

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

March 13, 2012

The March 13, 2012, meeting of the Charter Township of Oakland Board of Trustees was called to order at 7:00 p.m. in the Township Hall.

PRESENT: Joan Fogler, Supervisor
Judy Workings, Clerk
Sharon Creps, Treasurer
Michael Bailey, Trustee
Marc Edwards, Trustee
Sharon McKay, Trustee
Kathrine Thomas, Trustee

James Creech, Manager
Steve Joppich, Attorney

ABSENT: None

A quorum was present.

PLEDGE OF ALLEGIANCE

Supervisor Fogler led the Board, staff and those present in the Pledge of Allegiance.

APPROVAL OF MINUTES

MOVED BY BAILEY, SECONDED BY THOMAS, to approve the minutes of the February 14, 2012, regular meeting and February 23, 2012, special meeting as presented.

MOTION CARRIED UNANIMOUSLY.

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There were no changes to the minutes of the closed session of the February 23, 2012, meeting.

AMENDMENTS TO AND APPROVAL OF AGENDA

MOVED BY BAILEY, SECONDED BY CREPS, to approve the agenda as presented.

MOTION CARRIED UNANIMOUSLY.

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CITIZENS

Supervisor Fogler invited those present to comment at this time on an item that is not on this evening's agenda. Further, she stated that if someone wishes to comment on an item that is on this evening's agenda, they may do so at an appropriate time when the Board is considering that item.

Jan Olson: Mill Race

Jan Olson of 4190 Orion Road was present. She shared a paper entitled, "Assessing the Effects of a Millrace on Summer Water Temperatures in Paint Creek, Rochester, Michigan," authored by Hans Kivari and Scott D. Tiegs, from the Department of Biological Sciences at Oakland University, and completed in summer of 2011. She recalled that Dr. Tiegs had spoken as an expert on behalf of the Clinton River Watershed Council in September of 2011.

Mrs. Olson pointed out that this study concludes that, "while the millrace does influence water temperature, the magnitude of this influence is fairly modest, and probably does not have an ecologically relevant influence on temperature in the main channel of Paint Creek."

PUBLIC HEARING: PROPOSED REZONING FOR BLOSSOM RIDGE SENIOR HOUSING DEVELOPMENT

The Planning Commission, at their February 7, 2012, meeting, passed a motion recommending that the Board of Trustees approve the request to rezone the subject property from MRD (Medium Density Residential) to RM PRRO (Multifamily Residential Density with Planned Residential Rezoning Overlay). This evening, the Board will first hear a presentation from the developer, and then will hold a public hearing to accept comments regarding this proposal.

Developer Dominic Mocerri was present to explain his plans for Blossom Ridge senior housing development, proposed to be located on 41.842 acres at the northwest corner of Dutton Road and Adams Road. The plan involves a request for rezoning from MRD to RM-PRRO. Also present with Mr. Mocerri were Attorney Dave Pawlaczyk, Landscape Architect Don Westphal and Landscape Assistant Jennifer Blankenship.

Mr. Mocerri stated that this matter has been before the Planning Commission for approximately nine months, and the proposal before the Board this evening has been modified to try to address concerns raised by residents. However, he stated that there are a number of misconceptions being raised. In response to those, he made the following assertions (which he also presented to the Planning Commission at their February 7, 2012, meeting):

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The area is not rural, as 32 percent of Oakland Township's households are in this area, which consists of 8 percent of the land in Oakland Township.

The impact of development with the existing zoning compared to the proposed zoning is less than 1 percent of total traffic and results in a net decrease in peak hour traffic.

The height of the congregate care facility is less than most homes in the surrounding area.

The length of the congregate care facility is not out of proportion with existing estate homes in Oakland Township and is less than most schools and churches.

The proposed development is in keeping with the rural character of the Township because of the large amount of open space provided.

The amount of senior citizens living in Oakland Township is growing at a much faster rate than the general population, demonstrating a need for this type of housing, which is currently not available in Oakland Township.

The Master Plan has identified this location as suitable and desirable for senior housing.

This proposed location is the only one that has available municipal services.

The High Density Conservation classification in the Master Plan for three to five units per acre has far greater impact on traffic, less open space, and would generate greater environmental stress than the proposed senior housing.

Blossom Ridge is an enhancement and fulfills a need for current residents and their families.

