

**City of Rochester Hills  
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION  
July 18, 2006**

<b>Site Plan Approval Madison Park</b>	
<b>APPLICANT</b>	REI Brownstown, LLC 40900 Woodward Ave., Suite 130 Bloomfield Hills, MI 48302
<b>LOCATION</b>	Hamlin Road & Adams Road
<b>PARCEL NOS.</b>	15-29-151-008, -011, -012, -015, -017 and 15-29-176-004 and – 006
<b>FILE NO.</b>	03-023
<b>ZONING</b>	Consent Judgment
<b>STAFF</b>	Derek L. Delacourt, Deputy Director
<b>REQUESTS</b>	<b>Tree Removal Permit</b> <b>Wetland Use Permit Recommendation</b> <b>Natural Features Setback Modification</b> <b>Site Plan Recommendation</b>

**SUMMARY**

The proposed project is located on the south side of Hamlin Road, east of Adams and west of Crooks. A Consent Judgment entered in February of 2004 governs the mix of uses and conceptual design for the project. The Consent allows for a mix of retail and office uses to be arranged consistent with development zones identified as Exhibit C to the Consent, (the full Judgment is included for your review). The Judgment allows for a total of two million square feet of development, 1.5 million office and 500,000 retail allowed within the specific zones on site. The first phase of the development is a mix of retail, restaurant, and bank uses located in zones “B” and “C”. The proposed phase includes approximately 270,000 square feet of development including one large format building (Target) over 125,000 square feet in size.

The subject site is approximately 100 acres in size, of which nearly 70 acres is a landfill. Also, areas of the property are currently utilized as a regional retention facility and a concrete crushing operation. Portions of the site were formerly utilized and operated as a private softball and driving range facility. Those operations were allowed by a combination of Consent Judgment and Use Variance. The current Consent allows for the relocation of the crushing operation to the

east to be combined with the rest of their existing operation, and the applicant is currently working with the Oakland County Drain Commission to resize the existing basin.

The proposed development is contingent on the site's successful remediation to a level agreed to in connection with a submitted 381 Work Plan, and by plans reviewed and recommended for submittal to the DEQ. Approval of the remediation plan is the authority of the DEQ. Staff recommends that the proposed Site Plans be conditioned on all remediation activities and issues of the site being finalized and approved by all applicable reviewers and agencies prior to Final Site Plan Approval by Staff.

The Plan includes proposed improvements to Riverbend Park for retention and stormwater enhancements. Section 7(b) of the Consent allows improvements to be made to the Park based on criteria being met regarding location, design and a demonstrated improvement to stormwater quality and an environmental benefit to the City Park.

The proposed Plan includes a conceptual relocation of the Clinton River Trail as allowed by Section 5(h) of the Judgment. The proposed relocation will require detailed plans to be submitted for review and approval by the City prior to any Final Site Plan Approval. Other criteria identified in the section shall be met prior to any Final Approval of the relocation. The proposed motion contains conditions that would be met prior to Final Approval of the plans by Staff.

## **APPROVAL PROCESS**

A Consent Judgment between the applicant and the City controls the subject site. However, the Consent does not include detailed Site Plans, it contains development zones and a conceptual internal street layout plan. The text of the Judgment establishes most of the parameters for review of the site. The Site Plans are required to be reviewed by all applicable City Staff and outside agencies to determine technical compliance. The Plans require review and recommendation by the Planning Commission to City Council, who is responsible for the decision regarding Final Approval.

Staff has conducted several Site Plan reviews. Many of the initial issues identified have been resolved. However, there are remaining issues identified below and outlined in the attached Staff memos that need to be addressed. It is also Staff's opinion that many of these remaining issues require the input of both the Planning Commission and City Council prior to additional review of the plans by Staff. To facilitate this process, Staff is including potential motions that have several conditions tied to them. The conditions as proposed would require the applicant to either finalize details, include additional information, demonstrate certain approvals, and/or submit additional plans for review. Some of the proposed conditions only require additional information to be provided to Staff; others will require additional review and approval of both the Planning Commission and City Council prior to Final Site Plan Approval by Staff.

