

Findings:

1. *Upon compliance with the following conditions, the Final Plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.*
2. *Adequate utilities are available to properly service the proposed development.*
3. *The Final Plan represents a reasonable lot layout and orientation that is harmonious with the surrounding developments.*
4. *The development should have no substantially harmful effects on the environment.*
5. *The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*
6. *The Final Plan is in conformance with the Preliminary Plan approved by City Council on April 2, 2012.*

Conditions:

1. *Provision of \$200 per unit for street trees, payment made prior to obtaining a Land Improvement Permit.*
2. *That the applicant receives all engineering-related permits, including a Soil Erosion and a Sedimentation Control Permit.*

**A motion was made by Schroeder, seconded by Hetrick, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:**

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously.*

- 2010-0106** Request for Recommendation of the Amended and Restated Final Planned Unit Development (PUD) Agreement - City File No. 04-037.2 - Harvard Place PUD, a 168-unit apartment complex development on approximately 26 acres, located east of John R, north of School Rd., Parcel Nos. 15-24-100-009, -010, -018, -019, -028, -029, -037, -038, and -040, zoned PUD overlay, MJC Harvard Place, LLC, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated March 15, 2013, PUD Agreement and Final Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Louie Chirco and Shamik Tripathy, MJC Harvard Place, LLC, 46600 Romeo Plank, Suite 5, Macomb, MI 48044 and Ralph Nunez, Design Team, Ltd., 925 E. Maple Rd., Suite 103, Birmingham, MI 48009.*

*Mr. Breuckman stated that the plans presented were consistent with the PUD concept previously approved by the Planning Commission and City Council. The applicant had now brought forward a PUD contract and Final Site Plan for review and recommendation to Council. A Tree Removal Permit was required as part of the submittal. Mr. Breuckman advised that the City Attorney had reviewed the PUD contract, which was an amendment to the approved Oakville Estates contract. It contained all offsite improvements and conditions as applicable, and included a few new conditions as discussed with the concept review. The most notable change was that there was a reduction in the tree preservation. The reason was because there was a gas pipeline that crossed the site. As the applicants got into more detailed engineering, they found that the pipeline had very minimal cover - 24 inches. They had to maintain four feet of cover over the gas pipeline, which meant they had to raise the site. That changed the grades, which impacted tree removal in that area. The applicant had taken measures to minimize the tree removal as much as possible, constructing additional retaining wall and other measures. Those were in the vicinity between buildings four and five. He indicated that the good news was that this area of the site was not adjacent to any other houses and would not impact buffering or screening by existing trees. It was really internal and facing places where there were no neighbors. He pointed out the tree preservation percentage. With Oakville, it would have been 15.5%, but they had managed to save 49.6% with Harvard Place, which was over the requirement.*

*Mr. Breuckman advised that the applicant had applied for a Wetland Use Permit with the MDEQ. There were two regulated wetlands on site. The permit mainly was to be able to construct an elevated boardwalk in the northeast corner of the site. The previously approved Wetland Use Permit through the City was kept open because there had been no change in the impacts, so no action was necessary for that.*

*Mr. Breuckman further advised that the Final PUD met the requirements of PUD approval, and that motions were included in the Staff Report. He*

mentioned that Staff had received a correspondence from neighbors to the east of the proposed development. They were asking for a privacy fence along the property line and guarantees that they would not be required to pay for paving School Rd. They had concerns about the retention pond and the ability of the drain. Mr. Breuckman explained that the access to School Rd. would be gated until School Rd. was paved, so he did not feel it would exacerbate any traffic concerns for the time being. He concluded that he would be happy to answer any questions.

Mr. Hetrick thought he remembered that the applicant would pay to pave School Rd. Mr. Breuckman said that they would pay for their frontage costs as a property owner. Mr. Hetrick asked if there would be a special assessment for School Rd. Mr. Breuckman said that the City could do one, but there were no plans.

Mr. Chirco noted that since the last time they were before the Planning Commission, they had done a lot of fine tuning and gone through reviews from all the City departments. He was hopeful they were good, and they were excited to get started. He added that they had taken down the abandoned houses on the site.

