

~~and add definitions; modify tenant responsibility provisions; add remedies for violations; delete high strength surcharge exemption for restaurants; require owner approval for water service connections by tenants; authorize disconnection of prohibited connections; authorize cost recovery for violations; adopt grease interceptor requirements; repeal conflicting ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.~~

NEW BUSINESS

2009-0437 Request to eliminate the locally designated historic district located at 2371 S. Livernois

Attachments: [Request to Delist 101309.pdf](#)
[City Visions Report 100509.pdf](#)
[Title Insurance 092809.pdf](#)
[Museum Documentation.pdf](#)
[1978 Survey Sheets.pdf](#)
[2002 Survey Sheets.pdf](#)
[10-26-09 CC Agenda Summary.pdf](#)
[10-26-09 CC Resolution.pdf](#)

President Hooper asked the applicant to introduce himself and share any statements he would like to make.

Mukesh Mangla, the owner of 2371 South Livernois, stated that he was requesting the delisting, commenting that he has documentation to confirm that the property lacks the criteria used in creating the District in 1978. He pointed out that the property has many similarities to a property recently delisted on Dequindre Road, noting the following:

- The house was moved to its current location
- The house does not meet the criteria for the National Register.
- The actual affidavit for the Historic Designation filed with the County is for an address and parcel number for 2409 South Livernois, a home that was condemned by the City in 2001 and approved for demolition and removed. The address and parcel number for 2409 South Livernois no longer exists.
- Title work for 2371 South Livernois does not show an encumbrance. City records show that 2409 South Livernois included a designation for only 100 feet of property around the house and this was subsequently changed to include the entire ten-acre parcel. He stated that there was no record of that change at the County.
- The survey sheets from 1978 only show the address and the name of the property owner at that time. The address shown on the survey sheets is 2409 South Livernois, while the picture is of 2371 South Livernois. The Historical and Architectural Significance sections of the survey sheets are blank.
- The State does not have any record of any historical significance filed on 2371 South Livernois. Their record is for 2409 South Livernois, and there is no paperwork or inventory form to accompany that information.
- It has been stated that a Single Resource Historic District should be of high significance, such as an Ernest Hemingway home or a Frank Lloyd Wright design. This home has no significance and is a replica.
- Times have changed and builders and developers now see Historic Designation as a negative encumbrance.

- The house was only 30 years old when it was listed and the survey sheet did not show a build date until 2002, when it was listed as 1945.
- The home is not a Greek Revival, as described, but more of a Colonial Revival, which is a common architectural feature.
- Fifty-percent of the house was added after it was moved from the Pat Moran dealership property. Building permits show that the home was under construction for six years from 1970 to 1976.
- A Letter of Intent is currently in place from a purchaser, and this designation is standing in the way of completing the sale.
- All the documentation already assembled could be used to provide the Historic Districts Study Committee (HDSC) with most of the information it might require to complete a study, therefore, a shorter time period for study would be warranted.

Public Comment:

Melinda Hill, 1481 Mill Race, questioned information submitted by the applicant from Robert Morris, a consultant and former Chair of the Lansing Historic District, and stated that as a preservationist, she would be looking at ways to protect property rather than delist. She stated that the City's Historic Districts Commission (HDC) has Certified Local Government (CLG) status and the City's Ordinance mirrors the State Act. She commented that while she acknowledges that times are different than they were in 1978, that still does not make the designation an error. She noted that this delisting request must be referred to the HDSC should Council allow the process to continue. She commented that earlier presentations in 2004 and 2005 by Mr. Mangla before the HDC and the City's Planning Commission did not dispute that this was a legally-designated district. She requested Council deny this request and commented that if Council opted to refer this request to the HDSC, the time period should not be shortened.

Council Discussion:

Mr. Pixley requested Mr. Staran review the timeframe required for referring this to the HDSC.

John Staran, City Attorney, stated that if it is the Council's inclination to refer this request to the HDSC, the process would involve the HDSC preparing a preliminary report for submission to various agencies including the Planning Commission, holding a Public Hearing at least 60 days after the preparation and submission of a preliminary report, with completion of a final report within one year of the Public Hearing date. He recalled that Council has shortened the timeframe for the preliminary study in one instance, however, the outer parameter of one year is dictated by State Law. He commented that the soonest a preliminary report could be expected from the HDSC would be four months and most likely closer to five or six months.

Derek Delacourt, Deputy Director of Planning, noted that the one-year time frame begins at the Public Hearing date and commented that there is no timeframe by which the Public Hearing must be scheduled, unless limited by Council.