(Recess – Oakland County Sheriff's Department Sergeant Spencer stated that a number of vehicles were illegally parked at the Fire Station. At 7:18 p.m. Supervisor Fogler called for a brief recess to allow people to move their vehicles. The meeting resumed at 7:22 p.m.)

Next, Attorney David Pawlaczyk reviewed the character and density of this part of Oakland Township, tracing the area from the early years when there were large tracts of land, to more recent times, showing that the majority of the land has been either completely developed or is under the control of a developer. Mr. Palwaczyk also reviewed the development of the sanitary sewer infrastructure.

Landscape Assistant Jennifer Blankenship, who works with Landscape Architect Don Westphal's office, shared a PowerPoint presentation, based on SEMCOG data, regarding demographics and population in Oakland Township. She compared how the property could be used if developed to its full capacity under the current zoning, with how it is proposed to be developed under the developer's plan. She considered qualities such as open space, projected number of occupants, building area, roof area and building coverage, and vehicular traffic (including peak hour traffic and total daily trips).

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Finally, Landscape Architect Don Westphal recalled that residents had raised concerns about the viewshed along Adams Road. He reviewed the changes that were made to the plans in response to this concern (including moving the proposed structure back farther from the road, and reducing the part of the main building from three to two stories at the southeast corner.

Public Comment

Supervisor Fogler called the public hearing to order at 7:58 p.m. for the purpose of receiving comments regarding the request to rezone the subject property from MRD to RM PRRO. She reviewed guidelines for speakers.

Bob Sirna of 5823 Wellwood Court was present. He said that he is part of group that calls themselves the Residents for Responsible Growth. He said that, while he likes Mr. Mocerri's developments (he said he lives in one), and does not object to the proposed location of Blossom Ridge, he feels that the proposed development does not meet with the intent of the Master Plan, particularly with respect to size, density and character. He asked that the developer revise the plans to make them comport with the Master Plan. Alternately, he asked that the Board turn down the developer's request.

Connie Novak of 3075 Serenity Road asked what type of insurance this facility will accept.

Paul Knauss of 5671 Kirkridge Trail said he feels that the proposed development exceeds what one would expect in a residential development (for example density, building height, building length, and number of residential units per building). He also questioned how the developer calculated the open space, and how much open space there will be as compared with a residential development. In his opinion, the development will not look much different than an apartment complex.

Terry Walker of 3411 Sussex Drive said the proposed Blossom Ridge development will be less than a half mile from his home, so it will have a significant impact on him. He feels this should be considered as a business development, not a residential development. He explained that he discussed the needs of a senior housing facility with staff at two other facilities. Based on that information, he anticipates the Blossom Ridge facility will need to employ/contract with over 350 people (including people to do cleaning, food preparation, laundry; salaried staff; professional staff; and upper management/supervisory staff). Additionally, he anticipates that there will be trucks making deliveries. Mr. Walker questioned if the traffic studies that were done took these factors into account.

Frank Ferriolo of 5600 Kirkridge Trail questioned the traffic study, and the age of people considered as potential residents of the proposed development. For example, if "seniors" include people close to the age of 50, he anticipates they will largely still be working and

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may generate more vehicle trips per day than certain other age groups. He also commented that he feels an assisted living facility may be somewhat of a “temporary” place to live for many people.

Al Hassinger of 2664 Murfield Court also inquired about the age of anticipated Blossom Ridge residents. If residents may be 50 years old, he wondered if children will also be living there.

Dick Pennell of 3389 Vineyard Hill referenced definitions of “character” and “culture,” and said he does not feel that the proposed Blossom Ridge development fits with either Oakland Township’s character or its culture.

Susan Lewandowski of 3701 Deer Springs Drive stated that she has been in the nursing field for 20 years. She said that the current trend is for people to want in-home care. She shared that, in her experience, the average senior citizen lives in an assisted living facility for only two years. She also questioned if senior citizens will be able to afford living at Blossom Ridge.

Evelyn Phillips of 3247 Cairncross said that her brother lives at the nearby Waltonwood senior housing center. She finds the employees there to be kind and presentable. She explained that there are many reasons why people need to live in an assisted living facility.

Judy Evans of 1661 Silver Bell Road said it is her understanding that the traffic studies were conducted in the summer when the public schools were not in session, and when nearby Oakland University was not in full session. She said she was offended by this choice of timing for the study.