Mr. Hooper recalled that when Oakville Estates was approved, a condition in the PUD was that there would be screening of the home on the south side of School Rd. across from the entrance drive. The last time it was discussed, it was going to be added as a condition. He could not see anything in that regard on the landscape plans or in the PUD Agreement.

Mr. Nunez clarified that Mr. Hooper was talking about adding landscaping on adjacent property across School, and said that he was not aware of that, and he apologized that it was missed. He said that they had ample trees and they had vegetation on site they could place there. Regarding the neighbor's letter, he answered that they showed a mix of deciduous and evergreen on the east side of the property, and there were 24 existing trees. They proposed evergreen, shade and ornamental trees. He said that they could swap those out to make sure some additional evergreens could be placed on the east side to provide privacy for the homeowner. They could also move several of those to the south side of School. He commented that he did not normally put plants on other people's property unless they had an easement. Mr. Hooper agreed, and explained that in the past, a developer would talk to a homeowner and say what the City was asking for and ask the neighbor what they would like done. Sometimes, the homeowner did not want anything, but the Commission liked to see some type of shield from headlights for affected neighbors.

*He asked for a condition to be added, and Chairperson Boswell agreed he could add one to the Site Plan motion.*

*Ms. Brnabic mentioned that the PUD stated that the Site Plans would be submitted and approved after execution of the Agreement. It also stated that the project would be developed over a period of time. She questioned whether the development would be done in phases or if there was a timeframe for development.*

*Mr. Chirco replied that ideally, they would put in the street at one time, along with the sewer lines and other infrastructure. They would start building units by John R and work their way down. He said that for a project of that nature, in order to do it properly, it had to be done contiguously, one after the other. It was the most economical way to keep all the contractors on site and keep the costs down. If the timing allowed and the rentals went smoothly, they would build the whole site in a year and a half to two years. He believed that the whole project would be completed in two to four years.*

*Ms. Brnabic confirmed that the timeframe would be four years maximum. Mr. Chirso said there was no guarantee, but he thought so. In order to do it in an economical fashion and knowing how they had done projects in the past and knowing the demand in the community, he did not see a problem from an economic standpoint.*

*Ms. Brnabic indicated that she had recently become aware of an issue that existed among apartment buildings in the City. She wanted to run it by the applicants in an effort to avoid repeating some of the current conditions that contributed to problems. The issues concerned building numbers and addresses, and she cautioned that they needed to be visible from the street for firefighters, paramedics and police officers, who often times had difficulty finding addresses. Certain things, like pillars at a front entrance that blocked or partially blocked numbers; shrubbery had grown to a height that blocked addresses; and trees planted in front yards totally obstructed views of an address. Plantings had to be considered, because once trees grew, they could block addresses. The size, color or background of the numbers could make a difference and make it difficult to see. In some complexes, the building numbers were not clearly identified. She noted that those circumstances were apparent during daily hours, so it would be compounded during nighttime. She was bringing it up because it would be a new development and in the course of development, she suggested that they think about those issues. It would help with safety to easily see the numbers, because a couple of*

*minutes trying to find an address could make a difference in someone's life.*

*Mr. Chirco said that it was timely that Ms. Brnabic brought that up because towards the end of his last, similar project, they called in a sign person to put signs on all their buildings. There would be lights on the porches, and the addresses would go over the front doors. The lights would shine on the porches, which were concrete, and nothing would be growing in front of them. The garages would have a light right next to the address. He said that they put big plaques on both sides of the buildings with the numbers. He agreed it could be confusing having two sides of a building. He noted that the garages had addresses above them also, so they were cognizant of that issue. They were going to own the buildings, and they did not want them to burn down. Ms. Brnabic indicated that not only was it better for burning buildings, but if someone were having a heart attack and an address could not be identified because it was blocked, it would not be good. Mr. Chirco said they were not going to build the buildings and move on - they would be responsible for them. Ms. Brnabic said that she was glad they were aware of it.*

*Mr. Yukon referred to Mr. Suhy's letter and point number four about the retention pond. He wanted to confirm that Engineering was satisfied with the plans.*