## **SITE PLAN**

### Elevations

Elevations for buildings identified as Retail A and Major B, and C (the Target and connecting buildings), and Retail/Restaurant B, C, & D (the crescent shaped buildings along Hamlin Road) have been submitted for review. The proposed buildings generally comply with the requirements of the Consent Judgment for architecture. However, staff does propose the following changes:

- That revised elevations for the east and west sides of Retail A, the east elevations of major B and C, and the south elevations of Retail/Restaurant B, C, and D be submitted. Architectural features, details and relief should be added, similar to the other facades, which break up long runs of flat masonry facades.
- That masonry material labeled on the current elevations for all proposed buildings be a brick material, with no CMU or split faced block, and that revised plans label the material color to be consistent with the submitted renderings.
- That revised plans be submitted replacing EIFS material on all buildings with a natural stone material.

The applicant has not submitted elevations or floor plans for the remaining four stand-alone buildings identified on the proposed plans (two banks & two restaurants). The applicant has submitted a conceptual rendering for the proposed outlot structures.

Sections 138-141 (c) (20) & (e) (5) require building elevations and floor plans to be submitted with all proposed site plans. Also, Section 6 (g) of the Consent Judgment requires site elevations to be submitted with the first Site Plan.

Section 8 (h) of the Consent Judgment includes language that reads:

*“REI acknowledges that the character of Hamlin Road and that of any retail development fronting on Hamlin Road are of critical importance to the City of Rochester Hills. Accordingly, the gross leasable area of Freestanding Retail fronting on Hamlin Road within Development Zone B (as depicted on Exhibit C) shall be restricted to 75,000 square feet and shall be designed and located so as to mitigate off-site visual impact along Hamlin Road, whether through landscape screening, architectural controls or a combination thereof, such landscape screening and architectural controls to be reviewed in connection with the site plan approval process (and approval of the same shall not be unreasonably withheld, conditioned or delayed).”*

Staff recommends, based on the language indicating that architectural controls will be reviewed in connection with the Site Plan approval process, that revised elevations incorporating recommended changes, and that elevations and floor plans for all proposed buildings are

submitted. The revised package shall be reviewed by Staff for conformance to the Consent and Ordinance and forwarded to the Planning Commission and City Council for approval prior to Final Site Plan Approval by Staff.

Staff is requesting input from the Planning Commission regarding the Conceptual outlot designs submitted by the applicant.

### Large Format Location

The Consent Judgment allows for the location of a single large format building footprint in Zone D. Under certain criteria (the development of Zone D as ORT, Office, or Hotel), the large format building can be located in the southern portion of Zone C. The plans as proposed show the building in the southern portion of Zone C.

The relevant portion of Section 8 (h) reads:

*“In addition, REI agrees that any “large format” retail use (defined as a retail user with a building footprint in excess of 120,000 square feet), will be located in Development Zone D (as depicted on Exhibit C), unless REI determines to instead locate office, ORT or hotel uses (or any combination thereof) in Development Zone D, in which case any large format retail use shall be located in the southern portion of Development Zone C.”*

Notice of Applicant’s determination as described above has been received and included in the packet. Further information satisfactory to the City Attorney, restricting Zone D to such uses shall be provided by the Applicant prior to Final Site Plan Approval by Staff.

To provide access to Zone D for future development, the applicant must either relocate or cross the Clinton River Trail (see the “Trail Relocation Section” of this memorandum). There are two options related to this issue. The applicant may either relocate or demonstrate how the trail can be crossed now in connection with the first phase of the proposed development or if the Commission and Council prefer, the crossing or relocation may be reviewed in connection with any future phase improvements.

The current Plans indicate the relocation and construction of the Trail as part of this phase of development, the details of which are outlined below. If it is the Commission and Council’s opinion that the development and relocation of the Trail should be conducted as part of this phase, conditions have been included for consideration.

### Parking

The proposed Plans utilize Section 4 of the Consent Judgment for the calculation of parking. The plans indicate a total of 1,626 spaces, which is nine more than required. All spaces conform to the size requirements of the Consent.

