

2008-0302 Final Site Condominium Plan Recommendation - City File No. 05-005 - Pine Woods Condominiums, a proposed 29-unit site condominium development on 9.5 acres, located south of Auburn, west of M-59, zoned R-4, One Family Residential, Parcel Nos. 15-34-101-012 & -013, L&R Homes, applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated June 17, 2008 and Final Site Condo Plan dated received June 11, 2007 had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Lorenzo and Vito Randazzo, L & R Homes, 2490 Walton Blvd., #203, Rochester Hills, MI 48309.

Mr. Randazzo indicated that he was looking forward to a recommendation of approval of the Final Site Condominium Plan to City Council, and he advised that they had been working with the City and with their Engineers.

Mr. Delacourt summarized that the project was a 29-unit site condominium development, which had been recommended for Preliminary Plan approval a couple of years ago by City Council. Since that time, the project had gone through Construction Plan review, and those plans were approved by the Engineering Department. The City had also reviewed the Master Deed, By-Laws and Exhibit Bs. He pointed out a temporary cul-de-sac at the end of the public street, and said it was hoped that it would be extended to Livernois in the future. Until then, the Master Deed specified that Lot 17 could not be constructed until the road was extended. The Preliminary Plan was conditioned to protect trees abutting the existing Hazelton Subdivision entrance, and the current plan also showed them as protected. He noted that the Final Plan was consistent with the Preliminary Plan, and that Staff was recommending approval.

Chairperson Boswell asked Mr. Randazzo if he had anything to add, but Mr. Randazzo felt that everything was updated nicely. Mr. Kaltsounis moved the following motion:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 05-005 (Pine Woods Site Condominiums), the Planning Commission recommends that City Council approve the Final Site Condominium Plan based on plans dated received by the Department of Planning and Development on June 11, 2007, with the following four (4) findings and subject to the following five (5) conditions.

Findings:

1. *All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.*
2. *Adequate public utilities are currently available to properly service the proposed development.*
3. *The Final Plan represents a reasonable and acceptable plan for developing the property.*
4. *The Final Plan is in conformance with the Preliminary Plan approved by City Council on March 15, 2006.*

Conditions:

1. *The applicant shall submit a Performance Bond for proposed trees and landscaping of \$56,781.00, as adjusted if necessary by the City's Landscape Architect, prior to issuance of a Land Improvement Permit.*

2. *Tree protective fencing must be installed, inspected and approved by the City's Landscape Architect prior to the issuance of the Land Improvement Permit for this development.*
3. *The applicant must obtain a Land Improvement Permit and any outstanding permits and easements prior to grading and construction commencing, per Public Services memo of January 23, 2008.*
4. *Place detectible warnings at sidewalk ramps located in the road right-of-ways, per Building Department memo of January 28, 2008, prior to obtaining Building Permits.*
5. *Exhibit B must be reviewed and approved by Engineering Services Staff, prior to issuance of a Land Improvement Permit.*

Mr. Hooper mentioned that the last time the applicants were before the Commission, it was noted that there was some discussion with the owners of Lots 6 and 7 to the west with the hope that there could be a connection to Livernois, and he asked if there was anything new to report.

Mr. Randazzo said that they could not work anything out with them. They tried, but nothing happened.

Ms. Hardenburg verified that the plans were received June 7, 2007. Mr. Delacourt advised that the plans were submitted almost a year ago, while the applicant was going through Construction Plan review.

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

Aye 9 - Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2008-0303 Rezoning Recommendation (Public Hearing) - City File No. 95-015.3 - An Amendment to Chapter 138 of the Code of Ordinances of the City of Rochester Hills to rezone one parcel of land totaling approximately .91 acre, known as parcel No. 15-27-351-008 at 990 W. Auburn, from B-5, Automotive Service to B-1, Local Business, Ron Jona & Associates, Inc., applicant.

(Reference: Staff Report, prepared by Ed Anzek, dated June 17, 2008, and accompanying documentation from applicant had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Ron Jona, Ron Jona & Associates, 29000 Inkster Road, Southfield, MI 48034.

Mr. Jona stated that he was appearing on behalf of the developer as the architect and planner.

Mr. Anzek noted that he and Mr. Jona had been working for several months on the proposal. The client would like to redevelop the corner, which would take a Rezoning, because a gas station use was not supported by the sellers or the potential re-users. He recalled that there was a previous applicant who wanted to redevelop the site about two years ago. During discussions, they identified that the site was cumbersome because of its configuration. They knew that the required setbacks made the site complicated. If Mr. Jona was approved and wished to pursue the project, a Variance would be needed for the site. They would have to establish the district for the property in order to know the setbacks and what type of Variance would be needed. The sequence would involve first a Rezoning, then a Variance based on the design, and then Site Plan Approval request.

Chairperson Boswell said that no matter what the outcome, the site would require some type of Variances. Mr. Anzek said that with the current zoning, they would end up with a