

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

The April 10, 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
Larry Nix, Planning Consultant

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 CREPS, SECONDED BY THOMAS, to approve the minutes of the March 27, 2012, meeting with the following clarification: on page 148 under "Fiscal Year 2012-2013 Meeting Schedule," the fifth line should read, "...second Tuesday of the month only, with additional meetings..."

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

MOTION CARRIED (Abstention: Workings).

AMENDMENTS TO AND APPROVAL OF AGENDA

Supervisor Fogler asked that the agenda be amended to include a presentation from Rochester Area Youth Assistance.

MOVED BY BAILEY, SECONDED BY McKAY, to approve the agenda as presented, with the additional of a presentation from Rochester Area Youth Assistance.

MOTION CARRIED UNANIMOUSLY.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

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.

Roger Schmidt: Hunting/Target Shooting

Roger Schmidt of 455 S. Rochester Road was present. He explained that he has a shooting range on his property and invites others over, between once and four times a season, to shoot. He teaches the children fire arm and range safety. He only allows use of the range when he is present, and said he has been shooting on the property for approximately 43 years.

Mr. Schmidt recalled that at one time there was discussion about closing Oakland Township to all hunting. However, he feels that if a property owner has enough land, they should be allowed to safely discharge firearms on their property. Mr. Schmidt suggested that a committee be established to discuss this matter, including establishing a procedure to check for safety. He said he would be interested in being a part of such a group.

Supervisor Fogler said that it is the Department of Natural Resources that determines areas to be closed to hunting.

Beth Markel: Dam Removal Project

Beth Markel of 245 Birch Hill Drive questioned if the Township's engineers reviewed the plans for the dam removal project. Manager Creech responded that they did not.

ROCHESTER AREA YOUTH ASSISTANCE

Rochester Area Youth Assistance ("RAYA") Publicity Chair Joanna VanRaaphorst and Chairman Jim Blundo were present. They briefly reviewed the history of RAYA, stating that it is a non-profit organization that was established in 1958. Ms. VanRaaphorst added that Oakland County is the only county in Michigan with a program of this type, designed to help children and families in need.

They shared a PowerPoint presentation. RAYA offers an array of services for family education, growth and development. Additionally, they offer youth and teen programs and services, counseling and casework services, scholarship and financial assistance, a

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

mentorship program, and an annual banquet recognizing charitable contributions of youth. In 2010, RAYA was able to help approximately 300 families in need.

April 10, 2012

Mr. Blundo thanked the Board for giving them the opportunity to share information about RAYA. He said they want the community to be aware of the services RAYA offers, and also to know that RAYA is always looking for people to volunteer and/or to help with fund raising.

Supervisor Fogler and the Board thanked Ms. VanRaaphorst and Mr. Blundo for their presentation, and for making these valuable programs and services available to our community.

BLOSSOM RIDGE SENIOR HOUSING DEVELOPMENT

Developer Dominic Mocerri was present along with Dave Pawlaczyk, and Landscape Assistant Jennifer Blankenship.

The Board held a public hearing at their March 13, 2012, meeting to hear public comments regarding the proposed Blossom Ridge senior housing development, proposed to be located on 41.842 acres at the northwest corner of Dutton Road and Adams Road, and the developer's request to rezone the subject property from MRD (Medium Density Residential) to RM-PRRO (Multifamily Residential Density with Planned Residential Rezoning Overlay).

Manager Creech explained that, since the March 13th meeting, there have been various meetings with the developer, Township administration and residents. The developer revised the plan to decrease the number of units by 44 (from 282 units to 238 units), while largely maintaining the same look as before.

Township Attorney Joppich reviewed the next steps in the review process. The Board must consider whether or not the developer has satisfied the standards set forth in the Zoning Ordinance to consider an amendment to that Ordinance and the Zoning Ordinance map to rezone the subject property from MRD to RM-PRRO for the proposed Blossom Ridge senior housing development. If the Board finds that the developer has satisfied these standards, it would introduce and hold a first reading of an amended ordinance, and would direct Attorney Joppich to work with the applicant to develop a PRRO agreement, incorporating the PRRO plan and setting forth planned residential rezoning overlay conditions, etc. The Board would also need to hold a second reading of the amended ordinance before it could consider its adoption. Attorney Joppich also reviewed the findings that would be necessary for denial of the application.