### Lighting

The applicant has provided details and a photometric plan for the proposed site. All pole mounted and other fixtures conform to the height requirements in the Consent Judgment. Staff recommends that the average light for the entire site, including the Target parking lot, not to exceed two foot-candles. Revise plans to clarify for review and approval by Staff prior to Final Site Plan Approval.

### Pedestrian Circulation

The proposed Plan includes an extensive pedestrian network throughout the site, providing connection to the Clinton River Trail, including dedicated parking, and to Riverbend Park. The proposed network conforms to the requirements of the Consent Judgment. Staff does recommend the inclusion of bicycle amenities such as lockers and racks on revised plans for approval by Staff prior to Final Site Plan Approval.

### Landscaping

All proposed landscaping on the site, including interior parking lot island area, trees, and buffering meet or exceeds the requirement of the Consent Judgment and City Zoning Ordinance.

The applicant will be required to provide a Landscape Performance and Maintenance Bond in the amount of \$954,362.20, to be adjusted by Staff if necessary, prior to issuance of a Land Improvement Permit.

### Traffic

The submitted Plans indicate four access points to Hamlin Road from the proposed development. Subsequent to the current submittal there have been several meetings between the City's Engineering Department and the applicant regarding the design of the proposed access points.

Attached to this report are letters from both the applicant's consultant and the City's engineering consultant (HRC), detailing proposed revisions to improve both access to the site and the proposed changes to Hamlin Road.

The proposed improvements are related to the first phase of development only. Additional improvements may be required in relation to any additional phase of the project. A note to this effect shall be added to the plans prior to Final Site Plan Approval by Staff.

A detailed presentation of the proposed traffic improvements will be provided the night of the meeting for input from the Commission. All changes proposed and agreed to shall be

incorporated into revised plans, for review and approval by Staff, prior to Final Site Plan Approval.

### Tree Removal Permit

There are 1,198 regulated trees on the site. The applicant is proposing to remove 475 regulated trees. The plans indicate 1,192.5 replacement credits on site, exceeding the Ordinance requirements by 717.5 credits.

The submitted Plans indicate tree replacements far exceeding the requirements of the City's Ordinance. However, there is clarification necessary regarding consistency of the plans and actual tree removal associated with the proposed Park improvements and the proposed Trail relocation (refer to the attached City's Forestry Department and Landscape Architect memos for full review comments).

Staff is requesting input from the Commission and Council regarding these two issues prior to finalizing the permit numbers. The Tree Removal Permit has been noticed as required by the Ordinance, however Staff is recommending that the Planning Commission take no action at this time. A condition has been added to the Site Plan indicating that prior to Final Site Plan Approval by Staff all remaining issues related to the permit shall be addressed.

### Wetland Use Permit

No Wetland Use Permit is required for the proposed project south of Hamlin Road. There are no City regulated wetlands on the site.

A Wetland Use Permit is required for the work proposed for the Riverbend Park improvements. The City's Environmental Consultant and Engineering Department conducted a full review of the retention and storm water improvements being proposed and recommend approval of the permit subject to conditions (please refer to attached ASTI letter dated May 31, 2006 for full review comments).

## **TRAIL RELOCATION**

Section 5 (h) of the Consent allows the relocation of the Clinton River Trail in connection with the proposed development of the property under certain conditions and criteria. The Section reads:

*“In connection with the development of the Property, the City has agreed to permit REI to relocate a portion of the Clinton River Trail that bisects the Property (the “Rails to Trails Property”) and to substitute replacement property therefore, which shall be designated during site plan approval. Because the Rails to Trails Property was acquired pursuant to a Michigan Natural Resources Trust Fund grant, it appears that MDNR consent is required in order to cause*

