

Auburn Heights Manor

***Neighborhood Study
and City-Initiated
Rezoning***



**CITY OF AUBURN HILLS
PLANNING COMMISSION MEETING**

February 6, 2003

CALL TO ORDER: Mr. Ross called the meeting to order at 7:10 p.m.

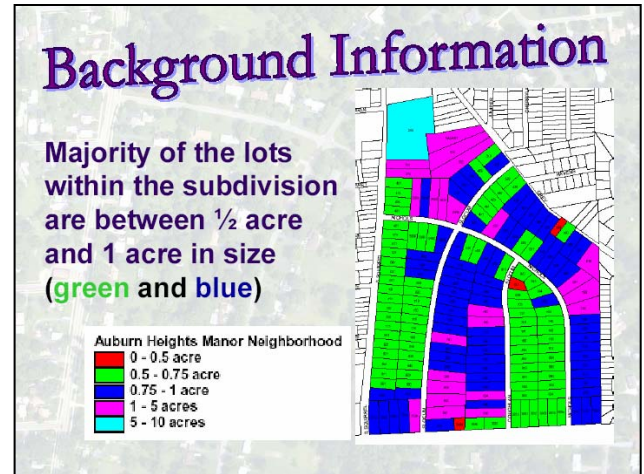
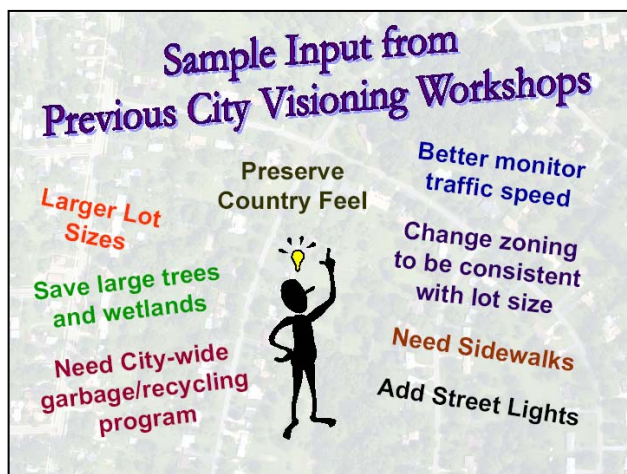
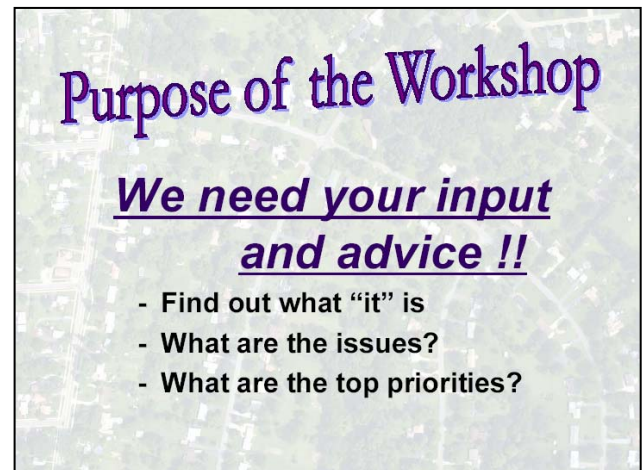
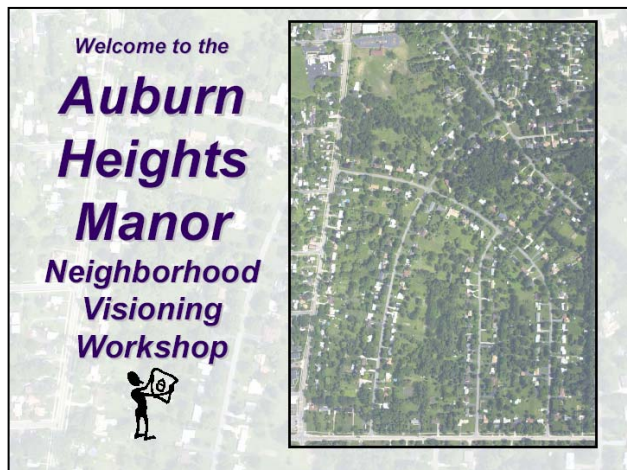
ROLL CALL:

Present.	Beidoun, Hurt-Mendyka, Marien, McKissack, Newkirk, Ouellette, Schoonfield
Absent.	Beckett
Also Present.	City Planner Cohen, Community Development Director McBroom, City Manager Ross, City Engineer Westmoreland, Mayor Pro Tem Pillsbury, Councilpersons McDonald, Sendegas, Knight, County Commissioner McMillin 47 Guests

LOCATION: Public Safety Building, Community Room, 1899 N. Squirrel Road, Auburn Hills MI 48326

Mr. Ross welcomed the residents and explained this neighborhood involvement process has been done quite successfully with other neighborhoods in the City. Mr. Ross introduced the Planning Commissioners, the City Council members who were present, and the County Commissioner. Mr. Ross introduced Mr. Steve Cohen, City Planner, and then turned the meeting over to Mr. Cohen.

Mr. Cohen proceeded with a Power Point presentation explaining the purpose of the visioning workshop.




Background Information

Master Planned:
Residential (1.2 upa)

Zoned:
R-1, One Family Residential
8,400 sq. ft. lots / 70 ft. frontage
(Approx. 3.3 to 4.0 homes per acre)

● **19 lots could potentially be split under R-1 zoning**



Rules for Group Discussion

- A Planning Commissioner will serve as facilitator and write down responses
- You have 30 minutes to discuss question
“What do you want or not want your neighborhood to be like in the future”
- There are NO bad answers/responses

Results of the Meeting

Participants were divided into 7 groups (8 to 10 people in each) and asked to answer the following question: **“What do you want/not want your neighborhood to be like in the future?”** Each group reported its responses for the question, which were put onto a summary list. At the end of the meeting, all present were asked to vote for their top responses to the question by placing five colored stickers on the summary list. Property owners were permitted to put all five stickers on a single response if they desired.

The following were the top five responses:

1. Change zoning to prevent lot splits - keep/preserve current lot sizes (50)
2. Allow lot splits (42)
3. Maintain country-like setting (23)
4. (tie) Clean-up neighborhood of junk cars and boats (15)
(tie) Better drainage ditch maintenance (15)

Other Responses: Limit total square footage of structures on lots – no “big foot homes” (12); Add street lights – decorative lighting (11); Improve police traffic control - stop speeding (9); City controlled and paid for trash pick up – one trash pick up per week (9); No active homeowners association (8); Incorporate deed restrictions into zoning (7); Add sidewalks (7); No sidewalks (7); Increase public notification to 1,000 ft. (5); No road widening (3); and Parking on one side of street – day only (2)

On behalf of the Planning Commission, Mr. Cohen thanked the residents for attending the visioning meeting and stated the results from the meeting would be mailed to the residents and the information would also be available on the City’s web site. Mr. Cohen advised participants that the Planning Commission would review the results of the visioning workshop on Thursday, March 6, 2003 at 7:30 p.m. in the Council Chambers.

