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Of Counsel:  
Sommers Schwartz PC

July 20, 2007

James Rosen, President  
Rochester Hills City Council  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

RE: Mondrian Properties  
Lorna On The Green

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Dear Mr. Rosen:

As you are aware, the Agenda for the Rochester Hills City Council Study Session for August 15, 2007, contains a discussion of the above-entitled project. At that meeting, Mondrian Properties is requesting approval of their site condominium project, in accordance with the approval of the Rochester Hills Planning Commission. As I believe you are also aware, when the Rochester Hills Planning Commission granted its preliminary approval, the Commission expressed some degree of unhappiness with the project, even though the project fully conformed with all Rochester Hills' requirements.

As a result of the discussion by the Planning Commission, Mondrian Properties developed an alternate concept for the property, which Mondrian believes is much more creative and much more compatible with the surrounding golf course and residential development. I believe the Planning Commission was very supportive of the new concept, subject to the ability to use the PUD concept.

As a result, included with my letter is a copy of the Planning Commission approved Site Condominium Plan and also a conceptual drawing of the alternate Plan. At the August 15<sup>th</sup> meeting, Mondrian would propose to expose the Council to both Plans. If the Council believes the new concept drawing is significantly better than the approved Plan, Mondrian is prepared to develop the concept into a formal submission utilizing the PUD Ordinance. Obviously, the PUD will have to include adjustments from the underlying zoning (e.g., setbacks and width of street easements).

I do want to apologize for pulling this request from the July 18<sup>th</sup> Agenda, but I did not want to catch the Council by surprise, and wanted to have a more complete presentation with the ability for staff to have input. In particular, this input is important because the Planning Commission in their review was concerned about whether the PUD Ordinance would apply to this project. If the PUD Ordinance does not apply to this project, then the new alternate concept will not work, and Mondrian will have to continue with the approval of the original concept.

In general, I have reviewed the Rochester Hills PUD Ordinance, and I believe the project does qualify for use of the PUD Ordinance. Specifically, the use of the PUD Ordinance, among other matters, permits the following:

1. Preservation of more than double the trees which would be preserved under the original approved plan.
2. Preservation of over three times the amount of open space.
3. The development of a variety of housing types on the same site, including most particularly, units adaptable to empty nesters, with the attendant increase in net tax income to the City and other governmental units.
4. Allow for more homes to have more good views of the surrounding golf course and nature areas.
5. Allow for the landscaping and the exterior of the units to be maintained by a Condo Association, and therefore ensure that the aesthetics of the project are more compatible with the surrounding high-end residential units and golf course.
6. Allow the City to have far greater input and control over the architectural design and elevations of the units. Again, this will ensure aesthetic compatibility with the surrounding homes.

In order to assist the Council in evaluating the type of project which Mondrian Properties develops, included on the disc provided herewith are a series of pictures of several of the Mondrian projects which will give the Council a good feel for both Mondrian's landscaping and unit design. I believe you will conclude, this is among the best in the area.

Again, my thanks for your cooperation in scheduling this. We look forward to the presentation on August 15<sup>th</sup>.

If, in the meantime, you need anything further, please do not hesitate to call.

Very truly yours,

  
Paul L. Nire

cc: Mr. Derek Delecourt  
Mr. Joseph Maniaci