

**City of Rochester Hills
Department of Planning and Development**

**STAFF REPORT TO THE PLANNING COMMISSION
May 15, 2007**

Final Site Condominium Plan Legacy Condominiums	
APPLICANT	Paul Rosati 790 West Hamlin Road Rochester Hills, MI 48307
AGENT	Paul Rosati
LOCATION	Hamlin, between Livernois and Rochester Roads
PARCEL NO.	15-22-351-004
FILE NO.	05-031
ZONING	R-3 (One Family Residential) District
STAFF	Derek Delacourt, Deputy Director
REQUESTS	Final Site Condominium Plan Recommendation

SUMMARY

The above referenced project involves an 11-unit, single-family site condominium development around a cul-de-sac on 5 acres, located on the north side of Hamlin between Livernois and Rochester Road. There are just under two acres of private open space (Parks A and B, including detention).

Specific action requested for consideration by the Planning Commission is recommendation of the Final Site Condominium Plan to City Council.

BRIEF BACKGROUND

The applicant appeared before the Planning Commission on April 4, 2006 and received a Tree Removal Permit and Recommendation to approve the Preliminary Site Condominium Plan, and City Council subsequently granted approval on May 3, 2006. The Conditions of approval were addressed satisfactorily, including those relating to the tree preservation requirements. The tree replacement and preservation is outlined in the Landscape Architect's memo dated April 17, 2007.

The applicant has been given construction plan approval by Engineering Services, and the applicable easements and agreements have been issued. Regarding the passing lane on Hamlin, it was determined by the City's Traffic Engineer that it was not warranted due to timeliness of the Hamlin Road reconstruction and widening.

ORDINANCE COMPLIANCE

Section 122-368(c)(1) of the One-Family Residential Detached Condominiums Ordinance states that the Planning Commission shall recommend approval of the Final Plan if it conforms with the approved Preliminary Plan and all requirements of this Ordinance, as well as other applicable City Ordinance Codes.

The City Attorney has reviewed the Master Deed, and Staff has conducted a technical review of the Final Site Condominium Plan and Exhibit B to the Master Deed (i.e., survey) relative to compliance with the requirements of Section 122-368 of the One-Family Residential Detached Condominiums Ordinance.

RECOMMENDATION

Since the Final Plan conforms to the Preliminary Plan stamped approved by Staff October 3, 2006 and reviewed for technical compliance, Staff recommends approval of the following motion. Any outstanding conditions required prior to issuance of a Land Improvement Permit have been included as conditions in the enclosed motion.

Reference: Final Site Condominium Plan (Cover Sheet, Survey Plan, Site Plan and Utility Plan) prepared by Richmond Engineering, Inc., dated received by the Department of Planning and Development on February 27, 2007; Landscape Plans, Sheets.

Attachments: Planning Commission Minutes of 04/06/06; Assessing Department memo dated 01/26/07; Building Department memo dated 01/09/2007; Fire Department memo dated 03/13/07; Parks and Forestry memo dated 01/11/07; HRC Letter dated 03/12/07; Planning and Development Department memo dated 04/17/07; Public Services memo dated 04/16/07; EIS dated revised 08/08/06.

MOTION by _____, seconded by _____, in the matter of File No. 05-031 (Legacy Site Condominiums), the Planning Commission recommends City Council **approve** the **Final Site Condominium Plan** based on plans dated received by the Department of Planning and Development on February 27, 2007, with the following findings and subject to the following 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 May 3, 2006.

Conditions:

1. The applicant submit a Performance Bond for proposed trees and landscaping of \$72,148.00, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
2. Tree protective fencing 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 post a bond for any monuments and irons not set, prior to issuance of the Land Improvement Permit.