*the Rails to Trails Property to be relocated. The City agrees to use its best efforts to obtain all necessary permits from the MDNR in order to effectuate the relocation of the Rails to Trails Property. REI agrees to donate to the City a parcel of equal acreage, width and value in substitution for the Rails to Trails Property, the precise location of which shall be approved by City Council (which approval shall not be unreasonably withheld, conditioned or delayed) as part of site plan approval. REI will also cause the relocated Trail on the Property to be gravel or asphalt surfaced (or otherwise consistent with the adjacent portions of the Trail) and constructed 10 feet in width and designed to AASHTO standards, the cost of which will not be included in the \$500,000 of improvements to be provided pursuant to Paragraph 8.F. below. The relocated Trail also will be landscaped in a manner designed to be harmonious with the development on the Property and suitable for users of the Trail (which may include one or more drinking fountains), which landscaping plan shall be subject to review and approval by City Council as part of site plan review. Any additional amenities on the relocated Trail shall be a joint decision of the City Council and REI, and the cost thereof shall be included in the \$500,000 allowance described in Paragraph 8.F. below”.*

The proposed plan shows a conceptual relocation of the Trail to allow review by the Planning Commission and Council and to demonstrate how the future access of Zone D will be accomplished. Staff recommends that prior to Final Approval of the Site Plans by Staff the applicant submit a full plan package, including landscaping, details of the proposed Trail construction, compliance with AASHTO Standards, and conformance with all other criteria established in the Consent and by the DNR. The Plans shall be reviewed by Staff and the Planning Commission for recommendation to City Council. Also, finalized Trail plans must include a proposed solution to abate the increase in noise pollution that will result from moving the Trail closer in proximity to the expressway.

The proposed Trail must be equal in acreage, width and value, according to the language of the Consent. As proposed portions of the Trail are shown at less than the current 100 foot width of the Trail property. Finalized plans must be submitted for Commission review and Council approval, and it must be demonstrated that all requirements of the Judgment are met prior to Final Site Plan Approval by Staff.

Also, the applicant must finalize all revised legal descriptions, submit all necessary appraisals required for the proposed land swap, and submit for review the required land division applications, if required, prior to the issuance of any Land Improvement Permit for the site.

Prior to finalizing any of the above stated requirements the applicant must demonstrate ownership of or the ability to transfer ownership of all the property identified for the proposed relocation to the City, to the satisfaction of the City Attorney.

The proposed Trail relocation bisects an existing tree stand located in the southern portion of the subject site. The City's Forestry Department and Landscape Architect have identified issues associated with the location and impact to the longevity of the trees (refer to attached Forestry

memo and Planning Department memo for full review comments). Staff is recommending that the applicant consider relocating the proposed Trail north to avoid, as much as possible, damage to this area. However, it is also important to note that although the Tree Conservation Ordinance does apply to the site; it is only on a one-to-one situation. If the trees are not included in the proposed relocation property, it is a possibility that any phase two work may request the removal and replacement of all the trees located in that area. The proposed property swap for the relocated Trail would provide some protection for the trees.

Staff would recommend that the applicant move the proposed Trail north of the tree stand and include the rest of the trees in a mutually acceptable conservation easement to insure their protection. The final location for the relocated Trail and easement should be proposed on separate plans addressing all the requirements of the Consent Judgment and DNR. These plans should be submitted for separate review by all applicable Staff, reviewed by the Commission, and if approved by Council, incorporated into the Site Plans prior to Final Approval by Staff.

If the Commission and Council choose, the relocation of the Trail property may be reviewed as part of a proposed phase two submittal. The applicant shall still be required to demonstrate the ability to restrict future development in the zone to uses allowable in the Consent prior to Final Site Plan Approval of phase one.

## **PARK IMPROVEMENTS**

Section 7 (b) of the Consent allows the utilization of a portion of Riverbend Park to be utilized for retention and stormwater improvements under certain criteria. The section reads:

*“The City shall also permit REI to construct one or more stormwater detention basins on the City’s property located north of Hamlin Road, as depicted on Exhibit F (the “Offsite Detention Area”), to accommodate stormwater runoff from the Property and shall grant such easements as are necessary or appropriate thereto. Such detention basin(s) will be designed to improve surface water quality and to be an environmentally beneficial amenity to the City’s existing Parkland. Such basin(s), including design, engineering and precise location, shall be subject to reasonable review and approval by the City in conjunction with the initial site plan submittal.”*

Included in the submittal are detailed plans regarding the proposed improvements. As part of the review for this project there have been several meetings including the applicant, ASTI, the Clinton River Watershed Council (CRWC), and City Engineering, Parks and Planning Staff related to the design of the proposed improvements. Also, the CRWC has participated and provided comment on the proposed plans.

