

# Olympia

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north of Twelve Mile Road. The vote came despite advice by attorney John Donohue that the city didn't have a legal leg to stand on.

"It is my belief the action of the Planning Commission was in conformance with city code," he said. "Since the plan does meet the standards of the ordinance, the council has to approve it. Under your code, you have no discretion."

Officials were asked to review the Planning Commission's tentative approval of the preliminary site plan for developer Dennis Tsatsanifos' Olympia Park, which calls for five homes on 4.8 acres. The Commission made their approval contingent on three conditions regarding tree replacement plans.

Council members pointed out that property owners had the power to enforce deed restrictions, which establish a limit on the number of homes that can be placed on the lots. But residents said they don't have deep enough pockets to fund a lawsuit and argued they have been fighting this development for four

years. "I think it's time to say 'no' and if you have to be the city to do it, more power to you," said resident Ken Massey, who is active with the Council of Homeowners Associations.

Residents wanted the council to deny approval, based on a new city ordinance that requires developments to be compatible with surrounding neighborhoods. They objected to several homes backing onto a street, ending a new road through the development in a cul de sac, as well as the number of homes proposed.

Representing the Highmeadow Homeowners Association, Fran Valley said she came to the council four years ago, asking them to save her neighborhood. She said she was told to organize her neighbors; their homeowners group later applied to rezone the property to lessen density.

Through that time, the developer came forward with several proposals, including a re-platting and a lot split. All were denied, with residents showing up for virtually every meeting

during which it was considered.

"This neighborhood has gone to the wall," Valley said. "Where else in this city do you allow houses to back up to the street?"

State Rep. Andrew Rackowski (R-Farmington Hills), who said a number of residents had

**'This is for the greater good of the community. If you can put a condo on Alycekey, you can put a condo in anybody's subdivision.'**

*Fran Valley*

*—Highmeadow Homeowners*

called to ask his assistance, said he'd spoken to state land use attorneys who disagreed with Donohue's opinion.

"Every other city that has faced this decided to go to court," he said. "The opinion of our staff attorney is this is the perfect case to take to court...The city would basically take this opportunity to lead the charge for the citizens."

Donohue said Olympia's type of site condo plan isn't subject to provisions of the compatibility ordinance. In addition, because officials had approved similar developments, including one recently at Halsted and Eight Mile Roads, they'd have a tough time proving their case.

"In my opinion, the city should not fight this lawsuit, because the city will lose this lawsuit," he said, adding, "That's the council's decision."

In no uncertain terms, Tsatsanifos indicated the plan presented Monday was the only way to get five homes on the property. He stated emphatically he would not reduce the density of his proposal.

"I stop at five," he said. "I spent the money. To do what the residents say here (a) impossible... impossible... impossible."

Councilman Jerry Ellis asked homeowners whether they would object if changes were made to the plan; Valley said homeowners had suggested two homes facing Alycekey and two facing

Bartlett. She said there would be great resistance to a connector road that would essential funnel traffic from Orchard Lake to Middlebelt.

Officials pointed out they had gone to court in the past, even with Tsatsanifos, but the city could only enforce its ordinances. "You have more authority than us," said councilman Barry Bricker. "You have a contract...If there was a way to beat this, I'd do it."

While Mayor Nancy Bates pointed out officials have to consider the needs of 85,000 residents, Valley said the issue could be considered at that level. "This is for the greater good of the community," she said. "If you can put a condo on Alycekey, you can put a condo in anybody's subdivision."

Brock said Thursday he intends to meet with Tsatsanifos to hammer out a new proposal.

"I've heard loud and clear from the council, it'll be five (condos) not four," he said. "There are physical limitations...It's not a blank sheet of paper. But a lot of work has been done. It won't take as long to sort out if we can or can't come to an agreement. I believe we can."

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