Mr. Pixley commented that he was in agreement with referring this to the HDSC and would not include any time parameters beyond the Ordinance and State Law requirements.

Mr. Mangla commented that Mr. Bill Gilbert recently requested a delisting for property on Rochester Road and Council shortened this timeframe for the preliminary report on that property. He noted that Mr. Gilbert's project is a large Planned Unit Development (PUD) and commented that his parcel is nowhere near the scope of that project. He pointed out that his project is small and explained that he is in the middle of foreclosure on his own home and should not be put in the same league as larger developers. He commented that he is all for preservation, but this parcel does not meet that criteria.

President Hooper asked Mr. Delacourt to review what was approved for the Rochester Road delisting request.

Mr. Delacourt responded that Council required a report submitted to Council within 180 days and acknowledged that if the HDSC needed more time, it could come back to Council and request an extension.

Mr. Pixley agreed to adding a time period limitation of 180 days.

Mr. Rosen commented that this was not the first instance of a developer using an historic structure to gain approval of a project that includes some level of preservation of a building on that site, noting that the promise of preservation likely induced favorable consideration by either the Planning Commission or City Council that might not have otherwise been given. He stated that he has seen nothing that convinces him that there was an error in the original designation. He commented that unless he sees convincing evidence that there was a genuine error made in the designation, it should not be referred to the HDSC.

Mr. Webber commented that he saw enough in the documentation provided to suggest that the HDSC should review the request. He concurred with Mr. Pixley in adding a timeframe of 180 days to the study.

Mr. Yalamanchi concurred with adding a timeline to the HDSC's report.

President Hooper commented that he agreed with sending the request to the HDSC and concurred with limiting the preliminary report timeframe to 180 days.

A motion was made by Pixley, seconded by Webber, that this matter be Adopted by Resolution with a complete report to City Council by the Historic Districts Study Committee of their findings and recommendations within a maximum of 180 days. The motion CARRIED by the following vote:

Aye 5 - Brennan, Hooper, Pixley, Webber and Yalamanchi

Nay 2 - Ambrozaitis and Rosen

Enactment No: RES0288-2009

Resolved, that the Rochester Hills City Council refers the request to eliminate the locally Approved as presented at the January 11, 2010 Regular City Council Meeting.

designated historic district located at 2371 S. Livernois, Rochester Hills to the Historic Districts Study Committee for review and to conduct a study in conformance with the Ordinance, and to report back to Council with a complete report of their findings and recommendations within a maximum of 180 days.

2009-0434

~~Request for Purchase Authorization - DPS/ENG: Contract for the preparation of a traffic safety audit along Highway M-150 (Rochester Road) between South Boulevard and Avon Road in the amount of \$25,000.00; Michigan Department of Transportation, Lansing, MI~~

~~**Attachments:** [Agenda Summary.pdf](#)
[MDOT Study Contract.pdf](#)
[Top 25 Crash Freq 2006-08.pdf](#)
[Resolution.pdf](#)~~

~~**Roger Rousse, Director of DPS/Engineering, commented that the Master Thoroughfare Plan specified conducting a Safety Audit and the information obtained from this Audit can be used to apply for grants and solicit State or Federal dollars to address safety issues identified. He noted that this area of Rochester Road between Auburn Road and Barclay is one of the ten highest crash areas in Oakland County. He pointed out that potential funding sources to offset a portion of this expense have been identified as some projects have come in below budgeted amounts and have funds remaining that can be reallocated to the cost of the Study. He explained that the remaining amounts needed to fund this study would be included in the Fourth Quarter Budget Amendment. He noted that \$10,000 is proposed to be transferred from the Pavement Striping Program to use toward this study.**~~

~~**Public Comment:**~~

~~**Scot Beaton, 655 Bolinger, commented that he agrees with this study being undertaken, with a fifty-fifty share with the State of Michigan, noting that this area is a regional destination for shopping on the weekend and traffic improvements are warranted. He stated that the City should review its Master Thoroughfare Plan.**~~

~~**President Hooper responded that the City completed its Master Thoroughfare Plan only one-and-one-half years ago and will follow those guidelines as funds become available. He noted that the widening of Rochester Road will not occur anytime soon, commenting that the Michigan Department of Transportation does not have funding to undertake that project.**~~

~~**Council Discussion:**~~

~~**Mr. Ambrozaitis questioned whether this study could provide data to make a case for lights on Rochester Road at the entrance to Eddington Subdivision.**~~

~~**Mr. Rousse responded that it would, and stated that it would provide data for access point management and future development.**~~

~~**Mayor Barnett noted that the Master Thoroughfare Plan was the product of one-and-one-half years of work and 18 meetings with residents.**~~