The proposed design of the basin is intended to provide a significant stormwater improvement to the Park and the river. Please refer to the attached ASTI letter dated May 31, 2006 for full review comments. Also included are review comments from both the City’s Parks Department (email dated May 24, 2006), the CRWC (letter dated June 8, 2006), and a memo from Public



Services dated July 11, 2006. Recommended conditions of both the Parks Department and the CWRC are included in the potential motion below.

Detailed information regarding the proposed improvements will be provided the night of the meeting.

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- Reference: Site Plans dated received by the Planning and Development Department on May 4, 2006: Cover Sheet and Site Plans, Sheets 1-42, Landscape Sheets L-1 thru L-8, Stormwater Sheets SW1 thru SW7 prepared by Midwest Consulting; Architectural Drawings Sheets A1. A4.1M-B, A4.1A thru A4.1D, A4-1MC, A4-2, thru A4-5 and colored renderings, prepared by Shostack Brothers & Co.
- Attachments: Exhibit C (SA-2) of the Consent Judgment; Fire Department memo dated 05/18/06; Letters from HRC dated 05/23/06 and 07/11/06; ASTI letter dated 05/31/06; Building Dept. memo dated 05/10/06; Parks and Forestry memo dated 05/23/06; Planning and Development Dept. memo dated 05/22/06; Letter from Clinton River Watershed Council dated 06/08/06; Memo from M. Hartner dated 05/24/06; Planning Commission Minutes dated 09/20/05, Memo from Public Services dated 07/11/2006.
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## POTENTIAL MOTIONS

### *Natural Features Setback Modification:*

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-023 (Madison Park), the Planning Commission **grants a Natural Features Setback Modification** for approximately 50 lineal feet for the construction of a stormwater pipe and its associated end-section in the northeast portion of the proposed infiltration wetland, based on plans dated received by the Department of Planning and Development on May 4, 2006, with the following finding and subject to the following conditions.

#### Finding:

1. A Natural Features Setback Modification is needed to construct a stormwater pipe.

#### Conditions:

1. Depict linear feet of the Natural Features Setback on revised plans prior to Final Site Plan Approval by Staff.
2. Restore area to original grade with original soils or equivalent soils and seed with an appropriate seed mix, where possible, and note on plans, prior to Final Site Plan Approval by Staff.

### *Wetland Use Permit:*

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-023 (Madison Park), the Planning Commission **Recommends** to City Council **Approval of a Wetland Use Permit**, based on plans dated received by the Planning Department on May 4, 2006 with the following findings and subject to the following conditions.

Findings:

1. The Wetland and Watercourse Protection Ordinance is applicable to the subject site, and a Wetland Use Permit is required for Riverbend Park.
2. Approximately 3,750 square feet of temporary wetland impacts will result from the construction of a stormwater pipe and its associated end-section in the northeast portion of the proposed infiltration wetland.
3. The hydraulics of the detention area will provide wetland vegetation types and add significant ecological value to Riverbend Park. The current plans will add significant ecotone at the forested area along the Clinton River.
4. Significant improvements to stormwater quality will occur.
5. There will be increased hydraulic capacity of the two small constructed wetlands near the Clinton River.
6. The plans meet the goal of ensuring the conservation of highly sensitive woodland, wetland and wildlife habitats within the City by locating the Riverbend Park improvements in upland areas, leaving undisturbed the high quality bottomlands along the Clinton River.

