

Resolved that an Ordinance to amend Articles II through V of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify Employee Appeal Procedure and Qualifications for the Employee Pension and Group Insurance Plans, repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for *First Reading*.

NOMINATIONS/APPOINTMENTS

2006-0814 Designation of Delegate and Alternate to National League of Cities' Annual Business Meeting to be held on Saturday, December 9, 2006 at the Congress of Cities in Reno, Nevada

President Rosen noted that *Ms. Holder* was the only member of City Council attending the National League of Cities (NLC) conference and, thus, Council would only need to designate a delegate, not an alternate.

Mr. Ambrozaitis questioned how attendance at this conference is funded.

Ms. Holder explained that it is paid for from City Council's budget.

A motion was made by Raschke, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 5 - Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent 2 - Duistermars and Hooper

Resolved that the Rochester Hills City Council hereby names Ms. Barbara Holder as the City of Rochester Hills Official Representative and Voting Delegate for the National League of Cities Annual Business Meeting to be held on Saturday, December 9, 2006 at the conclusion of the Congress of Cities in Reno, Nevada.

NEW BUSINESS

2006-0729 Request for Approval - Preliminary Site Condominium Plan - City File No. 05-042 - Little Winkler Estates, a ten-unit site condo development on 7.3 acres, located west of Dequindre, south of Washington, Zoned R-1, One Family Residential, Parcel Nos. 15-01-277-015 and 15-01-278-006, Little Winkler, LLC, applicant

Mr. John Wright of J.J. Associates, Inc. 44444 Mound Road, Sterling Heights, provided a brief overview of the project, noting the following:

- A ten-unit, single-family site condominium development.
- Located on Dequindre Road south of Washington Road.
- Will be served by public utilities such as water, sanitary sewer, storm drainage, etc.
- Will have a public right-of-way that will serve the entire development.

Mr. Derek Delacourt, Deputy Director of Planning, described the process for approval of the Preliminary Site Condominium Plan as follows:

- The applicant received a Planning Commission recommendation for approval with conditions as well as a tree removal permit.
- If approved by Council, the Plan will go through construction review by City staff and consultants.
- Finally, the Plan is returned to the Planning Commission and City Council for final approval.

Mr. Delacourt stressed that the Planning Commission added conditions to their motion that specifically addressed concerns raised by adjoining property owners. He then noted some additional requests of these residents including the relocation of some trees and the potential for utility hookups to their existing homes. Mr. Delacourt explained that, as the sanitary sewer access for this project is through Shelby Township, the City cannot require that those homes be included. He noted that these issues have been conveyed to the applicant.

PUBLIC COMMENT:

Ms. Renee Mocerì, 56195 Dequindre Road, indicated that she owns one of the existing homes adjoining the development and noted the following concerns:

- Would like access to her driveway during construction.
- Was concerned about the expenses associated with the change in her address that will result from this development.
- Wondered whether she would have to join a neighborhood association related to the new condominium subdivision.
- Requested a buffer on her lot line for noise and light pollution.
- Would like a small access gate in front of the two existing homes to stop traffic, noise and light pollution.
- Wondered if she would be responsible for the expense of burying utilities wires that cross her property.

Ms. Mocerì confirmed that she had been able to bring these concerns to the attention of both the Planning Commission and Mr. Delacourt.

COUNCIL DISCUSSION:

Mr. Carlo Izzì, Little Winkler, LLC, 38880 Garfield, Clinton Township and **Mr. Wright**, addressed Ms. Mocerì's concerns, noting the following:

- There will be a construction access drive that will maintain access to the two existing homes throughout the construction process.
- The existing homeowners will be given the opportunity to join the condominium development's neighborhood association.
- While the Plan is required to show a certain number of trees for removal, the developer will make every effort to preserve more trees than noted if possible.

- The existing homeowners will be given the opportunity to hookup to the underground utilities, but it will be at their expense if they so choose.

- The developer will consider a gated access for the existing homes.

Mr. Izzi was amenable to Mr. Delacourt's suggestion that the developer provide a separate access road for the two existing homes during construction.

Mr. Delacourt explained that the existing homes would definitely become part of the new cul-de-sac being constructed, but that the resulting change of address is a postal issue and the City has no control over it.

Mr. Ambrozaitis suggested that perhaps the developer "from a neighborly standpoint" could consider assisting the existing homeowners with the expenses associated with their change of address. He further advised the existing homeowners to seek legal advice with regard to joining the neighborhood association.

Mr. Yalamanchi expressed concern that there may be soil-related problems associated with the removal of an existing pond on the site and was reassured it would not pose a problem.

Ms. Raschke requested that a passing lane be included in front of the development; however, it was noted that the Road Commission for Oakland County is responsible for Dequindre Road and did not deem a passing lane necessary.

A motion was made by Yalamanchi, seconded by Raschke, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 5 - Ambrozaitis, Holder, Raschke, Rosen and Yalamanchi

Absent 2 - Duistermars and Hooper

Resolved that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Little Winkler Estates, City File No. 05-042, a ten-unit development located west of Dequindre, south of Washington, Parcel Nos. 15-01-277-015 and 15-01-278-006, based on plans dated received by the Department of Planning and Development on September 29, 2006, with the following findings and subject to the following conditions.

Findings:

1. Upon compliance with the following conditions, the preliminary 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 preliminary plan represents an acceptable comprehensive development plan that connects an existing subdivision to the west with an approved site condominium development to the east.
4. The preliminary plan represents a reasonable street layout and lot orientation.

5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions:

1. Provide all on-site and off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit for this project.
2. Provide warranty deed for 60-foot ½ ROW in Dequindre Road, prior to issuance of a Land Improvement Permit.
3. Change references to 11 units in EIS to 10 units, prior to Final Approval by Staff.
4. Revise Sheet L-2 as follows: Correct number of tree replacement credits to 170; revise credits provided for 12' evergreen trees to 3 per tree and adjust total to 45; revise credits provided for 16' evergreen trees to 5 and adjust the total to 20, to be reviewed by Staff prior to Final Site Condominium Plan Approval.
5. Develop plan to pre-treat stormwater that discharges into the open water wetland at the southwest portion of the site, prior to construction plan approval.
6. That the applicant receives a Soil Erosion Permit from the Oakland County drain Commission prior to issuance of a Land Improvement Permit.
7. Submission of Master Deed and By-Laws prior to Final Site Condominium Plan Review.
8. All road (including offsite) improvements are subject to Engineering verification and approval during construction plan review.
9. That the applicant obtains a Land Improvement Permit prior to performing any work on site.
10. That the applicant install a series of 12- and 16-foot tall white spruce trees, staggered along the western property line to supplement the existing trees and to create a visual obstruction, as reviewed and approved by the City's Landscape Architect.
11. That the applicant explore means by which to save the existing trees in Lot 5, including moving the building envelope to the north and east, prior to Final Site Condominium Plan Approval.
12. That the applicant include separate temporary road access for the existing homes.

2006-0717

Request for Approval - Conditional Land Use Request - City File No. 05-015 - Sikh Gurdwara Temple, a proposed 21,544 square foot place of worship and education center on 4.5 acres, located at the southeast corner of Auburn and Norton Lawn, Zoned R-3, One Family Residential, Parcel No. 15-34-226-034, Sikh Gurdwara, applicant