Planning Consultant Nix next reviewed the history of the Blossom Ridge proposal. The application was first presented to the Planning Commission by the developer in June of 2011. Mr. Nix noted that the Master Plan specifies that senior housing is an acceptable

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

use for this property, and added that the developer has indicated that Blossom Ridge will not be a nursing home or a dementia care facility.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

Mr. Nix continued that the Planning Commission held its first public hearing on this proposal in August 2011. Finally, after much consideration, the Planning Commission voted, at their February 2012 meeting, to recommend the plan to the Board (by a 5-2 split vote, which he considers was primarily because of concerns about the density of the proposed development).

The public input during the review process has been very valuable and important. Mr. Nix recapped many of the concerns raised by residents, and stated that the applicant and Planning Commission addressed each issue.

Mr. Nix continued that the Board of Trustees held a public hearing on this proposal at their March 13, 2012, meeting. Residents Mr. Sirna and Mr. Hein, and other members of the Residents for Responsible Growth in Oakland Township (“RRG-OT”) expressed their concerns that the proposed development was still too dense, too large, and out of character for Oakland Township. Other residents felt this is a business, and had concerns about traffic studies, that the development would ruin Oakland Township’s rural character, and that this is not the best location for a senior housing development.

Over the past month, Planning Commissioner James Foulkrod met with Mr. Sirna, Mr. Hein, developer Mr. Mocerri and Township administrative staff. Together, through compromise, they developed the modified plan that is before the Board this evening. Some of the features of the new plan are fewer units (reduced by 44 units, from 282 to 238 units), the preservation of a stand of pine trees, an enhanced wetlands area (it will become a pond), and projected reduced traffic. Mr. Nix said that all of these changes will make the proposed development even more consistent with a single-family MRD development. Further, he said he does not believe the revised plan needs to return to the Planning Commission because the original concept has not changed. However, if the Board has questions or needs additional information, he said it would be appropriate to have the Planning Commission look into those matters.

Supervisor Fogler stated that she is concerned that the main entrance is on Adams Road. She feels it would be safer to instead have the main entrance on Dutton Road, particularly since there is a traffic light to make entrance onto Adams Road safer. Planning Consultant Nix said that the Planning Commission can look at this issue, and develop ways to encourage use of the Dutton Road entrance as the main entrance.

Trustee Edwards said he feels Mr. Foulkrod did an extraordinary act by working with the parties to develop the revised plan before the Board this evening. However, he said the Board has not seen the new plan and is not familiar with it. Attorney Joppich said the Board may choose to table action on this matter if they feel they need more information.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

Trustee McKay noted that the Planning Commission minutes make reference to “industry standards,” and questioned what this means. Planning Consultant Nix explained that this refers to what similar providers in this area offer. He continued that Blossom Ridge, as proposed this evening, is a less intense use than what he has seen elsewhere in the area. He reiterated that Blossom Ridge will not provide nursing care or dementia care services. Clerk Workings said she does not believe she has a copy of Planning Consultant Nix’s January 19, 2012 letter regarding a traffic study. Developer Mocerri provided a copy to Clerk Workings.

Clerk Workings also asked how the developer calculated the open space. Landscape Assistant Jennifer Blankenship explained how this was done. Clerk Workings also asked about the number of units that would be possible under the current ~~MRD~~ RM-PPRO zoning.

Trustee Thomas commented that this is a lot for the Board to review and to become familiar with. Trustee Edwards said that the Planning Commission exhaustively went through many of the details of the plan. Trustee Bailey reminded Trustee Edwards that, while he is the liaison member between the Board and the Planning Commission, the rest of the Board was not at those meetings. Further, he said each Board member needs to feel comfortable with the materials and reach their own conclusions.

Trustee Thomas continued that she appreciates all the work that went into revising the plan. She said she likes the duet style units and the group housing. However, she feels the large building is imposing. Mr. Mocerri responded that the large building is in fact shorter than many of the neighboring homes. He added that it will not even be visible once the berms are installed. Trustee Thomas asked if the third floor could be removed. Mr. Mocerri said this would decrease the number of units in the development even more, and at a point it will not be economically feasible to go forward with the project.