Conditions:

1. Depict wetland/watercourse impacts in square feet prior to Final Site Plan approval by Staff.
2. Restore impacted area to original grade with original soils or equivalent soils and seed with appropriate seed mix, where possible. It is suggested that non-native temporary seed cover species, such as timothy, not be used.
3. Provide MDEQ Part 303 Permit, if necessary to the City for review prior to Final Approval by Staff.
4. Implement site appropriate structural and non-structural best management practices that prevent or minimize the impact on water quality.

***Site Plan:***

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-023 (Madison Park), the Planning Commission **recommends** that **City Council Approve** the **Site Plan**, based on plans dated received by the Planning Department on May 4, 2006 with the following findings and subject to the following conditions.

**Findings:**

1. A Consent Judgment entered in February of 2004 governs the mix of uses and conceptual design for the project.
2. The Consent allows for a mix of retail and office uses based on defined Development Zones attached to the Judgment.

**Conditions:**

1. That the applicants provide a revised 381 Work Plan, the proposed plan must be reviewed and submitted to the DEQ and the Plan approved by the DEQ prior to Final Site Plan approval by Staff.
2. That the applicant and City Council enter into a Reimbursement Agreement, as required by the approved BRA plan, regarding the proposed project prior to Final Site Plan Approval by Staff.
3. That the applicants demonstrate how Section 8 (f) of the Consent Judgment shall be addressed and provided to City Council for approval prior any above ground construction.
4. That the applicant provide a detailed phasing and engineering plan, (381 Work Plan) for the redevelopment of the landfill areas as required in Section 8 (e) of the Consent Judgment prior to issuance of Final Site Plan Approval by Staff.
5. Per the approved Consent Judgment the applicant shall demonstrate, on submitted construction plans, the method for correcting the existing collapsed storm structure located on the site. The City Engineer shall approve these plans prior to issuance of a Land Improvement Permit.
6. That the applicant revise all applicable tree survey information and replacement counts to address all remaining issues identified in the Forestry Department memo dated May 23, 2006 and Landscape Architect memo dated May 22, 2006.

7. That the Planning Commission approves a Tree Removal Permit prior to Final Site Plan Approval by Staff.

### **Site Plan**

1. Revise photometric to indicate a maximum average of two-foot candles for the entire site, to be reviewed and approved by Staff prior to Final Site plan Approval.
2. That the applicant shall address all issues of the Building Department Memo dated May 10, 2006 on revised site plans to be approved by Staff prior to Final Site Plan approval.
3. That the applicant provide information to the City Attorney demonstrating the ability to, and also restricting, the uses allowed in Zone D to those described in the Consent Judgment prior to Final Site Plan Approval by Staff.
4. That the applicant incorporates on revised plans appropriate bike and pedestrian amenities, such as bike lockers and racks, throughout the site to be reviewed and approved by Staff prior to Final Site Plan Approval.

### **Traffic Improvements**

1. Madison Park will include a third eastbound lane between Adams Road and the Access B location. This third lane will provide additional eastbound roadway capacity for traffic entering the Madison Park site via Access A and Access B. At Access B this third lane will end and Hamlin Road will continue to the east in the existing two lane configuration.
2. Access A will be configured as a right-turn ingress, right-turn egress commercial driveway with no median crossover.
3. Access B will include a traffic signal and median crossover to be located in coordination with the driveway locations to the parcel on the north side of Hamlin Road. Traffic using the crossover will not have direct access to Access B, but will first need to use the crossover under signal control to gain access to eastbound Hamlin Road. The crossover will have two lanes with sufficient storage lengths. Access B will have one ingress lane and two egress lanes. These lanes will be right-turn only lanes.
4. Access C will include a traffic signal and median crossover providing for direct traffic movements into Access C. The crossover will have two lanes with sufficient storage lengths. Access C will have two ingress lanes and two egress lanes. There will be a right-turn deceleration lane provided for right-turn ingress movements from Hamlin Road.

