



Rochester Hills

Minutes

Planning Commission

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Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis, David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, March 2, 2010

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Boswell called the meeting to order at 7:00 p.m. in the auditorium.

ROLL CALL

Present 7 - William Boswell, Deborah Brnabic, Dale Hetrick, Greg Hooper, David Reece, C. Neall Schroeder and Emmet Yukon
Absent 2 - Gerard Dettloff and Nicholas Kaltsounis

APPROVAL OF MINUTES

2010-0103 February 2, 2010 Regular Meeting

A Motion was made by Schroeder, seconded by Hetrick, that this matter be approved as presented. The motion carried by the following vote:

Aye 7 - Boswell, Brnabic, Hetrick, Hooper, Reece, Schroeder and Yukon
Absent 2 - Dettloff and Kaltsounis

COMMUNICATIONS

Planning and Zoning News, February, 2010

UNFINISHED BUSINESS

2009-0393 Conditional Rezoning Recommendation Request (Public Hearing) - City File No. 04-013, located at the northeast corner of Hamlin and Livernois, Parcel Nos. 15-22-351-001, -002, from R-3 One Family Residential to O-1 Office Business; Signature Associates, applicant.

(Reference: Memo prepared by Ed Anzek, dated February 25, 2010 had been placed on file and by reference became part of the record thereof.)

Mr. Delacourt commented that at the last meeting Commissioners asked for clarification

of the exact acreage and right-of-way property. The applicant is requesting conditional rezoning from R-3 Residential to O-1 Office for two parcels totaling 4.256 acres. Staff has verified this acreage is consistent with what was publicly noticed last month and what is shown on the legal description. The City has obtained all necessary right-of-way for the intersection either through an easement or a deed. If there are questions, Mr. Delacourt will respond.

Present for the applicant were Craig Chappell and Cathy Wilson, Signature Associates, One Towne Square, Suite #1200, Southfield, MI 48076. Mr. Chappell indicated the correct acreage has been verified and conditions of the rezoning have been refined.

MOTION by Brnabic, seconded by Yukon, in the matter of City File No. 04-013 (Signature Associates), the Planning Commission recommends to City Council approval of the request to Conditionally Rezone 4.2 acres, identified as Parcel Nos. 15-22-351-001 and 002, from R-3, One Family Residential to O-1, Office Business with the following conditions:

Conditions

1. That the proposed building will comply with all building elevation and design restrictions of the Planning Commission upon submission for site plan approval.
2. That any building proposed for the site will be limited to a maximum of two story and 32 feet.
3. That any proposed building will have a maximum first story floor plate of 28,000 square feet in size, and a maximum building square footage of 48,000 sq feet.
4. That 30% of the existing regulated trees defined in the City's Tree Conservation Ordinance will be maintained on site.
5. That any regulated trees removed from the site will be replaced in conformance with the City's Tree Conservation Ordinance.
6. That the developer will comply with right-of-way requirements as determined by the City of Rochester Hills.
7. That the raising and keeping of animals will not be proposed or permitted on the site.
8. That roadside stands and markets and Christmas tree sales will not be permitted on or proposed on the site.
9. That wireless telecommunication facilities relating to monopole facilities will not be proposed or permitted on the site.
10. That transit passenger stations will not be proposed or permitted on the site.

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

Aye 7 - Boswell, Brnabic, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

2007-0221

Request for Recommendation of an additional Extension of the Tentative Preliminary Plat, for Grace Parc, City File #04-011, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Parcel Nos. 15-34-402-035 & -057, Grace Street Development, applicant.

(Reference: Memo prepared by Ed Anzek, dated February 25, 2010 had been placed on file and by reference became part of the record thereof.)

Mr. Delacourt presented the request for extension. Due to the economy, staff has seen many more requests for extensions. The Planning Commission and City Council requested a policy be written to guide the review of extension requests. That policy has been established. The applicant has met all the requirements for the extension regarding taxes, understands that some of the standards have changed, and has agreed during the next review, that the plat will be evaluated against the updated standards. If the new standards require significant changes to the plat, the applicant also understands that revised tentative preliminary plat approval may be required. Mr. Delacourt confirmed the plat is still in good standing and that staff is proposing the extension be recommended for approval through April 20, 2011. Mr. Delacourt asked if there were any questions.