Trustee Thomas next asked about the Adams Road entrance. She said she, too, is concerned about elderly drivers accessing Adams Road at this location. Mr. Mocerri responded that the Road Commission for Oakland County approved this curb cut, which coordinates with the entrance to the Hills of Oakland development located on the east of Adams Road. He stated that he could install an acceleration/deceleration lane on Adams Road, but there would not be room to install one on Dutton Road. He noted that he has voluntarily agreed to set aside monies for improvements within one-quarter of a mile of the perimeter of the development, and those funds could be used for this purpose. He said he can also post signage within the development to encourage use of the Dutton Road access as the primary access point.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

Trustee Bailey recalled that Mr. Blust had raised questions at the March 27th Board meeting about how certain calculations were made. Planning Consultant Nix said he responded to those questions in a memorandum.

Supervisor Fogler then opened the floor to comments and questions from those present this evening.

Ron Hein of 5859 Muirfield Drive said he is a member of the RRG-OT group. He commented regarding the meetings that took place since the March 13th Board meeting, and said he was pleased that Mr. Mocerri was willing to work with the residents. Mr. Hein explained that the 238 units was a compromise, as Mr. Mocerri had indicated that it would not be economically feasible to go forward with the development with fewer units. Mr. Hein added that the group had discussed relocating the large building, but that this could not be accomplished because of the location of the existing gas line.

Mr. Hein then read a letter from Bob Sirna of 5823 Wellwood Court, who was not able to attend this evening. Mr. Sirna's letter indicates that he feels the 44 unit reduction is significant, and that he supports the proposal as submitted this evening with the conditions contained in Landscape Architect Don Westphal's letter of April 2nd, including funding for off-site improvements.

Mr. Hein continued that he feels the Blossom Ridge development will bring some benefits to Oakland Township that the original zoning would not. Specifically, Oakland Township is "getting older," so this will be a residential area just for senior citizens. Additionally, the developer will set aside \$1,000 per unit to fund off-site improvements; Mr. Hein feels this can be used to improve the intersection of Adams Road and Dutton Road. Finally, Mr. Hein said he has been concerned about a development in this location creating increased traffic, but feels that with this proposed development there will be less peak hour usage than there would be from a traditional (i.e., not senior) development. For these reasons, Mr. Hein said he is in support of the proposed Blossom Ridge development.

Craig Blust of 2222 W. Buell Road pointed out that he is not a part of the RRG-OT group. He referred to certain sections of the Zoning Ordinance regarding the determination of density in the RM district relative to including rights-of-way for purpose of the density calculations. ~~and~~ He questioned how to read and apply these sections. Attorney Joppich explained that he has been informed that the Ordinance provision has been applied in other developments in a manner consistent with how it was applied for the Blossom Ridge review. He also explained that there are specific ways to interpret the Ordinance that would have the sentences considered as separate regulations, instead of together.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

Joe Langlois of 490 W. Snell Road encouraged the Board to make sure that they are comfortable with the materials and have a full understanding of the developer's request before they make any decision. He said the Board should not feel pressured or rushed into having to make a decision tonight.

Marty McQuade of 5605 Muirfield Drive said that he is a member of the RRG-OT core team. However, he pointed out that the Board should consider the statements made by Mr. Hein and Mr. Sirna (via letter this evening) to be their personal expressions, and not representative of the position of all RRG-OT members.

Terry Gonser of 4200 Heron Road inquired if the Township considers this to be a residential or a business development, and what the criteria for making that determination are. Planning Consultant Nix responded that Blossom Ridge is considered a residential development, and referred to the land use classifications. Attorney Joppich added that this is considered a residential use as the property will be used by families. He gave the example of an apartment complex where families can rent units and this is considered a residential use.

Jan Olson of 4190 Orion Road asked if there has been any study of the stress this development will put on Oakland Township's fire department.

Trustee Edwards questioned if the Board has enough information to make a decision on the developer's request tonight.

Trustee Thomas said she has questions about the location of the entrance, the use of the large building, and said that she would like to see the look of the large building "reduced" to that of a two-story building.

The Board discussed that they still have a number of questions and they need more information. Additionally, they felt that they need more time to review and understand the materials. For these reasons, they agreed to table this matter.

