



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.
Rochester Hills, MI 48309
248.656.4630
www.rochesterhills.org

Legislative File No: 2005-0851 V4

TO: Mayor and City Council Members

FROM: Ed Anzek, Director of Planning and Economic Development, ext. 2572

DATE: September 9, 2011

SUBJECT: Request to rescind the Planned Unit Development (PUD) Agreement and PUD Approval between the City of Rochester Hills and Lombardo Rochester Hills LLC; now known as S.E. Michigan Land Holding, LLC for a project known as Sheffield of Rochester Hills, initially proposed as a 58-unit PUD development on 9.6 acres located on Meadowfield Drive west of Rochester Road.

REQUEST:

Cancel and rescind the Planned Unit Development Agreement and PUD Approval between the City and Lombardo Rochester Hills LLC for the Sheffield of Rochester Hills PUD development

BACKGROUND:

After a City Council meeting on March 1, 2006, the City and Lombardo entered into a Planned Unit Development Agreement dated April 10, 2006 for a proposed 58-unit condominium development located on Meadowfield Drive west of Rochester Road. The PUD Agreement was recorded at the County on May 16, 2006.

In January of this year Anthony Lombardo informed the City that due to the weak housing market and economy, his company will not be proceeding with the development and intends to sell the subject property. Please refer to the enclosed letter from Anthony Lombardo addressed to President Hooper. The City also received one in January of this year submitted to staff. Inasmuch that the PUD agreement is a mutually agreed contract, the rescission also requires mutual agreement.

The mutual rescission of the PUD Agreement and PUD Approval will not revoke or rescind Lombardo's ownership of the property or the property's SP, Special Purpose zoning, which shall remain in full force and effect unless rezoned by the City at a future date. As of this date no development is proposed that would require any rezoning. In addition, Lombardo and the City would enter into the necessary agreements to terminate all easements and maintenance agreements that were conveyed or entered into in support of Lombardo's proposed development. Those termination agreements are included as separate actions on Council's agenda.

Mr. Lombardo had begun site preparation work in the fall of 2006. Part of that work included the removal of trees, and some infrastructure work. With this request to void the PUD Agreement staff required that the Lombardo Company, in accordance with Sec. 126-399 (c) of the Tree Conservation Ordinance, pay into the City's Tree Fund an amount equal to the tree replacements costs as provided for in the Ordinance. That money was deposited on August 29, 2011.

RECOMMENDATION:

Staff recommends that City Council enter into a mutual rescission of the PUD Agreement and PUD Approval between Lombardo and the City and authorize the Mayor to execute the Agreement on behalf of the city.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		

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