 1551 Park St., Rochester Hills, MI 48307 Mr. Dace stated that he agreed with the comments.

Michelle Cabarriss, 1225 E. Hamlin, Rochester Hills, MI 48307 Ms. Cabarriss noted that she was representing her parents, her sister and brother-in-law, who lived at 1399 E. Hamlin and their adjacent neighbor, Mr. Hill, who lived at 1161 E. Hamlin. She agreed with what several of the Commissioners had said. She felt that they were all concerned with what would happen with the land if it was disturbed. Her parents had lived there for over 35 years, and her sister and she had seen all the dumping first hand. They saw 24/7 what was not allowed, and they had no idea what was under the property. The consensus was to leave it alone because of the different issues that could arise. Her dad had told them that in the past, several people had wanted to make the area profitable, but they went bankrupt trying to make it safe. She wanted to reiterate everything that was said. The applicant kept responding by saying that there was an engineering solution to the issues raised, but Ms. Cabarriss wanted to know what solution Mr. Frantz had to running out of money and the people in the area who would be left to clean up his mess. The cost would be

astronomical, and there would be a cost to the people who would be disrupted by the situation. She asked them to leave the area alone, and she concluded by remarking that "Jimmy Hoffa could be there."

Bessem Sabbagh, 1944 Hamlin, Rochester Hills, MI 48307 Mr. Sabbagh had left the meeting.

Scot Beaton, 655 Bolinger St., Rocheser Hills, MI 48307 Mr. Beaton stated that he agreed with what the Commissioners had said, and he thanked them, and he especially wanted to thank Mr. Anzek for some of his statements. He said that they tended to forget some of the services that Mr. Anzek contributed from time to time, and Mr. Beaton remarked that Mr. Anzek was a tremendous asset to the community. Mr. Beaton said that he wanted to ask for forgiveness from everyone for rudely interrupting Mr. Frantz' presentation. His recalled that former Mayor Ken Snell used to religiously talk about not looking at any pictures with a Rezoning, and that image was embedded in Mr. Beaton's brain. He apologized again to Mr. Frantz and to Mr. Staran. Mr. Beaton said that the issue was for a Rezoning of 77 acres. Even if the land had nothing wrong with it, 77 acres would generate 10 trailers per acre. That would be 770 trailers, and he did not think that the residents in the area were at all interested in that kind of idea.

John Koussa, 1808 E. Hamlin, Rochester Hills, MI 48307 Mr. Koussa had left the meeting.

Melinda Hill, 1481 Mill Race, Rochester Hills, MI 48306 Ms. Hill said that she agreed with most everything that had been said, and she added that a manufactured housing park of any type was not acceptable in the community. They had several already, and they would have no control of the proposed. If the City was really going to look at the 600-plus acres of landfill, and she commented that they were fortunate to have the wonderful other things they had in the community, they could not plan piece meal projects for the landfills, which she indicated would be a big mistake. They needed a lot more discussion with the BRA to come up with an overall plan, or they should just leave them alone. She commented that the City was not "dying" to have those tax dollars.

Gary Grabaum, 1563 Nadine, Rochester Hills, MI 48307 Mr. Grabaum agreed with what other people had said. It sounded to him as if there were a lot of issues. He was an engineer, and he knew there were solutions to anything. They put a man on the moon, but it cost a lot of money - the government would not even do that now. He did not like the idea of

Rezoning the parcels, because it would open up Pandora's Box, and it would be a blank check. He quoted Jimmy Buffet: "They smothered the keys and you could end up with a recycled beer can." He also did not like that type of a community. He felt that it tended to have a greater proportion of people that he did not think they wanted in the community. He stated that it would be a mistake to Rezone it, and there were too many issues. He thought that there would be traffic problems with any development, and he did not think that the roads could handle it.

Carie Coscerelli, 1962 S. Shore Dr., Rochester Hills, MI 48307 Ms. Coscarelli had left the meeting.

Mike Preuss, 1897 Willowood, Rochester Hills, MI 48307 Mr. Preuss said that he agreed with how the discussion had been going. He handed out something he said was given to him 43 years ago when he bought his house, which was a Master Plan that showed the subject area as a park.

Thomas Popchock, 1700 Gravel Ridge, Rochester Hills, MI 48307 Mr. Popchock agreed with the majority of the statements made. His main concern was health. He lived directly across from the site, and he was very concerned that if trenches were dug, that gasses would be released, and other things would be released that would be harmful to him and his neighbors. He knew of several people who had died around the site in the past when vents were opened that should not have been. He was also concerned with traffic and other issues, and he agreed that he would not like to see the matter approved.

Marilyn Hope, 1720 Gravel Ridge, Rochester Hills, MI 48307 Ms. Hope noted that she lived directly across from the landfill, and she had lived there since 1972. She had seen what had gone into the ground. People came at night without supervision, and they knew there was bad stuff going in, but they had no way to stop it. She would be devastated if they opened it again. She had poured her heart and soul into the community, and she would hate to see the development as proposed come into the community. She wondered what would happen to the school systems. They already had a handful of Title 1 schools, and she felt that it would bring things down even worse.

Suzanne White, 1598 Parke St., Rochester Hills, MI 48307 Ms. White stated that she lived directly east of the proposed site. For four years, they have had flooding in their basement because of excess water, and now they had red algae in their basement. They could not find anyone who would clean it, and everyone said it was coming from the landfill. She

agreed with what everyone had said. She mentioned two long-term residents from her street who had MS. That was two people in 13 houses, and she did not think that was a coincidence. She stated that the health issue was huge. From the year when the house blew up to 2012, the DEQ ran an internal flame at the end of the street that burned off the methane, and they finally turned it off. She had talked with the DEQ at great length. The DEQ still vented the landfill and they still did testing, and as the rest of the residents had mentioned, no one knew what was under the ground. She was not willing to risk her health or her children's health and their lives to find out.

Chairperson Boswell closed the Public Hearing at 10:55 p.m.

Mr. Frantz stated that he and his partner had nothing to do with the landfill. They did not own the property at the time the house blew up. The name of his company was similar, and he remarked that it was probably a stupid decision to name his company Six Star, but that was the name previously associated with the property. He commented that it probably was not a good PR move, but it did not indicate any prior connection whatsoever with the landfill. Someone had asked what the solution would be if they ran out of money. Mr. Frantz said that they would obviously try to plan beforehand, so they would not run out of money. They had considered that if they got the Rezoning and then came up with a design that was approved, there would be a number of very large, well financed, national companies that they could do a joint venture with or sell to. They had tried to get people interested in the properties, and had tried to find people who could do something to put the properties into productive use. He stated that no one could see the vision. They were trying to get it to a point where people would see what could be done. If no one could see what could be done, at least they would be in a position to potentially finish it themselves. It might have to be done in stages, but they would finish it. They would do the leg work and get through the hearings, and someone with deeper pockets than them would step in and finish things.

Mr. Frantz said that someone mentioned that with 77 acres for a mobile home park, and following the State's rules, that there could be 770 residences. Mr. Frantz said that could not happen, because there would have to be roads and other infrastructure. He pointed out the two other mobile home parks in the City, and he said that one had six sites per acre and the other had six-and-a-half per acre. They were basing their numbers on those, and there would not be 770 residences. It would not be a great increase over R-4 density.

Mr. Frantz addressed the comment about undesirable people coming in. He said that it was something that he really grappled with. He used to live in Rochester Hills, and he would not want to bring in undesirable people. He looked at Avon on the Lake and Rochester Estates, which were both older communities. If any place would have undesirable people, it would have been at those parks, and he did not see it. The lawns and houses were kept up, and everything looked nice. The new homes available were much nicer, and he did not see the undesirable people part. They looked at doing a 55 and older community, but he was not sure if that would be feasible. They could bring in young families, with kids for the schools, but they had not gotten to that point.

Mr. Frantz mentioned the comment about the area being master planned for a park. When he first acquired the property at a tax sale, they looked at original plans. The City was going to buy the property and convert it into a park, but they did not have the money. The long ago plans were gone, and they were left trying to deal with what they had and the reality of the situation.

Regarding releasing harmful gasses, Mr. Frantz did not know if they would be harmful, but he did guarantee that they would be offensive. When the utilities were trenched, for how ever long it would take, there would be odors released into the air. There was no way around that, but he claimed that it would be temporary. Regarding traffic, he said that the whole point of a brownfield redevelopment was to bring in development onto a former landfill, and any development would have traffic. They were dealing with one of the few brownfield opportunities that had come up. The City Council put the Landfill Planning Area into effect because it wanted development. Development would bring in traffic, and the landfills would be breached. The cap would be broken temporarily. The City decided that something needed to be done to promote development of the landfill properties, and they (the applicants) had a plan. They were being beaten about the head and shoulders because of it. The last applicant was being beaten about the head and shoulders because they had a plan. The City Council wanted to encourage people to come forward and to be creative, and he was doing that. They were laying out a plan, and they were showing the feasibility. They were stating that it was the best option to accomplish what the City wanted to accomplish. The neighbors would rather not see any change at all. No one wanted to open any brownfields, and no one wanted change. If it was up to the neighbors, they would rather have it remain an open field, and not allow him to do anything with his property and let the neighbors run all terrain vehicles and dump trash on his property. He was trying to do what the City was trying to promote.

He remarked that it was encouraging to know that his neighbors would prefer to let his property sit undeveloped and have him pay taxes while they got the benefit and the view, but he indicated that was not how it worked in the United States.

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

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 14-011 (Six Star Investments Rezoning) the Planning Commission **recommends denial** to City Council of the proposed rezoning of parcel nos. 15-24-326-008 and 15-24-302-007 from R-4 to RMH with the following two (2) findings.

Findings:

- 1. Approval of RMH zoning would increase the potential for development with trip generation that is unsuitable for the area.*
- 2. Approval of RMH zoning would not be compatible with its surroundings.*

Voice Vote:

Ayes: All
Nays: None
Absent: Brnabic

MOTION CARRIED

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

ANY OTHER BUSINESS

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for September 16, 2014.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Mr. Kaltsounis, seconded by Mr. Hetrick, Chairperson Boswell adjourned the Regular Meeting at 11:10 p.m.