The meeting concluded at 9:00 p.m.

Kathleen Novak
Records Retention Clerk

Attachments

E-mail from Jeff & Sharon Bohun – February 5, 2003

Message was received. Since I don't think we'll be able to attend the meeting, I'd like to give my thoughts on our neighborhood. We've lived here for 18 years and one of the main reasons we stay is because of the large lots. We very much oppose dividing the lots. We would love to see the area upgraded with

quality home improvements and additions, and would approve of homes being torn down and replaced by larger higher quality homes. We've heard that street lights are being considered for this area. Would the wiring be above or below ground? Basically, we like it the way it is, are perfectly happy without streetlights and would prefer not to have more wires! Those in our backyard are more than enough. We also like the openness of the area and don't feel that sidewalks or pathways would be necessary. Are there any "codes" regarding the mailboxes? Many are in very poor condition and do nothing to add to the appeal of the neighborhood – quite the opposite actually!

Would we be able to receive minutes of the meeting?

*Thanks very much!
Jeff & Sharon Bohun*

And

E-mail from Bill Mansfield – February 2, 2003

Mr. Cohen, I am writing to you today because I will be out of town on the meeting date of Feb. 6th. I thought I would use this opportunity to let you know some of my views on our neighborhood. My biggest concern would be the possible rezoning or splitting of lots. I am totally against this. I think a big mistake was made last year by allowing the lot at the corner of Slocum and South Boulevard to be split. This neighborhood is in the process of getting 'younger', and I can see people buying houses in this area with the sole purpose of splitting the property and making a profit. I have lived here for 6 years, and my wife grew up in the house we now own. The large lots in this sub make it a gem for the city. There are very few subs like this left anywhere. I strongly urge that no more splits be allowed. On other topics, I feel the police could make more drive throughs. It's not that I feel they do not do a great job, it's just that sometimes it seems like weeks go by without seeing a car go down the road. With the addition of the new park at Squirrel and M-59, I feel there are now good recreational facilities within a reasonable distance. We also have a first rate fire station a very short distance away.

Thank You for allowing me to air my views to you.

*Sincerely,
Bill Mansfield*

CITY OF AUBURN HILLS PLANNING COMMISSION MEETING

Auburn Hills Public Safety Building, 1899 N. Squirrel Road
Thursday, February 6, 2003 at 7:00 p.m.

AUBURN HEIGHTS MANOR NEIGHBORHOOD VISIONING WORKSHOP



Agenda

WELCOME/CALL TO ORDER

(7:15 p.m. to 7:30 p.m.)

GROUP DISCUSSION

(7:30 p.m. to 8:00 p.m.)

A Planning Commissioner will be assigned to each table to write down the general responses and the group's top five (5) responses.

- Consider the following general topics when answering the question ... **“What do you want or not want your Neighborhood to look like in the future?”**
 - Neighborhood Character
 - Density/Lot Size
 - City Services (e.g., Recreation, Police, Fire, Roads, Water/Sewer, etc.)
 - Natural Environment
 - Various Other Items or Ideas

BREAK (TOP FIVE (5) RESPONSES COLLECTED FROM EACH GROUP PLACED ON A MASTER LIST BY STAFF)

(8:00 p.m. to 8:20 p.m.)

VOTE FOR YOUR TOP FIVE (5) RESPONSES ON THE MASTER LIST

(8:20 p.m. to 8:45 p.m.)

REVIEW OF NEXT STEPS/ADJOURNMENT

(8:45 p.m. to 9:00 p.m.)

Auburn Heights Manor Neighborhood Visioning Workshop Results February 6, 2003

Top Responses by Category

Preserve Lot Sizes and Neighborhood Character (80)

- Change zoning to prevent lot splits - keep/preserve current lot sizes (50)
- Maintain country-like setting (23)
- Incorporate deed restrictions into zoning (7)

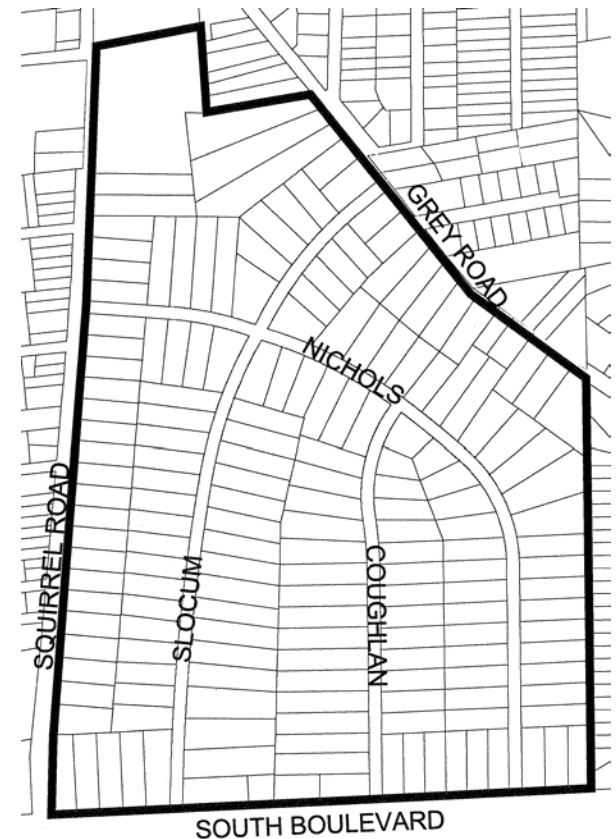
City Enforcement/Neighborhood Control (55)

- Clean-up neighborhood of junk cars and boats (15)
- Limit total square footage of structures on lots – no “big foot homes” (12)
- Improve police traffic control - stop speeding (9)
- City controlled and paid for trash pick up – one trash pick up per week (9)
- No active homeowners association (8)
- Parking on one side of street – day only (2)

Infrastructure Concerns (43)

- Better drainage ditch maintenance (15)
- Add street lights – decorative lighting (11)
- Add sidewalks (7)
- No sidewalks (7)
- No road widening (3)

Allow Lots Splits (42)



Auburn Heights Manor Neighborhood Visioning Workshop

Results

The City of Auburn Hills Planning Commission held a public meeting on February 6, 2003 to involve property owners within the Auburn Heights Manor Subdivision in the identification of the core values and issues facing their neighborhood. Over 60 people attended the event.

Those attending were active participants in the meeting. They were divided into 7 groups (8 to 10 people in each) and asked to answer the following question: **“What do you want/not want your neighborhood to be like in the future?”**

Each group reported its responses for the question, which were put onto a summary list. At the end of the meeting, all present were asked to vote for their top responses to the question by placing five colored stickers on the summary list. Property owners were permitted to put all five stickers on a single response if they desired.