5. A minimum separation distance of 200 feet will be provided between adjacent median crossovers.
6. The proposed Crossover 4 location will be signalized to provide positive controls for pedestrians crossing from the Madison Park site to the Parkland located on the north side of Hamlin Road. Pedestrian control of the signal will be designed to include push button activation.
7. The applicant shall submit revised plans indicating all of the proposed traffic improvements on revised plans for review and approval by Staff prior to Final Site Plan Approval by Staff.
8. The applicant shall add a note to the plans that the proposed traffic improvements are designed for phase one only and that any additional future proposed phases may require additional review and improvements to be made.

### **Elevations**

1. That revised elevations for the east and west elevations of Retail A, the east elevations of major B and C, and the south elevations of Retail/Restaurant B, C, and D be submitted. Architectural features, details and relief should be added, similar to the other facades, which break up long runs of flat masonry facades, prior to Final Site Plan Approval.
2. That masonry material labeled on the current elevations for all proposed buildings be a brick material, no CMU or split faced block, and that revised plans label the material color to be consistent with the submitted renderings, prior to Final Site Plan Approval.
3. That revised plans be submitted replacing EIFS material on all buildings with a natural stone material, prior to Final Site Plan Approval.
4. That a full revised elevation package be submitted for the four outlot structures, including dimensioned, detailed elevations and floor plans for all proposed buildings, for review by Staff, recommendation from the Planning Commission, and approval by City Council prior to issuance of a Land Improvement Permit.

### **Trail Relocation**

1. That detailed plans including all requirements of Section 5(h) of the Judgment for the relocation of the Clinton River Trail are provided by the applicant for review and approval of City Council prior to Final Site Plan Approval by Staff. Plans shall include details of all necessary Trail improvements including Trail surface and landscaping.

2. That all requirements identified in Section 5 (h) of the Consent related to the relocation of the Clinton River Trail including appraisals, legal descriptions, and any other requirements of the DNR be provided by the applicant for approval of City Council prior to issuance of a Land Improvement Permit.
3. That all required land divisions and combinations related to the relocation of the Clinton River Trail be submitted by the applicant for review and approval by Staff prior to issuance of a Land Improvement Permit.
4. That the DNR approve, if necessary, the relocated Trail and property exchange prior to issuance of a Land improvement Permit.
5. That the applicant demonstrates to the City Attorney the ability to transfer all of the property required for the proposed Trail relocation prior to Final Site Plan Approval by Staff.
6. That the proposed Trail relocation be moved to the north as much as possible to protect the existing tree stand located at the southwest portion of the site prior to Final Site Plan Approval by Staff.
7. That the applicant and the City enter into a mutually agreeable Conservation Easement, to be approved by City Council, for the protection of the tree stand located at the southwest portion of the site prior to issuance of a Land Improvement Permit.

### **River Bend Park Improvements**

1. That the existing Park curb cut be relocated to a location consistent with the proposed modifications to Hamlin Road, to be reviewed and approved by the City's Engineering and Parks Department, prior to issuance of a Land Improvement Permit.
2. That the proposed Trail to be located around the improvement be of stabilized crushed limestone material and that any sloped areas greater than 4% be surfaced with asphalt, all materials and final design to be approved by the City's Engineering and Parks Department, prior to issuance of a Land Improvement Permit.
3. That the developers provide and install weather resistant interruptive signage, similar to those presented on the plan documents, explaining the storm water management plan and its effect on the river. Proposed signage type and location to be approved by the City's Parks Department, prior to issuance of a Land Improvement Permit.

4. That the developers provide a maintenance bond in an amount sufficient, as determined by Staff, to insure successful establishment of the proposed native vegetation and for a length of not less than five years, prior to issuance of a Land Improvement Permit.
5. That the applicants, the City, and any other applicable agencies enter into an agreement, to be approved by City Council, for the long term maintenance and operation of the proposed improvements regarding the storm water/retention area proposed for the Park prior to issuance of a Land Improvement Permit.
6. That the applicants agree to participate in a public workshop identifying the proposed Park improvements and related material. The proposed workshop shall be held prior to issuance of Construction Plan Approval and coordinated with City Staff and the Clinton River Watershed Council.
7. That applicant must receive and provide the City with all applicable DEQ permits, if required, related to the proposed work prior to issuance of a Land Improvement Permit.