Present for the applicant was William Mosher, Apex Engineering, 560 Whims Lane, Rochester, MI 48306. Mr. Mosher indicated the owner will continue working with the Engineering and Planning Departments to assure that the new requirements are met once the extension is granted. Mr. Mancini is no longer involved with the project.

Chairperson Boswell asked what changes might be necessary because of the new requirements, to which Mr. Delacourt explained the most significant potential is the retention basin volume and discharge.

MOTION by Schroeder, seconded by Reece, in the matter of City File #04-011 (Grace Parc Subdivision), the Planning Commission recommends that City Council approve an Extension of the Tentative Preliminary Plat until April 20, 2011.

A motion was made by Schroeder, 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, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

NEW BUSINESS

2010-0109

Request for review and recommendation of the Historic Districts Study Committee Report for Stiles School, 3976 S. Livernois Road, located at the

northwest corner of Livernois Road and South Boulevard, as it relates to the City's Master Land Use Plan.

(Reference: Memo prepared by Derek Delacourt, dated February 23, 2010 had been placed on file and by reference became part of the record thereof.)

Mr. Delacourt explained a recommendation for designation was previously made to Council, but neither the applicant nor Council was comfortable with the size of the designation. City Council then asked the Study Committee to consider a smaller district. The Committee is now proposing a smaller boundary for the district, encompassing the contributing portions of the building and some of the surrounding area for context. The Study Committee felt this change was significant enough to schedule another public hearing for input and to submit the revised report to the Planning Commission. Mr. Delacourt asked if there were questions.

Mr. Schroeder asked if the Stiles School owner agrees with the revised report. Mr. Delacourt replied he does not know. The school representative arrived late to the public hearing and did not provide any comment for the record. Mr. Schroeder feels we should have the property owner's concurrence with the report and Ms. Brnabic agreed. Mr. Delacourt indicated the owner will be granted full opportunity to provide their input and voice any concerns to City Council.

MOTION by Schroeder, seconded by Hetrick, *Resolved*, that the Planning Commission has reviewed the December 2009 revised Preliminary Report prepared by the Historic Districts Study Committee regarding the proposed designation of a portion of the property known as 3976 S. Livernois Road (Stiles School) and has determined that the proposed designation will not have any impact on the property with respect to the City's Master Land Use Plan.

A motion was made by Schroeder, seconded by Hetrick, that this matter be Accepted. The motion CARRIED by the following vote:

Aye 7 - Boswell, Brnabic, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

2010-0108

Request for review and recommendation of the Historic Districts Study Committee Report for 2040 S. Livernois Road, located on the west side of Livernois Road, south of Hamlin Road, as it relates to the City's Master Land Use Plan.

(Reference: Memo prepared by Derek Delacourt, dated January 14, 2010 had been placed on file and by reference became part of the record thereof.)

Mr. Delacourt explained the Study Committee has completed their preliminary report recommending designation of the parcel, as it meets the National Register of Criteria for architecture, and may be National Register eligible. The property is zoned single family and the designation isn't going to impact the Master Land Use Plan or the zoning district, and won't have a negative impact on its use as a single family property.

Chairperson Boswell asked if the Planning Commission agrees there is no impact on the Master Land Use Plan, is it also an acceptance of the designation recommendation of

the preliminary report? Mr. Delacourt responded no and reiterated the Commission is not evaluating whether the property meets the criteria for designation, only whether the designation will have an impact on the Land Use Plan.

MOTION by Schroeder, seconded by Brnabic, **Resolved**, that the Planning Commission has reviewed the Preliminary Report prepared by the Historic Districts Study Committee regarding the proposed designation of the Historic District known as 2040 S. Livernois Road and has determined that the proposed designation will not have an impact on the property with respect to the City's Master Land Use Plan.

A motion was made by Schroeder, seconded by Brnabic, that this matter be Accepted. The motion CARRIED by the following vote:

Aye 7 - Boswell, Brnabic, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

2010-0107

Request for review and recommendation of the Historic Districts Study Committee Report for 1585 S. Rochester Road, located on the east side of Rochester Road, north of Hamlin Road, as it relates to the City's Master Land Use Plan.

(Reference: Staff Report prepared by Derek Delacourt, dated January 11, 2010 had been placed on file and by reference became part of the record thereof.)

Mr. Delacourt commented the property is incorporated in an approved Planned Unit Development, City Place, a dense large-scale mixed use development consisting of office and residential, with a small amount of retail allowed in some of the Rochester Road facing buildings. The question before the Commission is the same as with the other properties, only this recommendation does have the ability to impact the Land Use Plan. Discussions have ensued between the applicant and City Council relative to a revised PUD, and as such, this designation does have an impact on documents relating to land use. If Council decides not to delist the district, a discussion regarding the future land use will occur and the PUD would still have to incorporate a designated property. Mr. Delacourt suggested the Commission may want to add a condition acknowledging they are aware the property is part of an approved PUD agreement. The preliminary report's recommendation is to delist the property as it no longer meets the criteria for designation. The PUD, if modified, would return to the Planning Commission for discussion and public hearing. Mr. Delacourt offered to answer any questions.

Chairperson Boswell indicated reference to the property being part of a PUD could be made as a finding or clarified within the motion itself.

Mr. Hetrick asked what happens if discussions break down and the PUD is not revised. Mr. Delacourt stated if Council determines to delist the property, an amendment to the existing PUD would have to be recorded indicating the delisting. This amendment would also have to indicate any future development on the property no longer requires approval of the Historic Districts Commission.

Mr. Reece asked for a synopsis of comments from last night's Council meeting wherein this issue was discussed. Mr. Hooper said the applicant is looking for the correct

vehicle to modify the agreement and change the mixture of development. The applicant proposed reducing the maximum height of the buildings to 3-story, changing the overall mix of uses, removing the minimums and maximums for the proposed number of residential units, requesting a change to FB1 zoning as part of the agreement rather than the current B-2 zoning, and any architectural changes will be reviewed and approved by the Planning Commission.

In response to Ms. Brnabic's question relative to zoning, Mr. Delacourt stated prior to the PUD, the property was zoned single family and master planned for mixed use. Another impetus for the use of a PUD is that the applicant wanted to discuss a mixed use development with the City in 2002, but that zoning district did not exist. The B2 rezoning took place to support the PUD.

Mr. Schroeder remembers a lawsuit relative to this property in the 1970's. Mr. Delacourt replied he is not aware of any lawsuit that prevented City Council from moving forward with the PUD agreement.

MOTION by Schroeder, seconded by Hetrick **Resolved**, that the Rochester Hills Planning Commission has reviewed a Preliminary Report regarding the proposed delisting of the property identified as 1585 S. Rochester Road, and has determined that the proposed delisting will have an impact on the property with respect to the City's Master Land Use Plan and the PUD dated May 5, 2004 that is in good standing and covers the property.

A motion was made by Schroeder, seconded by Hetrick, that this matter be Accepted. The motion CARRIED by the following vote:

Aye 7 - Boswell, Brnabic, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 2 - Dettloff and Kaltsounis

ANY OTHER BUSINESS

Appointment of a Planning Commission Representative to replace E. Yukon on the CIP Policy Team for 2010. Chairperson Boswell explained Mr. Yukon is unable to serve on the CIP team this year and asked if any other Commissioner was interested. Mr. Hetrick indicated his interest in serving. By unanimous affirmation, Mr. Hetrick was appointed to the CIP Policy Team for 2010 replacing Mr. Yukon.

Recommendation of a Planning Commission Representative to the ZBA for a one year term to expire March 31, 2011. Chairperson Boswell indicated Ms. Brnabic is presently serving on this Board and wishes to continue in this capacity. By unanimous affirmation, Ms. Brnabic was recommended to serve as the Planning Commission Representative to the Zoning Board of Appeals for a one year term to expire March 31, 2011.

NEXT MEETING DATE

The Chair reminded Commissioners that the next regular meeting is scheduled for April 6, 2010.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, the Chair adjourned the regular meeting at 8:15 p.m., Michigan time.

William Boswell, Chairperson

Sandi DiSipio, Recording Secretary