Top Responses:

1. Change zoning to prevent lot splits - keep/preserve current lot sizes (50)
2. Allow lot splits (42)
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Other Responses:

Limit total square footage of structures on lots – no “big foot homes” (12); Add street lights – decorative lighting (11); Improve police traffic control - stop speeding (9); City controlled and paid for trash pick up – one trash pick up per week (9); No active homeowners association (8); Incorporate deed restrictions into zoning (7); Add sidewalks (7); No sidewalks (7); Increase public notification to 1,000 ft. (5); No road widening (3); and Parking on one side of street – day only (2)

Next Step:

The Planning Commission will review the results of the visioning workshop on Thursday, March 6, 2003 at 7:30 p.m. The meeting will be held in the Council Chambers in the City Hall/Administration Building.

For more information contact:

Steve Cohen, City Planner
1827 N. Squirrel Road
Auburn Hills, MI 48326
Phone: 248-364-6941
scohen@auburnhills.org

FYI – Background Information

Excerpt

"Not yet approved"

CITY OF AUBURN HILLS PLANNING COMMISSION MEETING

March 6, 2003

CALL TO ORDER: Chairperson Beckett called the meeting to order at 7:30 p.m.

ROLL CALL:

Present.	Beckett, Beidoun, Hurt-Mendyka, Marien, McKissack, Newkirk, Ouellette, Schoonfield
Absent.	None
Also Present.	City Planner Cohen, Councilpersons McDonald and Sendegas 43 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

PERSONS WISHING TO BE HEARD

Mr. Vic Roy, stated the repaving of Nichols was not completed and asked when completion to the driveways and yards would be completed. Mr. Newkirk stated the City Council was aware of the problem and it was agreed with the construction company that once the winter weather broke, the project would be completed correctly. Ms. Hurt-Mendyka mentioned she had spoken with City Engineer Phil Westmoreland, and he was aware of the discrepancies with the driveways meeting the road, and the issues would be resolved. Mr. Roy also questioned the need for the excessive salting to the roads and asked what could be done about the speeding car situation. Mr. Beckett suggested Mr. Roy address the City Council on the last two issues.

Mr. Mark Junis, mentioned because it is such a sandy area that he doesn't feel it is necessary for such deep drainage ditches or the ditches at all. He noted during the heavy rains last spring there was never any standing water because of the sandy drainage. He felt filling the ditches would make the neighborhood look much nicer. Ms. Hurt-Mendyka noted such a decision would need to be reviewed by the City Engineers.

Mr. Boyd Cryer, stated the excessive noise and the truck traffic on South Boulevard is becoming oppressive. Mr. Cohen explained South Boulevard is a County owned and maintained road. Mr. Beckett suggested Mr. Cryer contact the City Council to register the complaint and then the City Council could convey the concern to the County. Mr. Newkirk asked if this has become a problem since Auburn Road prohibits truck traffic and the truck traffic consequently has been rerouted to use South Boulevard. Mr. Cryer confirmed this was the case.

SPECIAL PLANNING STUDY:

Auburn Heights Manor Neighborhood

- Review Results of Visioning Meeting
- Next Steps

Mr. Cohen welcomed the residents and thanked them for their continued interest.

The main issue of this neighborhood study has been the zoning, and the zoning does not match the lot sizes of the neighborhood.

Mr. Beckett asked if there was additional input from residents.

Mr. Jeff Moden, questioned who was on the Planning Committee and if they were from the neighborhood. Mr. Beckett explained the Planning Commission is made up of residents from throughout the City; however, there are no Planning Commissioners from the Auburn Heights Manor neighborhood. Mr. Moden was concerned with the lack of neighborhood participation and questioned if all the neighbors had been notified of what was taking place. He didn't feel a consensus could be made based on the few neighbors present and asked if the neighborhood could override the Planning Commission. Mr. Beckett stated notifications had been sent to all property owners and residents of the neighborhood. Mr. Beckett mentioned a number of letters had been received from residents (see attachments) who weren't able to make the meeting.

Mr. Cohen explained the intent of the process is to better understand what the residents want to see for their neighborhood, and not intended to get a perfect consensus or perfect vote. This is a study meeting to determine what direction the Planning Commission should take.

Ms. Hurt-Mendyka explained the Planning Commission has been visiting different neighborhoods throughout the City and planning them according to their characteristics. Mailings are sent to all residents and property owners making them aware that these meetings will be taking place and it is their choice whether to attend these meetings or not. The Planning Commission's mission is to do what is best for the community as a whole, not just any one area.

Responding to a resident's question, Mr. Beckett stated one reason for reviewing this neighborhood was because residents had some concerns about potential lot splits. The Planning Commission felt this neighborhood needed to be visited because of the proximity to the downtown area that is being renovated. As the downtown area begins to take shape there is concern that developers may want to try to build in this neighborhood.

Mr. Mark Gavulic, had concerns with absentee landlords and renters as opposed to landowners.

A resident asked if the deed restrictions and covenants were still in effect for this neighborhood. Mr. Cohen explained deed restrictions are a homeowners association set of standards and not something the City can enforce. Mr. Cohen explained many things have changed since the deed restrictions were written for this neighborhood, including the zoning for very small lots. In the past, if there was a land division request the City Council had the right to turn the request down based on the fact that it wasn't consistent with the character of the neighborhood. Now, the Michigan Court of Appeals has ruled that the City no longer has that discretion. If a request is made and it meets all the criteria, the City must approve it. The concern is several lots in this subdivision could be chopped up.

Mr. Cohen explained the majority of lots are 30,000 sq. ft., and the current zoning is R-1, which requires lots to be 8,400 sq. ft., which would allow a typical sized lot to be split. Because of the new Court of Appeals ruling, rezoning the lots to a larger zoning district would help to alleviate the problem. The Master Plan was updated last year, and is only a guide on what the City wishes to see. The zoning, however, is the law.

Ms. Marien explained in her neighborhood, a number of lots were purchased and combined enabling a neighborhood to be constructed within the existing neighborhood.

Mr. Dallas Kenny, likes the neighborhood the way it is, and is in favor of not allowing lot splits. He questioned how he could get a motion passed to maintain the neighborhood as it is. The audience applauded him.

Ms. Roach stated she had signed a petition in 1989 for an amended Declaration of Building and Use of the Restrictions for Auburn Heights Manor and wondered about its status. The amended declaration read "No lot in said subdivision shall be re-subdivided into building plats having less area than shown upon the plat of said subdivision". Mr. Cohen explained the amendment would have been adopted by the subdivision and recorded with Oakland County Register of Deeds; however, the City cannot enforce deed restrictions that is something the association must do.

Mr. Moden asked what needed to be done to the ordinance to maintain 30,000 sq. ft. as the minimum lot size in the subdivision. Mr. Beckett explained the area would need to be rezoned to protect the lot size. The Planning Commission explained that process has begun by the residents attending the Planning Commission meetings and expressing their concerns and opinions. Mr. Moden made a motion that the lot sizes in the Auburn Heights Manor subdivision be 30,000 sq. ft. Mr. Beckett explained the process to rezone the property is a quick process; however, the City doesn't want to move too quickly and not hear the concerns of all the residents, which was why this process started with a neighborhood visioning meeting.