MOVED BY EDWARDS, SECONDED BY BAILEY, to table further discussion regarding Blossom Ridge to allow the Board additional time to study the materials submitted, to obtain a clearer understanding of the requirements of the Ordinance, and to consider some objections that Board members may have.

MOTION CARRIED UNANIMOUSLY.

HISTORIC DISTRICT COMMISSION OPERATING MILLAGE – BALLOT LANGUAGE

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

The Historic District Commission (“HDC”) submitted proposed language for the Historic District Commission Operating Millage, which will appear on the August 7, 2012, primary election ballot. Attorney Joppich has reviewed the proposed language and said it is appropriate to submit to Oakland County as presented this evening.

MOVED BY BAILEY, SECONDED BY THOMAS, to approve the language for the proposed Historic District Commission Operating Millage, which will appear on the August 7, 2012, ballot, and to forward it to Oakland County.

MOTION CARRIED UNANIMOUSLY.

RECORDING EQUIPMENT

Clerk Workings is proposing that the Township purchase a digital recorder to record Township meetings. Currently, the Township uses a tape recorder.

Trustee Edwards asked how this will benefit the Township. Clerk Workings responded that the new system will produce a good recording. Further, she said that as tapes get older, they sometimes sound “garbled.”

MOVED BY WORKINGS, SECONDED BY EDWARDS, to purchase a Rack Mountable Digital Recorder at a cost of \$319.95 as presented this evening.

MOTION CARRIED UNANIMOUSLY.

MANAGER’S REPORT

Township Hall Roof

Manager Creech reported that the staff had to call in an animal control specialist to address the flying squirrel problem the roofers encountered when they were replacing the roof on the Township Hall.

TRUSTEE McKAY’S REPORT

Mill Race Clean Up

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

Trustee McKay recalled that there has been discussion regarding the need to remove logs, etc. from the Mill Race. Supervisor Fogler responded that the Township would need permission from the property owners if we were to go onto their properties to remove debris from the Mill Race bed. Resident Jan Olson, who lives on the Mill Race, said that the homeowners have already cleaned ~~up most of their properties along~~ the Mill Race, and her husband cleaned the weir. ~~but that the~~ The Township's area around along the Mill Race Park still needs to be cleaned.

CLERK WORKINGS'S REPORTS

Annual Report

Clerk Workings reported that she is completing the annual report and hopes to have it available for the Board at the next meeting.

Paint Creek Center for the Arts

Clerk Workings stated that the Paint Creek Center for the Arts, located in Rochester, will host its second annual Regional Arts and Culture Awards event. The event will honor those who are fostering arts and culture in our community. The Board discussed that we need to nominate candidates from Oakland Township who have demonstrated this commitment to receive the Mayor's Arts and Culture Award.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

SUPERVISOR FOGLER'S REPORTS

May is Mental Health Month

Supervisor Fogler stated that the Township received a letter from the Oakland County Community Mental Health Authority requesting that Oakland Township support a proclamation in order to help raise awareness of mental illness.

MOVED BY WORKINGS, SECONDED BY BAILEY, to support the proclamation recognizing that May is Mental Health Month.

MOTION CARRIED UNANIMOUSLY.

May is Fair Housing Month

May is also Fair Housing Month. The Board declared their support in recognizing that May is Fair Housing Month.

Resignation of Amy Boltz from Historic District Commission

The Board accepted the resignation received from Amy Boltz, who currently is a member of the Historic District Commission, but who will be moving out of Oakland Township.

TRUSTEE THOMAS'S REPORT

Recycling at Township Hall

Trustee Thomas reported that fewer people attended the April recycling event than had attended the previous month's event. The next Oakland Township recycling event will take place on May 5th at the Township Hall.

TRUSTEE BAILEY'S REPORT

Mill Race

Trustee Edwards inquired about the status of the contract with Wade Trim for a third party engineering investigation into the possibility of restoring flow to the Mill Race. Supervisor Fogler responded that the contract has been signed.

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

April 10, 2012

APPROVAL OF INVOICES

The Board reviewed the list of invoices.

MOVED BY EDWARDS, SECONDED BY BAILEY, to approve payment of the invoices as presented, dated April 10, 2012, in the amount of \$185,983.59.

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 9:30 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

Judy Workings
Clerk