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June 27, 2007

Via Facsimile

City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

Attention: City Council

**Re: The Villas Condominium Project/Steep Slope Ordinance
City File 90-249, Section 15**

Dear Council Members:

Please be advised that the undersigned represents Sam LoChirco, owner and developer of the proposed "The Villas" condominium project, located southeast of Livernois and Harding Roads. The property is zoned for multiple residential use. The site plan has been going through the City's review process since 1990, with one delay after another. The site plan was revised numerous times throughout the years, to address concerns of the City and other agencies, and to meet City Ordinance requirements.

In early January 2007, revised plans were once again submitted to the City which, in our opinion, addressed all remaining issues and concerns from previous reviews. My client was ready to have this matter placed on the Agenda for site plan review and consideration. Throughout the years, as a result of revisions to address City concerns and ordinance issues, the housing density for the development kept getting reduced.

After my client submitted its revised site plan in early January 2007, the City proposed its "Steep Slope" Ordinance and imposed a moratorium, which took effect on January 19, 2007. The moratorium was to remain in effect until July 10, 2007, or such sooner time as repealed by the City Council. The effect of the moratorium was to suspend the processing of my client's site plan, which involved land located in an area identified by the City as an alleged steep slope.

My client has attended various Planning Commission, City Council and work study meetings, to voice his objection to the proposed ordinance as applied to his property. In light of the time involved with the processing of my client's site plan and the time period in which it was initially submitted, my client's property should be exempt from the Ordinance. My client has been building in the Rochester Hills area for numerous years, including in steep slope areas, and has always taken appropriate measures to prevent and/or mitigate erosion or compromising of such slopes. The same approach would be utilized for The Villas condominium project.

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It is my understanding that the proposed Steep Slope Ordinance is scheduled for a second reading and adoption at tonight's City Council meeting. To the extent the Ordinance is adopted without exempting my client's property from same, my client will suffer significant monetary damages, as the applicability of the Ordinance to his property will result in significant reduction of density and increased development and construction costs; thus, making the use of his land economically not feasible.

In light of the history relative to my client's site plan review, equity dictates that his property be exempt from the Ordinance. If not, his constitutional rights will have been clearly violated and a confiscatory taking of his property will result, in addition to due process and other procedural violations. Appropriate legal action will have to be taken to protect my client's constitutional and other legal rights.

In light of the above, I am kindly requesting that the Steep Slope Ordinance be modified and/or amended to exempt my client's property from same. The site plan should be processed under the existing ordinances.

Your attention to this matter is appreciated and I am providing this letter to be placed on the record this evening and in the City file, as I will be unable to attend the meeting.

Sincerely yours,

KALAS KADIAN, P.L.C.



Thomas Kalas

TK:vb

cc: Mayor Bryan K. Barnett (via facsimile)
John D. Staran, Esq. (via facsimile)
Urban Land Consultants/Attn: Bob Lindh (via facsimile)
Client (via facsimile)