Responding to a resident, Mr. Cohen explained there isn't any guarantee that during the rezoning process there wouldn't be a request to split a lot. Mr. Cohen explained the Planning Commission could schedule a public hearing, to rezone the properties to the largest lot size in the City, for the first meeting in April. The recommendation would then move to the City Council at the end of April for either approval or denial.

There was a concern that a City Council member who lives in the subdivision would have a conflict of interest in such a rezoning, since it is widely known this person wishes to split their lot. Mr. Cohen and Mr. Beckett agreed this wouldn't create a conflict of interest.

Ms. Mary Ann Jones, asked if the amendment to the deed restrictions (if it had been recorded at Oakland County) could be enforced to prohibit a lot split. Mr. Cohen explained that would be up to the subdivision association. Ms. Jones asked if the association would be notified by the City if someone requested a lot split. Mr. Cohen explained, if requested, the association could be notified, however, land divisions are now done administratively because if it meet all requirements the City cannot deny the request. The association still has the right to proceed with whatever private action is required. Ms. Jones expressed her concern for the way the voting took place at the visioning meeting, noting not all people in attendance may have been residents of this area, and voting was open to all who attended. Mr. McKissack stated there is a sense of honesty for the people who attend these meetings and mentioned, with Planning Commissioners seated at each table and discussing issues, it is generally obvious that the discussion is with the area residents. Mr. Beckett stated it appeared the main concerns of the residents were lot splits and maintaining the country-like setting.

Ms. Marien asked if there was a legal reason a moratorium could not be placed on any lot splits for this neighborhood. Mr. Cohen explained moratoriums are a decision made by City Council and at the advice of the City Attorney; however, they could place the City in jeopardy. A better solution, Mr. Cohen explained, is for the neighborhood association to apply their deed restrictions.

Ms. Sharon Bohun, opposes splitting the lots and is in favor of the rezoning.

Mr. Beidoun stated all the residents that have spoken this evening are in favor of maintaining the large lot size, but he asked if there was anyone present who was in favor of lots splits. No one responded.

Mr. Cohen explained there were three options available:

1. Create a Neighborhood Master Plan Based on Revised State Law – this process could be completed by July or August.
2. Change Zoning to R-1A to Implement Existing Master Land Use Plan - this process could be completed at the April 17, 2003 City Council meeting.
3. Change Zoning to New District (Larger than R-1A) to Implement Existing Master Land Use Plan – this could be completed by May 19, 2003.

Responding to Ms. Marien, Mr. Cohen stated there would be a few non-conforming lots if there was a new zoning district added and all the lots along Squirrel Road would be zoned R-1A because of their size.

Also, Mr. Cohen mentioned with the new state law, which encourages cluster housing with smaller lots and keeping more green space, making it possible to for a developer to construct a subdivision within the

subdivision. Mr. Cohen explained there is no perfect solution; however the City can try to make it a better situation by rezoning to a larger lot size.

Ms. Hurt-Mendyka mentioned new zoning requirements would be in effect and could impact an addition to an existing home if the zoning district is changed. Mr. Cohen stated variances can be applied for through the Zoning Board of Appeals if necessary.

Ms. Hurt-Mendyka suggested the residents up-date their deed restrictions if they plan on using them.

There was a lengthy discussion regarding the deed restrictions. It was stated that item number 15 (regarding race) is not valid as determined by the Supreme Court, but the rest of the restrictions appear to be in force.

A resident asked if this neighborhood could be designated as a historical neighborhood so there couldn't be a lot of changes. Mr. McKissack believed 100 years old is what constitutes a historical site.

There was a question on how Birmingham proceeded with the "big foot homes" syndrome. Mr. Cohen said it needed to be investigated.

Mr. Cohen stated he would write a letter on behalf of the Planning Commission explaining the rezoning in terms of what the changes were, why the changes were made and what R-1A zoning is, and mail it to all of the neighborhood residents.

Ms. Roach suggested each homeowner place on their deed a restriction prohibiting lot splits.

Mr. Cohen told the residents there are rooms available to use through the City for conducting a meeting of the residents to discuss the deed restrictions and the homeowners association. Mr. Cohen also noted the homeowners would need to retain their own attorney; the City Attorney would not be available for their use. Mr. Cohen explained there currently isn't an active homeowners association, however from the deed restrictions available it appears that half the homeowners must be in agreement to start an association.

Ms. Marien questioned how other items of concern from the priority list would be handled. She asked if they could be incorporated into the deed restrictions, such as junk autos and boats. Mr. Cohen explained with an active homeowners association complaints could be brought to City Council with a much louder voice than just a resident complaining about speeding traffic, or deed restrictions could include using only one trash carrier for the entire neighborhood. Mr. Cohen explained there is a provision in the zoning ordinance to deal with junk autos.

A resident thanked Mr. Cohen and the Planning Commission for spending so much time on explaining the different avenues available to them and how to go about possibly starting a homeowners association, amending the deed restrictions, and how to stop a land split from taking place.

Moved by Ms. Hurt-Mendyka to set a public hearing for April 3, 2003 to rezone properties of Auburn Heights Manor from R-1 to R-1A district to be more consistent with the 1.2 units per acre. Supported by Ms. Marien.

**VOTE: Yes: Beckett, Beidoun, Hurt-Mendyka, Marien, McKissack, Newkirk, Ouellette, Schoonfield
No: None.**

Motion Carried (8-0)

Attachments

Letter from Mark Gavulic - March 5, 2003

Mr. Cohen & Commissioners:

First of all, thank you for the opportunity for my neighbors and me to voice our opinions about the future of our neighborhood. I'm writing today to express my opinion on the issues raised at last month's gathering since I can't be sure if I can attend the March 6th Planning Commission meeting.

In general, I'd like to see a new zoning classification created and adopted that will keep the character of our subdivision as it is: a planned community of single family homes on large lots. It seems that's the way most of my neighbors feel as well. I prepared for you (retyped for legibility) a copy of the deed restrictions that I was given when I purchased my home. At that time I independently did some research in the county archives and discovered we are apparently two subdivisions platted several years apart. The restrictions, I concluded at the time, are nearly identical so I didn't purchase a new copy; but you should be aware that there is at least one other set on file.

I'm the one who suggested that our deed restrictions be incorporated into a new zoning classification (omitting of course the racial requirement) because this was the general guide to how the neighborhood was built in the first place. It includes rules on use, setback, garages, barns, planting, signage and re-subdivision, as well as dwelling size, position, composition, and harmony with existing structures. I feel these are an appropriate starting point.

I'm also the one who suggested expanding variance notification to 1000' (the number was suggested by the commission member at our table but I thought the whole neighborhood should be notified). I recognize that state law requires only 300', but because of the large lots, few are notified when the potential for a variance to affect us all (eg. lot splits) is very great. It's appropriate for us to decide individually if we want to participate in these discussions and provides an opportunity for an applicant to present how granting their variance will enhance surrounding properties or relieve a hardship. It seems to me that hearing from the neighborhood at large will make the commission & City Council's job easier. This could be incorporated into the new zoning classification.

