



# Rochester Hills Agenda Report

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**File Number: 2006-0790**

**File Number:** 2006-0790

**File Type:** Ordinance

**Status:** For Adoption

**Version:** 5

**Reference:** 02-028 B

**Controlling Body:** City Council Regular Meeting

**Requester:** Planning/Development

**Cost:**

**Introduced:** 11/02/2006

**File Name:** Crooks and South Boulevard Rezoning

**Final Action:**

**Title:** Acceptance for Second Reading and Adoption - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Conditionally 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, One Family Residential to SP, Special Purpose, and to prescribe penalties for the violation thereof - City File No. 02-028 B (Crooks and South Boulevard Conditional Rezoning), MJMS, LLC, applicant

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

**Code Sections:**

**Indexes:** Rezoning

**Sponsors:**

**Attachments:** Agenda Summary B 2nd.pdf, Agenda Summary.pdf, Map.pdf, Site Layout.pdf, CR Agreement.pdf, Senior Housing Info.pdf, PC Minutes.pdf, Ordinance.pdf, Resolution.pdf, Resolution.pdf

**Agenda Date:**

**Agenda Number:**

**Enactment Date:**

**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 Aye: Boswell, Dettloff and Kaltsounis Nay: Brnabic, Hardenburg, Hooper, Schroeder and Yukon Absent: Reece	City Council Regular Meeting			Fail
2	Planning Commission	03/06/2007	Recommended for Approval Aye: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Reece, Schroeder and Yukon Nay: Kaltsounis	City Council Work Session			Pass

- 3 City Council Work Session 04/04/2007 Discussed
- 4 City Council Regular Meeting 04/25/2007 Accepted for First Reading by Resolution Pass

**Verbose Action:** with 11 conditions.

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke and Yalamanchi  
Nay: Rosen

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### Text of Legislative File 2006-0790

#### ..Title

Acceptance for Second Reading and Adoption - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Conditionally 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, One Family Residential to SP, Special Purpose, and to prescribe penalties for the violation thereof - City File No. 02-028 B (Crooks and South Boulevard Conditional Rezoning), MJMS, LLC, applicant

#### ..Body

**Resolved** that an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to Conditionally 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, One Family Residential to SP, Special Purpose, and to prescribe penalties for the violation thereof, is hereby **Accepted** for Second Reading and Adoption, and shall become effective on Friday, May 18, 2007, the day following its publication on Thursday, May 17, 2007 in the Rochester Eccentric newspaper with the following 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.
11. The applicant and the City shall enter into the Conditional Zoning Agreement in the form presented, and the applicant shall record the Agreement at the Register of Deeds. This Conditional Rezoning Agreement shall be signed by the Mayor.