



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.
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Legislative File No: 2008-0127

TO: Mayor and City Council Members
FROM: Roger H. Rousse, Department of Public Services Director, Ext. 2497
DATE: March 17, 2008
SUBJECT: 1331 New Love Lane Floodplain Use Permit

REQUEST:

City Council is asked to determine whether a floodplain use permit should be granted to the 1331 New Love Lane property owners.

BACKGROUND:

Many events have occurred that has lead to this meeting tonight. A condensed version of the background history and current status is provided as follows. It was noticed in August 2005 that fill material was being placed on the subject property without a Rochester Hills land improvement permit. The duration of the fill placement was completed prior to a stop work order being placed by the Building Department. Investigations by the Department of Public Services (DPS) subsequent to the filling operation completion showed that fill material was placed within the existing 100-year floodplain of the Sargent Creek.

The property owner at 1359 New Love (Joe Gruits) submitted a plot plan for a proposed new home construction on 1359 New Love in May 2006. Approval of the submission has been withheld by Building Department until the unapproved filling operation was cleared up with the DPS. Separate ordinance violations for filling without a land improvement permit were also issued to the property owners. Meetings with the property owners, Building Department staff and DPS staff resulted in the property owners at 1359, 1345 and 1331 being given two options to resolve the situation: 1) Remove all the fill material previously placed on the properties or 2) Obtain all the permit approvals that would have been normally required prior to placing fill under a City issued land improvement permit process. The property owners chose to pursue securing the appropriate permits to receive a land improvement permit and one of the required permits is a floodplain use permit.

To ensure that the property owners would complete their permit obligations and also provide the property owners some comfort that their permit efforts would not be wasted, three separate consent judgments were finalized and entered with the 52-3 District Court. Ann Christ with Hafeli Staran Hallahan Christ & Dudek, P.C. assisted city staff in completing the consent judgments. One of the parts within the consent judgment is that permits need to be secured by the property owners by March 20, 2008. Thus, the applicants are requesting that the floodplain use permit be granted by City Council.

RECOMMENDATION:

It is recommended that City Council **deny** the floodplain use permit for 1331 New Love Lane. The proposed work on the attached Nowak & Fraus engineering design plans shows that the building addition to the existing home will result in a corner of the structure being right at the Sargent Creek floodway limit line. It is recommended that any proposed additions to the existing home not result in a portion of the home being closer to the existing floodway limit.

Enclosure(s): Nowak & Fraus engineering design plan sheets Grading & Mitigation Plan (01-C735-02site-lot18-19.pdf) and Cut & Fill Analysis (02-C735-02site-lot18-19earthwork.pdf)

MDEQ Part 31 Floodplain/Water Resources Protection permit dated November 8, 2007 issued to property owner Kathryn J. Gruits

Nowak & Fraus letter dated January 21, 2008 covering ordinance Section 114-159.c.1-13 concerning floodplain use permit review criteria

Federal Emergency Management Agency correspondence dated February 14, 2008

Floodplain Use Permit application

Kathryn Gruits consent judgment

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		