Placing a limit on a home's square footage (no big foots) may be shortsighted. At the February gathering I heard people expressing concern about the potential for someone to buy two or more adjacent lots and building something out-of-character with the neighborhood. If we examine the deed restrictions, we'll find that we are limited to only one dwelling per lot, 2 stories or less, with defined front, rear, and side setbacks. If we add a 'no merging of lots' clause in the new classification, we solve that problem. If, on the other hand, the intention is to avoid living in the shadow of a monster, the author has a point. I propose the following solution: for dwellings that will exceed 2500 square feet (or a formula that reflects larger than typical), place particular emphasis on the 'harmony with existing structures' clause. A four thousand square foot home is much more appropriate on a one acre lot than on the 50' lots they're being built on in Birmingham. At that scale they are monsters. In our neighborhood, with careful planning and appropriate zoning, a four thousand square foot home could exist with typical height, setback, and sightline characteristics. An interesting potential exists here for those who don't want lot splits: point out to those who do that their property value, as it exists, is probably higher to someone who desires to raise a house and build a large home in our neighborhood, than if they split their lot and sold it off. The new zoning classification could be written to please both sides on this issue.

With regard to sidewalks and a country-like setting, parts of our neighborhood have sidewalks/pathways and I don't think they detract from the charm. I lean toward having sidewalks in the future because I support people walking in the neighborhood and a safer place for children than the street. I think that walking around encourages personal relations with neighbors and having folks visible must discourage crime.

Since the meeting, I thought of another issue that could affect our neighborhood's future. I'd like to see something in the new zoning classification that addresses absentee landlords (i.e. the number of properties beyond their own homestead that an individual or entity could own in the neighborhood).

The rest of the issues voted on seem more policy related than planning, so I'll reserve my opinions on those for a later date. I support and appreciate your efforts here. I believe it is in the best interest of the property owners and the city to create this new zoning classification and apply it to our neighborhood. If you have any questions for me, my daytime telephone number is 248/424-8400.

*Respectfully,
Mark Gavulic*

And

E-mail from Leslie Littell & John Dietz - March 3, 2003

Steve,

My husband and I are both interested in our neighborhood. Unfortunately we both work long and erratic hours and could not attend the first planning meeting and will not be able to attend this Thurs. But based on the letter / issues our feelings are this:

- (1) Lot size -certainly there are a few (depends on placement and orientation) that could be split in half without detriment to the community. And we would not want to see someone in the future be greatly economically disadvantaged due to excessive zoning regulation. On the other hand we chose NOT to live in a development like Adams Ridge (although it is a nice little neighborhood) and CERTAINLY would not want to see something like the new Squirrel (59) development. Our corollary concern is noise since higher density brings more noise.*
- (2) We loved it when South was 'shut down' due to bridge work. We understand and appreciate that South is a county road, but it is confusing that Auburn is 90% commercial yet there are "no thru trucks" allowed while South is 90% residential and HAS LOTS of trucks and there for noise. SO at the least we would hope that the town keeps channels open with the county to prevent widening of South.*
- (3) We love the sidewalks.*
- (4) See no need for an active homeowners assoc.*
- (5) Incorporate what deed restrictions into zoning???? the old racists one?? I certainly hope NOT!*
- (6) Increased lighting in some areas could be helpful. These streets are dark at night.*
- (7) We were concerned about excess garbage pickup (again noise issue) but for us it was largely resolved when Great Lakes bought out the one co so along our stretch of South there now is one pickup it is a benefit We hope you can add these responses to the tally on Thurs.*

*Thank you,
Leslie Littell & John Dietz*

And

E-mail from Richard & Joan Myers – March 3, 2003

Dear Mr. Beckett,

As owners of property in Auburn Hills Manor Subdivision, we are in favor of leaving the zoning as is - R1 residential.

*Sincerely,
Richard & Joan Myers*

And

E-mail from Mr. and Mrs. Noah Bruce, Jr. - February 25, 2003

Dear Mr. Cohen:

As a 25 year resident of this neighborhood we would like to make you aware of our thoughts as well. We have been away for the winter and were unable to attend your first meeting on February 6th, 2003, and will not be back for the March 6th meeting either. If we had been in Michigan we would most certainly have attended your workshop. We appreciate very much receiving the results of the first meeting and we would like to respond as follows, and perhaps our vote can be added to those you have already tallied from your workshop meeting.

- 1. We vote to change zoning to prevent lot splits, preserving current lot sizes!*

2. *Maintain country-like setting.*
3. *Add street lights, decorative lighting preferred.*
4. *Add sidewalks, if possible.*

It is very encouraging to see what has already been done to improve our little city and I feel that by improving and maintaining our neighborhood will only add to that visionary look of nostalgia.

*Sincerely,
Mr. and Mrs. Noah Bruce, Jr.*

And

E-mail from Mike and Teresa Walrath – February 7, 2003

At last night's planning meeting several of us "residents" noticed a disturbing action during the voting that was done on the list of issues. There were apparently several families (of the 19 lots currently split-able) who brought their kids along with them. These children were also given voting stickers and as a result there were many more votes cast for the "pro-split" motion than fairly represented by homeowners. There were several City Council and Planning member who witnessed this, and discussed this, at the time, as well (Mr. Bedouin & Mr. Knight at our table for example). It is unfortunate and disturbing that these few dishonest residents took advantage of the City's excellent attempt to allow all the homeowners a voice in the matter.

Perhaps at the next meeting the voting stickers should only be given to one-person-per-property. A simple checking of a drivers license at the door (to verify identity) and crossing off their address on the map would insure that each and every homeowner only had their rightful share of the votes.

*Having lived here almost 20 years we are **adamantly** against allowing the splitting of lots in this subdivision. These large lots (unique to the area) are one of the main reasons we located here. Splitting the lots ruins the subdivision for all of us.*

There are other issues that we are extremely interested in as well (for example... we live next door to the junkyard full of boats and abandoned vehicles on the corner of Slocum & Nichols !). We hope this is addressed by the board, and ordinance enforcement officers too.

Unfortunately, we will not be able to attend the next planning meeting on March 6th. Please consider this email as our "input" that although not in attendance we are, nonetheless, indeed very concerned about these disturbing trends in our neighborhood and will plan to attend all future meetings on the matter.

Thank you (all !) for your time and efforts on our collective behalf.