*Mr. Breuckman stated that as always, the rate of discharge from the site would not exceed the predevelopment rate because any stormwater that was generated would be held on site and let off at the predevelopment rate. It would not overload the drain any more than it was currently during a rain event. He confirmed that the plans met all of Engineering's standards.*

*Mr. Yukon asked Mr. Breuckman to review the process for paving School Rd. and advise as to when it might be paved.*

*Mr. Breuckman replied that there were no immediate plans to pave it. The condition in the PUD Agreement asked the developer to contribute their frontage share for paving for whenever it happened. There could be a special assessment if the property owners requested it, or the City could use its funds to pave it. Mr. Yukon asked if the decision would be based on volume. Mr. Breuckman agreed, and said that when the Master Transportation Plan was updated, if they saw a need, it would be added. In the foreseeable future, there would not be a need.*

Chairperson Boswell called the first speaker at 7:26 p.m. and asked that all questions be directed to the Chair.

**Steve Smith, 1115 School Rd., Rochester Hills, MI 48307** Mr. Smith mentioned the paving of School Rd. He had a concern because in the wintertime, when the frost came to the surface to the southwest of his home, the whole road became a rutted, muddy mess, and cars were getting stuck. He would like the City to look into paving School Rd. because there would be more traffic in a few years. There were cars in the middle of the night that got stuck. It was like driving through a mud pit, and he would like to have more discussion about paving the road, from at least John R to the entrance of Harvard Place. At the last meeting, he had asked about vegetation. His property was right next to the proposed development, and it appeared from the designs that one of the buildings would abut up against his garage. He was concerned about headlight traffic. There was a lot of vegetation, and the applicants said it would be left and that more trees would be added. If they started moving trees around and used credits for other areas, some trees would be taken away from behind his home and he was concerned about what he would see from his patio. He said that he wanted to get some reassurance that regarding the visibility from the backs of the building that he would not be looking at someone five feet away. He commented that he honestly liked his privacy. Thirdly, regarding water, he had previously brought up that he had a very high water table, and he had to install pumps all around the house to keep the water from filling his duct work. He was very concerned that once the construction started, that the water level would rise if the grade was changed. Along School Rd., there was a very good drainage system. About three years ago when the snow melted and there was two inches of rain, the drain actually filled up. If there was another moment like that, he was concerned there would be serious flooding. He was not sure if anyone had looked at the drainage system along School Rd. It was a newer system and was there before he purchased the property, and he wanted to make sure the issues he raised would be looked at. He was also worried about headlights in his backyard from 5 p.m. until 11 p.m.

**Frank Suhy, 1233 School Rd., Rochester Hills, MI 48307** Mr. Suhy noted that the homes on School Rd., as well as his home, had basements. The water table could be as little as eight feet deep, so someone did not have to dig very deep to hit water. A big concern for him was the water plan of the project. All of the surface water would be diverted to the retention pond. Sometimes, the drains got plugged on School. He acknowledged that they did not always have heavy rains, but when they did in the future, everything from the site would come down to

*the retention pond. The seepage from the retention pond would go into the ground water and raise the level at the homes up and down School Rd. The sump pumps would not be able to get rid of the water. He was not talking about the spill over that went to the creek; that worked just fine. He said there would be a lake at the end of the property, and it was all down hill to the pond. He noted the sight lines from the parking lots to the front and back of his property. He pointed out the parking next to his home and asked them to imagine the trajectory of lights that would go into the front of his house. The next set of parking lots would have cars shining into the back of his house. He said that trees were trees, and they worked nicely when they went all the way to the ground. However, with landscaping, they would need to cut the grass and rip the trees up from the bottom. The lower level of branches would not be there to block the headlights. There would be potentially 48 cars coming in and out of the parking lots. He was asking for a sight line blockage between his property and the applicant's property. He did not care if it was a berm or permanent wall or fencing, but he did not want to see lights shining into the front and back of his house at all different hours of the day. He indicated that there were a lot of unknowns about the project, and they would not know what would happen until a couple of years down the road. Regarding the shedding of water, sprinkler systems or whatever, it would all shed downhill, and he was a little concerned about what would flow into the wetland - as far as fertilizers and pesticides, etc. He acknowledged that the plan looked very nice. The blockage from the planted trees up and down the line looked nice, but he said that he really wanted some privacy protection between his property and the new development. He was a homeowner, and there would be rental units going in. The people living there would have short term plans for being in the area. He would not consider them neighbors like the ones on School Rd. He would like to be reassured that the apartment complex was going to afford him some protection from people or animals wandering onto his property.*

