

City Council Agenda Summary Sheet (Non Purchases)

Agenda No: 2004-0677, Finsilver/Friedman Venture I v. City of Rochester Hills
Date: August 11, 2004
Prepared By: Ed Anzek, Director of Planning and Development, ext. 2572
City File No: 03-015

Meeting Date: August 18, 2004

PURPOSE:

To consider approval of a proposed Consent Judgment to settle legal action brought against the City by Finsilver/Friedman Venture I, LLC. Specifically, this action involves an appeal from the Zoning Board of Appeals' denial of a Use Variance to construct a parking lot on a residential parcel to provide additional parking in support an office use on contiguous land zoned O-1. Prior to the use variance request, the City Council denied a request to rezone the residential parcel to O-1.

DISCUSSION:

Legal action was brought against the City by Finsilver/Friedman Venture I, LLC. after a rezoning and a Use Variance were denied. In discussing this action with City Council, the City Attorney and staff were asked to enter into discussions to explore and determine whether a negotiated solution could be reached that would accommodate the additional parking needs, but mitigate any adverse impact on the neighbors. In working closely with the City Attorney, a plan has been prepared and made part of the attached Consent Judgment that calls for extensive landscaping, irrigation, a fence, the preservation of existing mature trees on site, limitation on the use of the parking lot such as employee parking only and no trash receptacles. The Consent Judgment also calls for the appropriate guarantees and bonds be placed with the City for the installation of the landscaping and a maintenance bond for a two year period. Also, the permission to construct the parking lot is tied to the continuation of the adjacent office use and will expire if the use of the office parcel materially changes.

Per Council's direction, staff (Planning and Development Director and City's Landscape Architect) also met and discussed this matter with 4 of the 6 residents who live adjacent or near the site. This meeting occurred the evening of Friday, August 6. Although the residents were concerned that a parking lot will be built there and expressed frustration over the legal process, they nevertheless were pleased that the land will remain zoned residential and the proposed landscaping is extensive. They also asked and received verification from staff that the lot would be lit, that no trash dumpsters would be permitted, and that the fence would be located about 20 feet into the lot rather than on the lot line. One matter that staff needs to clarify is that we misinformed Council that a masonry wall would be built rather than a fence. In discussing this matter with the residents, solid wood fencing is preferred over masonry. They offered that the view from their back yards would be more attractive looking at the extensive trees with a wood background. The cost estimate for the landscaping is nearly \$23,000. The City's Landscape Architect also made revisions to the plan based on the residents concerns. These changes are part of the exhibits attached to the Consent Judgment.

FISCAL INFORMATION:

No affect on the City's costs.

RECOMMENDATION:

Staff believes the plan as attached to the Consent Judgment will meet and mitigate any adverse impacts and will also result in the unkempt property being maintained in a much better condition. As such we recommend approval of the Consent Judgment.

ATTACHMENTS:

Consent Judgment

Department Authorization: Ed Anzek, Director of Planning and Development

Reviewed by:

Fiscal: *Jean Farris*

Clerks: *Susan Koliba-Galeczka*

Approved by: *Pat Somerville*

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA