



Rochester Hills

Agenda Report

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Home Page:
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File Number: 2006-0790

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File Type: Ordinance

Status: To Council Work Session

Version: 3

Reference: 02-028 B

Controlling Body: City Council Work Session

Requester: Planning/Development

Cost:

Introduced: 11/02/2006

File Name: Crooks and South Boulevard Rezoning

Final Action:

Title: Request for Zoning Amendment - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Rezone six parcels of land totaling approximately 3.28 acres, located north of South Boulevard, east of Crooks, known as Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and a portion of -019, from R-4, (Crooks and South Boulevard Conditional Rezoning) One Family Residential to SP, Special Purpose.

Notes: MJMS, LLC
John D. Gaber
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Ave., Suite 300
Birmingham, MI 48009

Code Sections:

Agenda Date:

Indexes: Rezoning

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Agenda Summary.pdf, Map.pdf, Ordinance.pdf, CR Agreement.pdf

Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/05/2006	Recommended for Approval	City Council Regular Meeting			Fail
<p>Notes: <i>Chairperson Boswell opened the Public Hearing for the second rezoning request at 9:01 p.m. Seeing no one come forward, he closed the Public Hearing.</i></p> <p><i>Mr. Kaltounis agreed that a lot of things had happened with senior housing since the 1999 Master Plan was adopted, but he pointed out that it did, in fact, recommend senior housing for the subject parcels and he moved the following motion:</i></p> <p><i>MOTION</i> by Kaltounis, seconded by Dettloff, in the matter of City File No. 02-028 B, the Planning Commission recommends to City Council approval</p>							

of the request to rezone 3.28± acres, Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and part of -019, from R-4, One Family Residential, to SP, Special Purpose.

Mr. Schroeder did not have an objection to Special Purpose, but he would be concerned about isolating the corner with Special Purpose to the north of it. He did not think it would be correct to rezone the parcels to SP. Mr. Hooper agreed with Mr. Schroeder. He did not think they should rezone one portion and leave the corner as R-4, and recommended that it should be done comprehensively. He did not have a problem with SP, but he did not think they should piecemeal the area.

Mr. Kaltsounis said that in support of his motion to approve, he personally thought there was enough space to put a house or a bank on the corner when it would be allowed by the updated Master Plan.

Ms. Hardenburg clarified that the corner portion represented three parcels and that the furthest to the east would be split into SP and R-4. Mr. Delacourt agreed that a combination would have to be done with a future development. Mr. Gaber explained that they squared off the parcels. Ms. Hardenburg said she had to look at the whole picture and if they did not own the corner, she would ask even further why they would isolate the corner. Mr. Gaber stated that they did own the corner, and the rest was under the control of MJMS, LLC.

Ms. Brnabic reminded that Mr. Gaber asked what would happen if they did not own the corner. Mr. Gaber said that Mr. Mangla owned the majority and that he supported the rezoning.

Aye: Boswell, Dettloff and Kaltsounis
Nay: Brnabic, Hardenburg, Hooper, Schroeder and Yukon
Absent: Reece

2 Planning Commission 03/06/2007 Recommended for City Council Work Session Pass

Notes: **MOTION** by Schroeder, seconded by Dettloff, in the matter of City File No. 02-028 B, the Planning Commission **recommends** to City Council **approval** of the request to Conditionally Rezone 3.28± acres, Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and part of -019 (the "Property"), from R-4, One Family Residential, to SP, Special Purpose, consistent with the Application for Conditional Rezoning, a recordable document dated received January 31, 2007, with the following ten (10) conditions:

Conditions:

1. The elevations of the building on the Property shall substantially consist of brick, stone or similar materials approved by the Planning Commission as part of site plan approval for the Property, unless otherwise approved by City Council after recommendation from the Planning Commission.

2. *The architecture and surface materials of the buildings on the Property and the Adjacent Property shall be complimentary and compatible to each other as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.*
3. *There shall be only a single access drive from South Boulevard to both the Property and the Adjacent Property, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.*
4. *There shall be a cross access drive(s) between the Property and the Adjacent Property for vehicular access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by City Council after recommendation from the Planning Commission.*
5. *There shall be a sidewalk(s) or other pathway(s) between the Property and the Adjacent Property for pedestrian access, at a location(s) to be determined on the site plan for the Property and the site plan for the Adjacent Property approved by the Planning Commission, unless otherwise approved by City Council after recommendation from the Planning Commission.*
6. *There shall be cross easements granted for vehicular and pedestrian access between the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.*
7. *Either (i) a single site plan for the Property and the Adjacent Property shall be submitted for approval; or (ii) separate site plans for the Property and the Adjacent Property shall be submitted simultaneously for approval, provided that elevations and floor plans for the Adjacent Property may be submitted and approved by the Planning Commission at a later time, prior to the issuance of any building permits for the Adjacent Property. In the event that a single site plan is submitted, and the owner of either the Property or Adjacent Property desires to amend the site plan as it applies to such owner's parcel in the future, then such owner may apply for a site plan amendment or modification without the consent of the owner of the other parcel being required, provided that such requested amendment does not affect the approved site plan for the other parcel.*
8. *The landscaping for the Property and the Adjacent Property shall be*

complimentary and compatible, and the landscape materials and screening used to comply with the landscape screening and buffer requirements of Section 138-1216 of the City's Zoning Ordinance for the Property and the Adjacent Property shall be either substantially identical, or complimentary and compatible, as approved by the Planning Commission as part of site plan approval for the Property and the Adjacent Property unless otherwise approved by City Council after recommendation from the Planning Commission.

9. *The Property and the Adjacent Property shall share common storm water detention facilities to the extent permitted by the Oakland County Drain Commission, the City Engineer and any other applicable governmental authority with jurisdiction over the parcels, as approved by the Planning Commission as part of site plan review for the Property and the Adjacent Property, unless otherwise approved by City Council after recommendation from the Planning Commission.*

10. *Owners shall work with the City Engineer to investigate and consider the implementation of best storm water management practices and alternative storm water distribution and infiltration systems and methods that differ from or exceed the requirements of City Ordinances, provided, however, that owners shall only be required to comply with the City Ordinance requirements and engineering design standards in effect at the time of such submittal.*

Aye: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Reece, Schroeder and Yukon
Nay: Kaltsounis

Text of Legislative File 2006-0790

..Title

Request for Zoning Amendment - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Rezone six parcels of land totaling approximately 3.28 acres, located north of South Boulevard, east of Crooks, known as Parcel Nos. 15-33-351-003, -004, -005, -006, -007 and a portion of -019, from R-4, (Crooks and South Boulevard Conditional Rezoning) One Family Residential to SP, Special Purpose.

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