*Sincerely,
Mike and Teresa Walrath*

CITY OF AUBURN HILLS
NOTICE TO ALL RESIDENTS WITHIN 1,000 FEET

CITY-INITIATED REZONING

THERE WILL BE A PUBLIC HEARING by the City Planning Commission at the Civic Center, 1827 N. Squirrel Road, Auburn Hills, Michigan 48326, on **Thursday, April 3, 2003 at 7:30 p.m.** to consider the FOLLOWING CHANGES TO ZONING ORDINANCE NO. 372:

Case Number: RZ 03-03

Applicant: City of Auburn Hills

Sidwell Numbers: 14-36-176-003 thru 009;
14-36-176-020 thru 031;
14-36-177-001 thru 002;
14-36-326-001 thru 042;
14-36-327-001 thru 019;
14-36-327-021 thru 022;
14-36-451-001 thru 018;
14-36-451-020 thru 021;
14-36-452-001 thru 033;
14-36-453-001 thru 014;
14-36-402-001 thru 003;
14-36-402-005 thru 019;
14-36-252-001 thru 002;
14-36-253-001 thru 007;
14-36-178-001 thru 002



General Location: Parcels are generally located within the Auburn Heights Manor Subdivision and Auburn Heights Manor No. 1 Subdivision.

Request to rezone subject parcels from present classification of R-1, One-Family Residential district to R-1A, One-Family Residential district or any other appropriate zoning district. The Planning Commission decision shall be in the form of a recommendation to City Council.

The purpose of the proposed zoning map amendment is to implement the future land use recommendations of the City's recently adopted **Master Land Use Plan**.

The proposed zoning map amendment may be examined at the Community Development Department, 1827 N. Squirrel Road during regular business hours.

Linda F. Shannon, City Clerk

(Continued on Back)

Question:

Why is the zoning proposed to be changed from R-1 to R-1A in the Auburn Heights Manor Neighborhood?



Answer No. 1:

To change the present zoning to be consistent with the City's Master Land Use Plan

On November 7, 2002, the Auburn Hills Planning Commission and City Council adopted a new plan for the City of Auburn Hills called the Master Land Use Plan. The new plan is a long range policy guide created to assist City officials, residents, and land developers in preparing for future growth and change within the City as a whole.

As part of the new master plan, the area generally defined as the Auburn Heights Manor Subdivision and Auburn Heights Manor No. 1 Subdivision was designated as low density residential (1.2 homes per acre). The purpose of the density designation was to create a policy to guide future zoning of the neighborhood which would preserve the lot sizes within neighborhood as they are today.

Answer No. 2

To change the present zoning to be consistent with the lot sizes within the neighborhood

The present zoning designated for the neighborhood is not consistent with the majority of lot sizes within the neighborhood (see table below). The Planning Commission invited neighborhood residents to meetings on February 6th and March 6th to discuss this concern along with other issues facing the neighborhood.

In general, the purpose of the proposed City-initiated rezoning is to implement the residential density recommendations of the City's Master Land Use Plan to preserve the character of the neighborhood.

Zoning	Minimum Lot Size	Minimum Lot Width
Existing Zoning R-1 District	8,400 sq. ft.	70 ft.
Proposed Zoning R-1A District	20,000 sq. ft.	100 ft.

For further questions about the proposed City-initiated rezoning, please contact the Community Development Department at 248-364-6900 and/or attend the public hearing scheduled for **Thursday, April 3, 2003 at 7:30 p.m.** at the Auburn Hills City Hall, 1827 N. Squirrel Road.

Feel free to send written comments in advance of the meeting to the following:

Via U.S. Mail or Hand Delivery

Chairman Larry Beckett
and the Auburn Hills Planning Commission
Attn: RZ 03-03
1827 N. Squirrel Road
Auburn Hills, MI 48326

Via E-mail:

scohen@auburnhills.org

City of Auburn Hills
Community Development Department
Planning and Zoning Services

1827 N. Squirrel Road - Auburn Hills, MI 48326
Phone: (248) 364-6941 Fax: (248) 364-6939
Website: www.auburn-hills.org

Wednesday, March 26, 2003

Chairman Larry Beckett and the
City of Auburn Hills Planning Commission
1827 N. Squirrel Road
Auburn Hills, MI 48326

RE: RZ 03-03, City of Auburn Hills
R-1 District to R-1A District

Dear Mr. Beckett:

We have had the opportunity to review this item and offer the following comments:

File No. RZ 03-03, City-initiated rezoning request of numerous parcels of property from R-1, One Family Residential district to R-1A, One Family Residential district. The property is generally located within the Auburn Heights Manor and Auburn Heights Manor No. 1 Subdivisions.

The sidwell identification numbers of parcels proposed for rezoning are the following:

14-36-176-003 thru 009; 14-36-176-020 thru 031; 14-36-177-001 thru 002; 14-36-326-001 thru 042;
14-36-327-001 thru 019; 14-36-327-021 thru 022; 14-36-451-001 thru 018; 14-36-451-020 thru 021;
14-36-452-001 thru 033; 14-36-453-001 thru 014; 14-36-402-001 thru 003; 14-36-402-005 thru 019;
14-36-252-001 thru 002; 14-36-253-001 thru 007; and 14-36-178-001 thru 002

RECOMMENDATION

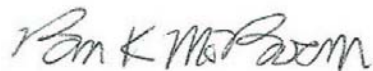
The purpose of the proposed zoning map amendment is to implement the future land use and density recommendations of the City's recently adopted *Master Land Use Plan*.

*The Village Neighborhood Master Plan depicts subject parcels as "residential." The City's Master Land Use Plan depicts subject parcels as "residential" with a recommended density of 1.2 units per acre, with the exception of the Auburn Heights Free Methodist Church property (14-36-176-003). **Therefore, we are recommending Approval of RZ 03-03 from R-1, One Family Residential district to R-1A, One Family Residential district based upon the Adopted Plan.***

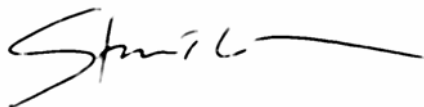
Further, based on the advice of the City Attorney, it is recommended that parcels 14-36-177-001 (LD 03-01 - Myers) and 14-36-327-021 (LD 01-04 - Trachsel) be removed from the City-initiated rezoning application and remain zoned R-1, One-Family Residential district.

If you have any questions regarding the above review, please contact us via phone at (248) 364-6900.