*Chairperson Boswell closed the public comments. He said that Mr. Smith had brought up somewhat of a catch-22. There would not be more traffic on School Rd. unless the road was paved. If Mr. Smith wanted the road paved to get rid of the mud, then there would be more traffic.*

*Mr. Smith said that it was his understanding from the previous meeting that the road would be paved up to the bridge, but the discussion was dropped. He indicated that there was not much traffic that came down School Rd. His concern was that upon completion, there would be a lot more traffic. It was winter outside now, and if anyone took a drive down School Rd. but did not have a four-wheel drive vehicle, more than likely,*

he or she would get stuck. If there were another 40-50 cars, it would bring more ground water to the surface with the weight of the vehicles, and more traffic was a major concern.

Mr. Breuckman explained that Chairperson Boswell was alluding to the fact that the School Rd. entrance would be gated. There would not be any traffic from the development onto School Rd. It would be an emergency only access until School was paved. In the short run, it would not change the conditions on School Rd. for better or worse.

Chairperson Boswell said that both gentlemen had problems with light pollution from the parking lots. He agreed that Mr. Suhy was absolutely correct that unless there were evergreen trees, the trees would get trimmed at the bottom and lights would probably shine through. He wondered if more evergreens could be installed to help with screening wherever there was a direct neighbor, noting that was not the case everywhere next to the development.

Mr. Nunez said that they had tried to meet and exceed the buffer requirements. They wanted to make sure that there was a diversity of plantings. There was a healthy mix of deciduous, evergreen and ornamental trees, as well as shrubs. He related that the setback requirement on the east property line was 40 feet. They had exceeded that and tried to move the buildings more to the center of the site. Building seven was 115-120 feet from the property line. It was 175-180 feet from the neighbor, and there was existing vegetation there. They proposed evergreens, but they could swap some of the ornamental trees from other sides of the properties and add them on the east. He said that he could not guarantee that the neighbor would not get any lights. Mr. Nunez indicated that he lived in a subdivision and when his neighbor came home, his headlights hit Mr. Nunez' front door. He realized that the neighbors had lived there a long time, and they were not used to any lights. They would do their best to work with them and put in more evergreens.

Mr. Breuckman asked if it would be possible to add a hedge of evergreen shrubs (up to four or five feet) at the ends of the parking lot drives. It could be planted densely, and it would be an immediate screen for headlight glare. Mr. Nunez said that they would need to move them back far enough because of snow removal, but they could move some of the larger evergreens closer. They had to be careful of the utility lines and the drainage swale through there, which had to be kept open. He noted that the majority of the vegetation they were proposing was upsized from



*the normal minimum requirements.*

*Chairperson Boswell mentioned the other concerns raised regarding drainage and water detention. He confirmed with Mr. Breuckman that Engineering had signed off on all the plans to date. He asked if Engineering went out when construction was taking place to make sure everything was being done properly. Mr. Breuckman assured that they did. Chairperson Boswell said that as far as not knowing what would happen two years down the road, that was probably true, and it was pretty much true of life in general. He stated that he could not vote based on the fact that someone might put some pesticides or weed killer on their yard that could drift into the detention pond. That would probably happen. He agreed that they did not know what would happen two or four years down the road. He stressed that the City's Engineering Department had a very good record with developments over the last 15-20 years. Some older developments might have had flooding problems, but those were being corrected. He asked if there was anything he did not mention from the public comments or if anyone had other comments.*

*Mr. Anzek asked the members if they would like to see the paving of School Rd. added to the CIP, at least to get it on the radar screen for some point in the future. He reiterated that there would be no traffic from the new development that would be using School Rd. unless and until it was paved, and the developer would have to pay his portion for that before construction.*

