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March 14, 2019

Ms. Sara Roediger, Director
Department of Planning & Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

VIA ELECTRONIC MAIL

Re: ***Legacy of Rochester Hills Project***

Dear Director Roediger:

You have asked me to explain the Planning Commission's scope of review of the site plan for the Legacy of Rochester Hills project proposed at the NE corner of Adams and Hamlin. This letter is for that purpose and may be shared with the Planning Commission. The project is, of course, the subject of an approved Brownfield Redevelopment Plan and an Amended Consent Judgment (Copy attached), which govern the use, redevelopment and environmental remediation of the property. The site comprises approximately 22 acres and consists of 2 parcels: parcel A (the westerly parcel) and parcel B (the easterly parcel). The developer has made significant progress on the environmental remediation of this brownfield site. The clean-up of parcel A, where the above ground redevelopment that is the subject of the site plan will take place, has been nearly completed to the point that a No-Further-Action (NFA) letter from MDEQ has been requested. The NFA will signify that the property has been cleaned-up to unrestricted residential standard. On parcel B, where the worst of the contamination is concentrated, the developer has already removed some contaminated soils, and as soon as weather permits, will resume work which will include construction of an encapsulation area, approximately 1.3 acres in size, to cap and contain the contaminants. Parcel B, after remediation is completed, will be a mostly passive area with no aboveground buildings or structures constructed on it. The City Council has been fully apprised of the environmental remediation plan, and at its March 11, 2019 meeting, the City Council approved a resolution (Copy attached) concurring with the environmental remediation plan. So, the brownfield remediation plan, ways, and means is not before the Planning Commission and is not for the Planning Commission to weigh in on, except for informational purposes.

The next step is for site plan review, and the Amended Consent Judgment (ACJ) spells out the Planning Commission's limited scope of review. First, it is important to understand that through the ACJ, the City has already given conceptual approval to the project in terms of permitted land use, number of units, location of buildings, building height, parking, buffering, ingress/egress, architectural style, and general layout. Under the ACJ, the Planning

Commission's role will be to make a recommendation, and City Council will make the final decision whether to approve the site plan. Specifically, section 1.3 of the ACJ states:

This Amended Consent Judgment shall constitute conceptual site plan approval for the Development and all permitted uses of the Property, as reflected in the Conceptual Plans and this Amended Consent Judgment.

* * *

Developer shall submit a technically-compliant site plan package to the Planning Commission..., which body shall have the right to review and recommend approval or modification to the City Council.... The Planning Commission review shall be limited to determining whether the site plan package submitted is consistent and in substantial compliance with the Conceptual Plans and the terms of this Amended Consent Judgment.

* * *

Except as otherwise restricted in Section 2.2 C., Developer shall be allowed only those uses permitted as principal uses in RM-1 (Multiple Family Residential District) for the West Property shown on the Conceptual Plans, not to exceed three hundred sixty-eight (368) apartment units, with a mix of standard parking spaces, attached garages, detached garages (carriage buildings), and related amenities. The final site plan shall adhere to the general plan reflected in the Conceptual Plans relative to building location, parking, buffering, ingress/egress, road pattern and building layout.

The Conceptual Plans... identifies the acceptable variances, exceptions, and deviations from the City's Zoning Ordinance... for the Development.

So, the foregoing passage from the ACJ explains the limited scope of Planning Commission review. It is also important that the Planning Commission be familiar with the specific design features and limitations set forth in Sec. 2.2 of the ACJ. In particular, I want to highlight that:

- 2.2 A. deals with permitted buildings and building height.
- 2.2 B. deals with setbacks, including the 100 feet buffer along the northern property line.
- 2.2 C. explains that the west parcel may be used for the multi-family development, while the east parcel shall remain vacant.
- 2.2 G. contemplates that landscaping of the 100 feet northerly buffer will be determined during site plan review. It is not intended to be a manicured

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landscape, but should be designed to provide adequate screening for the neighborhood to the north.

- 2.2 J. covers signs and a gateway feature.
- 2.2 L. addresses storm water detention/retention.
- 2.2.M. addresses water and sewer utilities.
- 2.2 N. covers parking and loading and requires compliance with RM-1 standards.
- 2.2 P. governs lighting and limits lights to 15 feet tall, and zero foot candles at the northern property line.
- 2.2 Q. addresses road improvement and connections.
- 2.2 R. addresses location of utilities.
- 2.2 W. authorizes easements and access to City utilities.

I plan to attend the Planning Commission meeting when the site plan for the Legacy project will be considered, and will be available to provide additional guidance and answer questions.

Very truly yours,



John D. Staran

JDS/ijd

Enclosure

cc: Mayor Bryan K. Barnett