Patrick Kirby of 5840 Wellwood Drive commented that it would be more useful to look at traffic study figures for daylight hours or peak traffic periods instead of over a 24 hour period.

BethMarkel of 245 Birch Hill Drive commented that she feels the Board of Trustees has been “fooled by professionals” in the past, and cautioned them to proceed with full knowledge and understanding of all matters. With respect to the Blossom Ridge plans, she questioned if the developer is also including parking spaces when figuring the open space of the development. Finally, she said that a senior housing development is a business, and questioned why the Township is not treating it as such.

AnnaLisa Hollenbeck of 2055 Aberdeen Court said she and her family moved to Oakland Township 10 years ago. They enjoy the parks, trails, schools, and open space. She questioned if it makes good planning sense to allow a business in a residential area, adding that she does not feel it is a compatible use. She hopes that Oakland Township

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will have the foresight to avoid making the mistakes that she has seen occur in other municipalities.

Lance Richards of 2462 Selkirk concurred with Mr. Walker that he feels that this is a business/commercial operation, and that the neighborhood can expect a lot of additional vehicular traffic (e.g., delivery trucks, employees, etc.).

Amy Patton of 5845 Pine Aire Court said she feels this development will have a big impact on families, especially mothers and children. She noted that she has seven siblings over the age of 50 years, and they are very active (i.e., make numerous vehicle trips per day). She feels that all of the comments that the Township has received on this proposed development, should give the Board a good understanding of what the community feels is the right choice.

Judy Keyes of 1887 High Meadows Boulevard objected to the choice of the word “audience” with reference to those present. She said those present are largely residents and tax payers. She commented that many of the people present this evening are senior citizens, and they are not in favor of the proposed development. She added that many elderly people prefer to live in their own homes as opposed to living in a senior housing development. She also referenced a comment made by the developer that other communities have senior housing developments, but that Oakland Township does not. Ms. Keyes said that this is one of the things that makes Oakland Township special – that it doesn’t have a lot of things that other communities have.

John Markel of 245 Birch Hill Drive said he feels the developer is crafting his presentation by “lying with statistics.” He said Oakland Township needs to make sure that whatever statistics they rely on are representative. He added that it is his impression that when the Township “checked” the developer’s traffic study, they were more checking the math than studying whether or not the development would create a problem. He continued that he believes that, to be representative, any traffic study should be conducted when school is in session. Mr. Markel asked that the Township thoroughly consider whether this type of development would be a liability, noting that Oakland Township has a volunteer fire department, and he anticipates a senior housing facility will result in more emergency calls. Finally, Mr. Markel remarked that in late summer or early fall of 2011, the developer brought to the Board of Trustees a request to terminate the road that was to connect the Kingsridge development to the property that is proposed to contain the Blossom Ridge development, which request the Board approved.

Craig Blust of 2222 W. Buell Road said that when he calculated figures such as the change in number of vehicle trips per day or the number of parking spaces day (as compared to a residential development), he got different numbers than what the developer has been sharing. He continued that he is not opposed to having a senior development in Oakland Township, but feels that the proposed Blossom Ridge density is

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too great. Mr. Blust observed that Planning Consultant Nix was not present at the February 7th meeting when the Commission considered recommendation of this proposal, and said he found this unusual. He added that the developer has indicated that the plans met all of Mr. Nix's requirements, although Mr. Blust does not believe this to be Mr. Nix's position.

Ron Hein of 5859 Murfield Drive said that the word "rural" has been used, and he questioned what the definition of that word encompasses. He said he views Oakland Township as a bedroom community, and noted that there are adequate shops and other amenities nearby. He continued that the Residents for Responsible Growth enjoy the rural atmosphere of Oakland Township as it currently exists. They are not opposed to a senior housing development, but feel that the development proposed does not fit with what Oakland Township is.

Terry Gonser of 4200 Heron Road said it is clear to him that Blossom Ridge is a business, and that this proposed development violates the Township's Master Plan. He suggested that the Board either table action on this matter until they revise the Master Plan, or follow the Master Plan and deny the applicant's request.

James Foulkrod of 5739 Paint Valley Drive stated that he is a member of the Planning Commission. He asked Attorney Joppich if it would be appropriate for him to speak this evening, and was advised that he could. Mr. Foulkrod explained that when a member of the Board of Trustees (or Planning Commission) takes the oath of office, they swear to uphold the laws of Oakland Township, the State of Michigan, and the United States. The Board may not act outside the law. Therefore, the Board is limited in how it can react to the developer's request, regardless of the wishes of the residents.