*Chairperson Boswell said that he went down School Rd. from time to time, although he had avoided it the last couple of months, and if he lived on School, he would rather not see it paved, because as soon as that happened, all the people that lived in the new apartment complex would begin using School Rd. He commented that he liked School Rd. the way it was.*

*Mr. Kaltsounis asked the applicants, based on the conversation, if they would be willing to accept a condition to add evergreen shrubs at a four-foot height at the ends of the parking lots facing any adjacent housing. He included the lots south of building nine, north and south of seven and south of eight. He asked if there was some other type of berm that could be raised a little.*

*Mr. Nunez felt they would be better off using larger evergreen trees because they were taller and could be pushed closer without affecting snowplowing. Mr. Nunez pointed out the places he could add evergreen*

trees. Mr. Kaltsounis said that he appreciated it. He noted that he lived on a corner and he saw lights all the time - but he said he signed up for that, and the neighbor did not. Mr. Kaltsounis said they also talked about Mr. Hooper's suggestion to plant screening offsite on the south side of School.

Mr. Anzek thought it would be a good idea to get the parking lots built, and then he would meet with Mr. Nunez to select the appropriate methods of screening. They might have to go with arbor vitae for shallow root systems if they were close to a utility, for example. They would also meet with the neighbors across School Rd. to see if they wanted trees planted.

Mr. Reece commented that it sounded like they were getting into the right time of the year for snow melt and runoff, so he suggested it would be a good time for Engineering to pay a site visit to get a visual check in terms of the present conditions. He thought that would confirm their assumptions from a real world environment, not necessarily on pure calculations. Chairperson Boswell said the Planning Commissioners would ask Mr. Anzek to coordinate that.

Hearing no further discussion, Mr. Kaltsounis moved the following motion, seconded by Mr. Yukon:

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **recommends** that City Council **approves** the Amended and Restated Final PUD Agreement, dated received February 26, 2013, with the following five (5) findings and subject to the following two (2) conditions.

Findings:

1. The proposed final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed final PUD is consistent with the approved PUD concept plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The appropriate sheets from the approved final plan set shall be

*attached to the PUD agreement as exhibits, including the color elevation of the buildings previously provided by the applicant to the Planning Commission.*

2. *All other conditions specifically listed in the Agreement shall be met, prior to final approval by Staff.*

*Ms. Brnabic informed that there were a couple of typos in the PUD contract. Page 10, first line, change "used of land" to "uses of land;" and page 12, number 21, end of second line, change "No prior o" to "No prior or."*

*Prior to the vote, Mr. Suhy asked to speak again. He referred to his letter, and said that the first item on his list asked for a privacy fence along his property line. He said that he realized it was designed as an open space development with a common property line, but he did not think that was practical with so many neighbors being added to the area. Chairperson Boswell replied that the Commissioners saw it in the letter.*

*Mr. Chirco showed a google map and pointed out Mr. Suhy's home. There were a lot of trees along the property line, and he was not entertaining the idea of taking down the trees to put up a fence. It did not seem to go along with the City's Ordinance.*

*Chairperson Boswell agreed, and he asked if any Planning Commissioners would like to see a wall or fence. He did not think it would be a good idea to take out the trees.*

*Mr. Suhy asked if they would consider a chain link fence. Chairperson Boswell thought that would look somewhat ugly, and he did not like the idea of a fence. Mr. Kaltsounis said that the City's buffering requirements stated that the use of fences was not desired. He did not think the Planning Commission had approved a fence as long as he was on it (over ten years). Chairperson Boswell concluded that there was no support for either a wall or a fence from the Commissioners. He read the motion and called for a vote.*

**A motion was made by Kaltsounis, seconded by Yukon, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:**

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously.*

2013-0061 Request for a Revised Tree Removal Permit - City File No. 04-037.2 - to remove and replace as many as 656 regulated trees of the 1,301 regulated trees on site associated with the construction of Harvard Place PUD, a 168-unit apartment complex on approximately 26 acres, Parcel Nos. 15-24-100-018, -019, -029, -028, -040, -037, -038, -009 and -010, located east of John R and north of School Rd., zoned PUD, MJC Harvard Place, LLC, Applicant.