Respectfully submitted,



Brian K. McBroom, AICP
Community Development Director



Steven J. Cohen, AICP, PCP
City Planner

Attachment

Parcels which would be legal non-conforming due to the change from R-1 to R-1A

RZ 03-03

City of Auburn Hills

Auburn Heights Manor Neighborhood

(R-1A ... 20,000 sq. ft. / 100 frontage width)

14-36-177-001
(Code A)

LD 03-01 – Approved 3-25-03
8,500 sq. ft. with 85 ft. width
and 19,715 sq. ft. with 100 ft. width
Richard and Joan Myers, 481 S. Squirrel
(Parcel recommended to be removed from
rezoning and remain R-1 per City Attorney)

14-36-327-021
(Code B)

LD 01-04 as revised 6-14-01
13,723 sq. ft. with 106 ft. width
14,173 sq. ft. with 105 ft. width
14,199 sq. ft. with 105 ft. width
Stephen and Ida Trachsel, 975 Slocum
(Parcel recommended to be removed from
rezoning and remain R-1 per City Attorney)

14-36-327-022
(Code C)

16,528 sq. ft. with 117 width
Barbara Nowakowski, 3569 South Boulevard

14-36-327-013
(Code D)

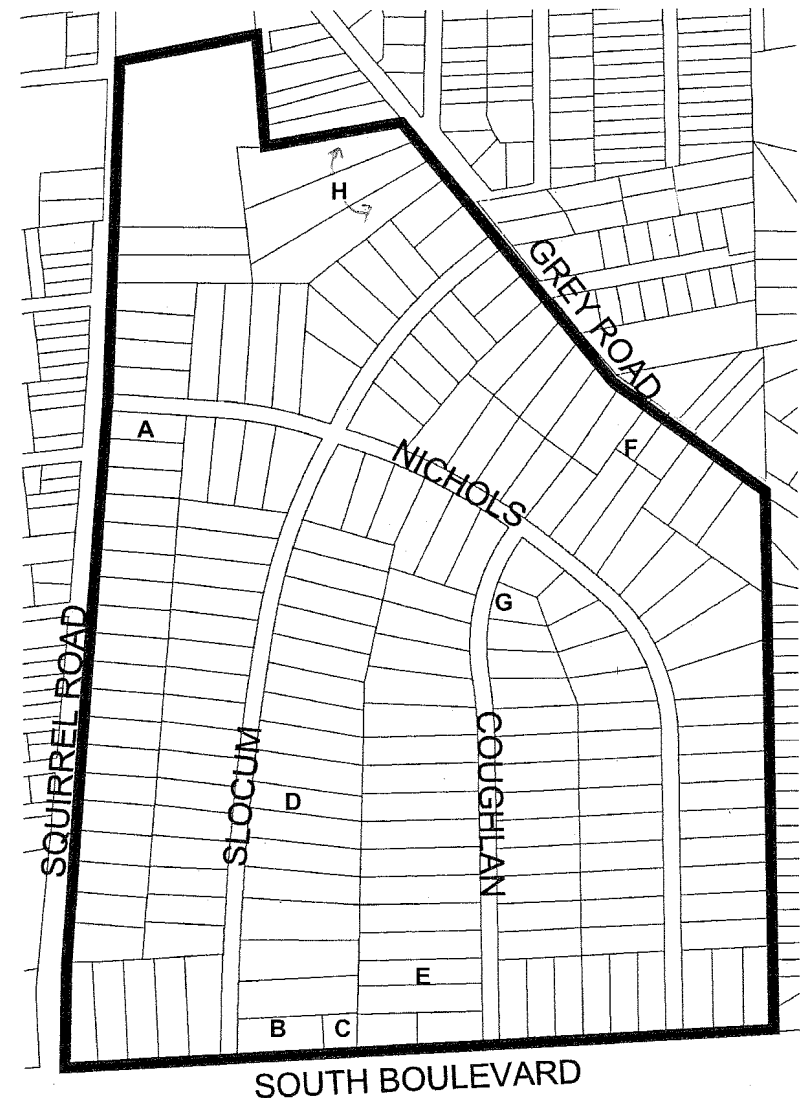
Width 90 ft.
Raymond Kossakowski, 801 Slocum

14-36-451-017
(Code E)

Width 90 ft.
Stanley Zywicki, Sr., 948 Coughlan

14-36-402-018
(Code F)

17,423 sq. ft. with 80 ft. width
Brian Marzolf, 564 Grey



Note ... it was originally thought that 14-36-452-002 located at 651 Coughlan would become legal nonconforming, but computer records show the parcel being 20,588 sq. ft. in size, with 135 ft. width. (Code G)

Revised 4-03-03: Parcels 14-36-176-020 (Mudie), 14-36-176-021 (Parker), and 14-36-176-022 (McDonald) all have 85 ft. frontage on Grey Road. It appears that all three parcels have 100 ft. width measured from the front yard 25 ft. setback line. (Code H)

**Excerpt
CITY OF AUBURN HILLS
PLANNING COMMISSION MEETING**

April 3, 2003

CALL TO ORDER: Vice-Chairperson Hurt-Mendyka called the meeting to order at 7:30 p.m.

ROLL CALL: Present: Beidoun, Hurt-Mendyka, Marien, McKissack, Newkirk, Ouellette,
Schoonfield
Absent: Beckett
Also Present: City Planner Cohen, City Attorney Beckerleg, City Engineer Katers,
Councilperson Sendegas, ERB Chair Gore
48 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

PERSONS WISHING TO BE HEARD

Ms. Katers announced to the audience she would be available after the first item on the agenda to answer any questions residents had regarding the roads and paving of the Auburn Heights Manor and Manor No. 1 Subdivision. She stated work would be continuing within the next couple of weeks to finish any incomplete or inferior work.

Ms. Hurt-Mendyka alerted the audience that the cases heard at this Planning Commission meeting would be placed on the City Council agenda for April 21, 2003 at 7:30 p.m. in the same council chambers.

PETITIONERS

RZ 03-03, City of Auburn Hills – Public Hearing

(Sidwell Nos. 14-36-176-003 thru 009; 14-36-176-020 thru 031; 14-36-177-001 thru 002; 14-36-326-001 thru 042; 14-36-327-001 thru 019; 14-36-327-021 thru 022; 14-36-451-001 thru 018; 14-36-451-020 thru 021; 14-36-452-001 thru 033; 14-36-453-001 thru 014; 14-36-402-001 thru 003; 14-36-402-005 thru 019; 14-36-252-001 thru 019; 14-36-252-001 thru 002; 14-36-253-001 thru 007; and 14-36-178-001 thru 002)

Ms. Hurt-Mendyka presented the request to rezone property generally located within the Auburn Heights Manor and Auburn Heights Manor No. 1 Subdivisions from present classification of R-1, One-Family Residential district to R-1A, One-Family Residential district or any other appropriate zoning district.

Ms. Hurt-Mendyka opened the public hearing at 7:34 p.m.

Mr. Schoonfield read the following correspondence:

I will be unable to attend the commission's meeting scheduled for April 3, 2003 because of a prior commitment. However, I want everyone concerned to know that I am 100% in agreement with the plan to rezone Auburn Heights Manor Subdivision from R-1 district to R-1A district. This will be a substantial improvement over the present condition.

Thank you for your generous time and efforts.

*Sincerely,
William B. Rose
____ Slocum*

and

We are Beverly and Barry Williams, residing at ____ South Blvd, within the area in question. We have owned this home since 1975.

We are in full agreement with the proposed revision to R-1A for the areas in question. Maintaining the housing density and the "large lot" ambience of our neighborhood has been a concern of ours since we moved here, as this was one of the major selling points when we bought.