Robin Buxar of 1540 W. Gunn Road pointed out that she understands an Oakland County Sheriff's Department study of the intersection of Adams Road and Dutton Road found this to be the "most dangerous" intersection in Oakland Township. She noted that teen drivers have the highest fatality rate among drivers, and there is a high school nearby. She added that senior citizens have the second highest fatality rate among drivers, and questioned the wisdom of locating a senior housing development at this location.

Jim Carter of 3558 Briarbrook was present. He is the Chairman of the Planning Commission, but spoke as a resident this evening. He stated that he, too, would prefer to see single family homes at this location. However, he pointed out that senior citizens are a valuable asset. They often bring wisdom and intelligence, and have the time to and interest in serving our community. If we force them to live outside of Oakland Township, they will not be able to be full members of the community.

Maria Norton of 5299 Brewster Road said she is 78 years old and moved here many years ago when the land was unbuilt upon. She smiled and said that those residents here this

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evening are her “interlopers.” She is now widowed and lives by herself. She welcomes the opportunity to continue to live in the community she has called home for so many years, without the burdens of taking care of a house and grounds.

Ron Lipowski of 1849 Homestead Drive said he has lived in Oakland Township for 12 years and enjoys the semi-rural nature of the area. He believes the question everyone should be considering is what we want our community to be.

Lisa Barron, who lives in the Plum Creek development, questioned why these will only be rental homes (they will not be available for purchase).

Frank Ferriolo of 5600 Kirkridge Trail recalled that the motion made at the Planning Commission to recommend the developer’s request to the Board was not unanimous. He also recalled that there are three areas in Oakland Township that already have the appropriate zoning for this type of development (although he acknowledged that they do not have the water and sewer extended to them), and questioned why the developer could not build a senior housing development in one of those areas. Finally, he said that the traffic is just too heavy at the Dutton and Adams Road intersection, and he feels this is not a good location for the proposed development.

Vivian Kash of 2736 Murfield Court said she feels it is good to have a senior housing facility available for our residents. However, she also feels it is important to understand fully how this will impact our community. She noted that these are proposed to be rental units, and questioned how well they would be maintained.

There being no further comments, Supervisor Fogler closed the public hearing at 9:18 p.m.

Mr. Sirna thanked the Board for holding a very professional forum for the residents and others present to express their concerns.

Response from Mr. Mocerri

Mr. Mocerri responded to a number of statements made this evening. In response to the statement of Ms. Novak, he said the facility will accept all types of insurances, and that there will be safeguards in place so that residents will not be forced out for economic reasons.

In response to the number of employees anticipated by Mr. Walker, Mr. Mocerri stated that the facilities Mr. Walker referred to are considerably larger than the proposed Blossom Ridge facility.

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Mr Ferriolo and others had questioned the traffic studies, and Mr. Mocerri assured them that the studies are representative, and were conducted at various times, including when school was in session.

It was stated that the units will be rental units. Mr. Mocerri said the proposal does not specify the form of ownership.

Mr. Mocerri recalled that it was suggested that a senior housing development could be constructed elsewhere in the Township, and that the developer could extend sewer and water service. He explained that the issue is, in fact, that there is no remaining sewer capacity in Oakland Township.

Next Steps

It was asked what will occur next. Attorney Joppich stated that the Board has accepted public comment on the matter this evening. The Board will next review the proposal. If it is so inclined, the Board may introduce and hold a first reading of a proposed amendment to the Zoning Ordinance and zoning map. At a separate meeting, the Board may hold a second hearing on the proposed amendment, and at that time it may consider adoption of the proposed amended ordinance.

Craig Blust of 2222 W. Gunn Road asked if the Board has the legal right to deny the developer's request based on density. Attorney Joppich responded that this is a very broad question and involves a lot of detail. However, he said that if the Board decides to deny the request, the Board must make a finding as to why the proposal does not fit within what is permitted under the Ordinance. He added that the Board will be considering a number of other issues when it evaluates the developer's proposal.

Trustee Edwards commented that a number of the statements made by residents this evening regarding the Master Plan are incorrect. It is his opinion that the developer's proposal is consistent with the Master Plan.