*Mr. Kaltsounis asked Staff if the Tree Removal Permit for Oakville Estates had expired. Mr. Anzek answered that a Tree Removal Permit ran with an approved plan, and the original PUD had been withdrawn by the original applicant, which caused the Tree Removal Permit to expire. Mr. Kaltsounis moved the following motion, seconded by Mr. Hetrick:*

**MOTION** by Kaltsounis, seconded by Hetrick, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **grants a Revised Tree Removal Permit**, based on plans dated received by the Planning Department on February 26, 2013, with the following four (4) findings and subject to the following two (2) conditions.

Findings:

1. *The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is removing up to 656 regulated trees from the site.*
3. *The applicant is proposing to provide 674 replacement credits on-site.*
4. *No payment into the City's tree Fund is required.*

Conditions:

1. *All tree protective fencing must be installed, inspected and approved by City Staff, prior to issuance of a Land Improvement Permit.*
2. *Correct the discrepancy on Sheet LA-1.0 where the proposed tree removal is listed as 721 trees, when the actual removal is 656 trees.*

*Ms. Brnabic stated that she would like to be assured that the land would not be cleared until the development was set in motion. Mr. Chiro confirmed that it would not be cleared until he got all the appropriate approvals. He had asked Mr. Breuckman if when he got the Permit he could start taking down trees, and Mr. Breuckman told him he could absolutely not.*

*Mr. Anzek explained that the sequence was to get a Land Improvement Permit, which required getting all bonds and outside agency approvals before they could begin to turn dirt or take down trees. Hearing no further discussion, Chairperson Boswell called for a vote.*

A motion was made by Kaltsounis, seconded by Hetrick, that this matter be Granted. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Chairperson Boswell again stated for the record that the motion had passed unanimously.

2012-0166 Request for Revised Site Plan Approval Recommendation - City File No. 04-037.2 - Harvard Place PUD

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **recommends** that City Council **approves** the **Revised Final Site Plans**, dated received February 26, 2013 by the Planning and Development Department, with the following seven (7) findings and subject to the following seven (7) conditions.

Findings:

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.
3. Automobile parking areas have been designed to avoid common traffic problems and promote safety. Further, deferred parking spaces have been identified on-site for future consideration.
4. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
5. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
6. The proposed Final Plan promotes the goals and objectives of the Master Plan that the City provides a variety of housing.
7. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. All remaining engineering issues identified in the memo dated March

- 11, 2013 to be addressed prior to issuance of a Land Improvement Permit.
2. All comments from Fire Department memo dated March 12, 2013 to be addressed prior to final Staff approval of the plans.
  3. Provision of a performance guarantee in the amount of \$232,113.00, as adjusted if necessary by the City, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
  4. Submittal of an irrigation plan prior to final Staff approval of the plans.
  5. Obtain appropriate Permit from Engineering Services for any work in the John R right-of-way, and dedicate and convey to the City a right-of-way along the John R and School Road frontages, both prior to obtaining a Land Improvement Permit.
  6. Offsite screening shall be provided for the neighbor to the south across from Academy Drive, if agreed to by the neighbor, to be approved by Staff prior to Final Approval.
  7. Evergreen screening, at a minimum height of four feet, shall be installed at the ends of parking lots north and south of building seven, south of building eight, and south of building nine, to be approved by Staff prior to Final Approval.

**A motion was made by Kaltsounis, seconded by Yukon, that this matter be Recommended for Approval to the City Council Regular Meeting.. The motion carried by the following vote:**

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously. He wished Mr. Chirco good luck and said that he looked forward to a very nice looking development, which he hoped would be a boon to the City.*

## DISCUSSION

- 2013-0093 Discussion regarding potential used-car lot at 1927 East Auburn, zoned C-1, Commercial Improvement, located on the south side of Auburn, between John R and Dequindre
- (Reference: Memo prepared by James Breuckman, dated March 15, 2013 had been placed on file and by reference became part of the record*