Upgrading the zoning definition should help future decisions concerning resizing or sub-dividing lots within the Auburn Hills Manor Neighborhood by emphasizing qualities of this area. We congratulate the City for initiating this change.

and

*Please protect our sub & pass zoning R-1A and also I found that as you exit the new park on Squirrel Rd. the new pillar hides oncoming traffic from the south. My address is ____ Slocum Dr.
Don Montgomery.*

Mr. Cohen reviewed his letter dated March 26, 2003 with the following recommendations:

The purpose of the proposed zoning map amendment is to implement the future land use and density recommendations of the City's recently adopted Master Land Use Plan.

The Village Neighborhood Master Plan depicts subject parcels as "residential". The City's Master Land Use Plan depicts subject parcels as "residential" with a recommended density of 1.2 units per acre, with the exception of the Auburn Heights Free Methodist Church property (14-36-176-003). Therefore, we are recommending Approval of RZ 03-03 from R-1, One-Family Residential district to R-1A One-Family Residential district based upon the Adopted Plan.

Further, based on the advice of the City Attorney, it is recommended that parcels 14-36-177-001 (LD 03-01, Myers) and 14-36-327-021 (LD 01-04, Trachsel) be removed from the City-initiated rezoning application and remain zoned R-1, One-Family Residential district.

Mr. Ken Gore stated he is in favor of maintaining the character of the neighborhood and agrees with the rezoning.

Mr. Forest Taylor has lived in the neighborhood since 1975, and he concurs with Mr. Gore, keeping the neighborhood as it is.

Mr. Greg Skotzke agreed as well and supports the endeavor to protect what they have.

Ms. Theresa Walrath stated both she and her husband are in agreement with the rezoning.

Ms. Mary Creager supported the rezoning and noted the primary reason she purchased a home in this neighborhood was because of the large trees and large lots.

Ms. Karen Rousch supported the rezoning and thanked the Planning Commission for bringing the rezoning issue to the attention of the neighborhood.

Ms. Cheryl Hensley enjoys the large lots and the neighborhood.

Mr. Robert Strange explained he moved to this neighborhood because of its character and large lots. He supported the Planning Commission's efforts.

Mr. Tim Trammel agreed with the other residents.

Mr. John Ward enjoys the neighborhood as it is and is in favor of the rezoning.

Ms. Leslie Thompson enjoyed the beautiful trees and large lots of the neighborhood.

Ms. Gail Harrington supported the rezoning and as well as her neighbors, the Bruce's' who are currently in Florida.

Mr. Kugler approved of the rezoning to keep the neighborhood as is.

Ms. Patricia Wise asked what the zoning would be since in the notice it stated to rezone to the R-1A district or any other appropriate zoning. Ms. Hurt-Mendyka stated it would be rezoned to R-1A and also assured Ms. Wise that the rezoning would not have any affect on the way the property assessments are determined.

Mr. William Armstrong explained he has lived in this neighborhood since the 1950's and he preferred the dirt roads. However, the neighborhood is still a wonderful place to live and agreed with the rezoning to prohibit an increase of additional homes being built in the neighborhood. Mr. Armstrong thanked the City for their efforts in protecting the neighborhood.

Mr. Brad Lizotte was concerned with the rezoning since he purchased a lot in this neighborhood as well as an adjoining lot outside of this neighborhood. He questioned how this rezoning would affect him. Mr. Beckerleg explained the two lots would remain separate lots and the 85 foot of frontage would be grandfathered into the zoning that requires 100 foot of frontage. Mr. and Mrs. Lizotte were assured they would be able to build on their vacant lot even though the property did not meet the 100 foot frontage requirement.

Mr. Cohen identified for Mr. Ouellette that 481 S. Squirrel is located at the corner of Squirrel and Nichols. There are no other applications requesting lot splits for this neighborhood. Mr. Beckerleg explained the reason to exclude the two parcels from this rezoning is that the Meyers' property recently received lot split approval and by rezoning those lots it could be argued that they would need to be combined to make one lot. The lot split was approved administratively in the last month or so. Mr. & Mrs. Traschel own the 975 Slocum property, which was granted a land division by a court order. Ms. Hurt-Mendyka explained to the audience that a land division request made prior to rezoning approval by City Council and meeting current zoning requirements must be approved.

Mr. Beckerleg explained for Mr. Ouellette that the rezoned R-1A property does not have 100 foot frontage, however, if somebody has a single, buildable lot currently in the R-1 district they don't lose the ability to build on that lot just because the lot width and the lot area requirements are increased in the R-1A zoning. You cannot take a persons right to build on their property away. The R-1A zoning is intended to prevent future lot splits from occurring. Mr. Cohen stated there are two parcels on South Boulevard which could be split in the future under the R-1A zoning.

Since there were no further questions, Ms. Hurt-Mendyka closed the public hearing at 8:05 p.m.

Moved by Mr. Newkirk to recommend to the City Council approval of RZ 03-03, City of Auburn Hills from R-1, One-Family Residential District to R-1A, One-Family Residential District, with the exception of parcels 14-36-177-001 and 14-36-327-021, which shall remain zoned R-1, One-Family Residential District.

Supported by Mr. McKissack.

VOTE Yes: Beidoun, Hurt-Mendyka, Marien, McKissack, Newkirk, Ouellette, Schoonfield
No: None

Motion Carried (7-0)

Excerpt
The City of Auburn Hills
Regular City Council Meeting

April 21, 2003

CALL TO ORDER: Mayor Harvey-Edwards called the City Council Meeting to order at 7:00 p.m. with the Pledge of Allegiance.

ROLL CALL: Present. Mayor Harvey-Edwards, Mayor Pro Tem Pillsbury, Council Members Knight, McDonald, Newkirk, Sendegas
Absent. Council Member Kittle
Also Present. City Manager Ross, Assessor Bennett, Building Official Spencer, City Clerk Shannon, City Planner Cohen, Golf Professional Marmion, Police Chief Olko, City Engineers Hiltz, Katers and Westmoreland, Brownfield Redevelopment Authority Chair Capen, Environmental Review Board Chairman Kresnak, Tax Increment Finance Authority Chair Bennett, City Attorney Beckerleg
31 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

10d. RZ 03-03, City of Auburn Hills

Mr. Cohen presented the request to rezone property generally located within the Auburn Heights Manor and Auburn Heights Manor No. 1 Subdivisions from current classification R-1, One-Family Residential to R-1A, One-Family Residential.

Mr. Knight introduced discussion regarding the parcels that would be legal non-conforming parcels if rezoned. He was not in favor of creating non-conforming parcels through rezoning and suggested excepting those parcels from the rezoning.

Moved by Mr. Knight to accept the Planning Commission's recommendation and approve RZ 03-03, City of Auburn Hills from R-1, One-Family Residential district to R-1A, One-Family Residential district, with the exception of parcels 14-36-177-001, 14-36-327-021, 14-36-327-022 (3569 South Blvd.) and 14-36-402-018 (564 Grey Rd.) which shall remain zoned R-1, One-Family Residential District.

Supported by Mr. Pillsbury.

VOTE: Yes: Harvey-Edwards, Knight, McDonald, Newkirk, Pillsbury, Sendegas

No: None

RESOLUTION NO. 03.04.21

Motion carried (6-0)