RESOLUTION 12-02: ADOPTION OF 2012-2013 FISCAL YEAR BUDGETS

At the February 14, 2012, meeting, the Board held the public hearing regarding the proposed 2012-2013 fiscal year budgets. This evening, the Board will consider adoption of the budgets by resolution through the General Appropriations Act.

Manager Creech stated that there are two proposed Historic Preservation Fund budgets for the Board's consideration. The original budget submitted by the Historic District Commission ("HDC") is printed on pink paper and includes provision for a full time staff person. A second version is printed on white paper and maintains the current staffing

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level. Manager Creech noted that appropriation is not a mandate to spend, and said that the budget can always be revised at a later date.

Trustee Bailey said he is in favor of having a full time staff person for the HDC. He noted that the Township has already spent a significant amount of money rehabilitating the Cranberry Lake Farm historic district, and having the additional staff hours should enable the HDC to better manage and promote this resource.

Trustee Edwards said he feels the Board should not be “micromanaging” the HDC. He inquired about monies owed to the Historic Preservation Fund in repayment for work done on the Garling Barn. Manager Creech said that there is \$150,000 in the General Fund that is earmarked for this purpose.

Trustee Bailey acknowledged concerns about approving a full time HDC position, as the Historic Preservation millage is up for renewal this year. However, he said the Board can amend the budget later as necessary. He did, however, note that the budget reflects a transfer of \$30,000 from the fund balance, and asked how the HDC will run once the fund balance runs out. HDC Administrative Assistant Barbara Barber said the HDC’s goal is to make this a revenue-generating site, much like Van Hoosen Farm in Rochester Hills, and they hope to not have to dip into the reserve fund long term.

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MOVED BY BAILEY, SECONDED BY McKAY, to adopt Resolution 12-02, a resolution to adopt the 2012-2013 fiscal year budgets, including the “pink”/original version of the Historic Preservation Fund budget.

AYES: Fogler, Creps, Bailey, Edwards, McKay, Thomas
NAYS: Workings
ABSENT: None
MOTION CARRIED.

A copy of the resolution is attached as a part of these minutes.

MANAGER’S REPORTS

Bonds

Manager Creech invited the Board to review his March 9th memorandum regarding the possibility of paying off the Series 2001 Older Persons’ Commission General Obligation Unlimited Tax Levy Bonds. The Board may discuss this at a future meeting.

Detroit Water and Sewerage Department

Manager Creech said he attended a meeting at the Detroit Water and Sewerage Department last week. It was a positive meeting, although he learned that the NOTS plan (which had included installation of a large main going through Oakland Township, and which had been discussed for the past 20 years) is no longer in the DWSD’s master plan and has apparently been abandoned.

TRUSTEE BAILEY’S REPORT

Mill Race

Trustee Bailey recalled that Kyle Seidel, an engineer with Anderson, Eckstein and Westrick, had conducted an independent evaluation of the site, and had prepared a Proposal for Professional Services. However, it was later discovered that there was a conflict with that firm, so Jason Kenyon, an engineer with Wade, Trim, has now become involved.

Mr. Kenyon will visit the site and meet with residents on March 20th. He will then attend a meeting with Supervisor Fogler and the residents on March 22nd. Thereafter, he will prepare a Proposal for Professional Services, which he will present to the Board at the March 27th meeting.

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TRUSTEE THOMAS'S REPORT

Recycling at Township Hall

Trustee Thomas reported that another recycling day at the Township Hall, under the new schedule, took place last weekend. They collected nearly twice the capacity and weight as compared with the recycling day last month.

Trustee Thomas also stated that Eagle Valley has been accepting recycling on other days, at no cost to either the Township or residents.

SUPERVISOR FOGLER'S REPORT

Township Plants

Supervisor Fogler thanked Trustee McKay for volunteering to care for the plants in the Township Hall.

APPROVAL OF INVOICES

The Board reviewed the lists of invoices.

MOVED BY BAILEY, SECONDED BY EDWARDS, to approve payment of the invoices as presented dated February 24, 2012, in the amount of \$203,374.67, and February 29, 2012, in the amount of \$7,640.00.

MOTION CARRIED UNANIMOUSLY.

A copy of the lists of invoices is attached as a part of these minutes.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Ingrid R. Kliffel
Recording Secretary

Approved,

Judy Workings
Clerk