

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

Absent 1 - Yukon

Chairperson Boswell expressed that the most important condition concerned the Fire Department comments. He stated for the record that the motion had passed, and he thanked the applicants.

2005-0393

Request for a Tree Removal Permit - City File No. 98-025 - Andover Woods, for the removal and replacement of as many as 651 trees for a proposed 42-unit attached condominium development on two parcels totaling approximately 26.5 acres, located west and east of Rochdale, north of Walton, known as Parcel Nos. 15-09-476-035 and 15-09-451-002, zoned RCD, Single Family Cluster, Andover Woods, LLC Applicant.

(Reference: Staff Report prepared by Ed Anzek, dated October 17, 2014 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Bruce Michael, Andover Woods, LLC, 2617 Beacon Hill Dr., Auburn Hills, MI 48326 and

Mr. Anzek noted that the project had been in the pipeline since 1998. There had been numerous revisions and probably hundreds of hours of review time, because it was a difficult site. He advised that the project was comprised of two separate parcels on either side of Rochdale. The parcel to the east was 9.37 acres, and the parcel to the west was 17.2 acres. The applicants were proposing a cluster complex with duplexes. There were 16 units proposed for the west side and 26 units in 13 buildings on the east side. The buildings had to be shifted because during the project's review, the Steep Slope Ordinance was introduced, and they had to relocate buildings to avoid the steep slopes. The flood plain and wetlands had also been revised. The project was now at the point where it had approvals or conditional approvals by all departments.

Chairperson Boswell asked Mr. Michael if he had anything to add, and he said he would wait for any questions.

Mr. Anzek recalled that Mr. Michael had been before the Commissioners about a year ago to discuss the project and get input. At that time, there were several residents who spoke, and the applicants had been working with those residents since then to address their concerns.

Chairperson Boswell opened the Public Hearing at 7:20 p.m. He asked that comments be held to 3-4 minutes, and he related that there would not be any conversation between the speakers and the developer until after the Public Hearing was closed. He added that questions would be answered after the Public Hearing, and that all comments should be directed to the Chair.

Bob Chekdluk, 1219 Valley Circle, Rochester Hills, MI 48309. Mr. Chekdluk advised that his condo was just north of the proposal. He said that the property was originally considered a 100-year flood plain, and he did not know what the flood plain situation was in the community. They have had runoff problems from water backing up through their basement drains because the sewers were not big enough to handle the deluge. He noted that it had only happened twice, but he stated that it was twice too many. Currently, the sewers were not capable of handling the problems that might arise. He asked if the applicant knew what the flood plain was considered. One unit in Mr. Chekdluk's complex was up for sale and when the buyer discovered that the mortgage company would not give him a mortgage unless they had flood insurance for \$2,500 a year, the sale was off. Mr. Chekdluk wondered if the applicants were aware of that situation.

Mr. and Mrs. Jim and Linda Klein, 1215 Valley Circle, Rochester Hills, MI 48309 Mr. Klein talked about managing the City and the population, and he said that he could not even drive down Walton because it was so backed up. They would be adding more people, and he wondered if that was how the City should be managed. He wondered if they wanted it to grow to be overbuilt. He thought that 42 units would be tough for the area.

Mrs. Klein said that there was strong evidence that the property taxes for the parcels had been delinquent for several years. She handed in some documents from Oakland County, and said that Oakland County would not be trying to collect taxes if they were not in default. If it were true, it suggested to her that the applicant did not have the financial resources to complete the project. If the applicant was given a permit to cut 650 trees, she wondered if they could finish the job. If the applicant did have the financial resources, she wondered why they had not paid the property taxes. She asked if they were not committed to the community and if they did not care. She said that they lived approximately 120 feet from Sargent Creek and regularly, the Creek came up quite high. In June 2013, the water from the Creek came within 20 feet of their home. If the property had been designated as a flood plain by the insurance

companies, with the development and possibly corresponding destruction of more flood plain, she asked what would happen in terms of flooding in the future and what would be done about it. She understood that there was a detention basin, but she wondered who would maintain it. Mr. Klein added that they moved to Rochester Hills for the quality of life. They liked the country life, and they wanted to stay in a country atmosphere.

Kay Mann, 1222 Valley Circle, Rochester Hills, MI 48309 Ms. Mann said that she also lived on Valley Circle. She had submitted a letter to the Planning Commission, and she hoped that they would answer the questions in her letter. The questions primarily related to the water issue in the wetlands/flood plain basin along Sargent Creek. She had heard of issues with people trying to sell their homes in Sargent's Crossing because of the new FEMA designation that occurred, apparently, right after Katrina. She was very concerned that any development south of the Creek, if it involved landfill or any change in the current topography, would change the flood plain issue and divert more water to her side of the Creek and cause additional problems. She commented that they could not raise their land level, but the applicants could.

Frank Mordell, 251 Marmoor Ct., Rochester Hills, MI 48309 Mr. Mordell said that he had been a resident of Sargent's Crossing for 20 years. He had enjoyed the wetlands features, the habitat and the beauty and serenity. He thought that the proposal far exceeded the economic benefits that might come in the way of property tax revenue to the City and profits for a non-resident developer. In his particular case, he had a unit that abutted the woods near Sargent Creek. His mortgage company notified him that he required flood insurance. When he checked into it, his first quote was \$5,000 plus, and the only thing in the flood plain was his deck. He was connected to unit 250, which was vacant and up for sale. He talked to the broker handling the sale, and he had lost three sales because of the requirement for flood insurance. The flood insurance versus the wetlands was an intermingled issue, and he was very concerned that with tree removal, the developer only had to replace one in three with saplings, and it might only result in 45 trees. Many of their trees were very stellar and majestic. There was no indication of whether there would be any supervision of what trees would be cut down. He said that at his age, he did not want to see young saplings take a lifetime to grow into something nice. He thought there would be landfill requirements for the wetlands that could affect the runoff and cause possible additional flooding. He thought that if he was in the flood plain, that a number of the new owners would also be. He did not know if that might change in the future or not. The other major concern he had was

the impact the proposal would have on the infrastructure of the City. He meant fire, police, electricity and safety. He stated that the traffic patterns would be horrendous on Rochdale. The traffic safety would be horrendous, since there would be only one road coming out on either side of Rochdale, and that did not count the construction equipment. Mr. Mordell said that he loved living in Rochester Hills, and he understood that Rochester Hills was rated the ninth best place in the country to live, thanks to the Commission and the government's hard work. He stated that he strongly, strongly opposed any "messing around" with the wetlands.

John Begley, 1423 Oakstone Dr., Rochester Hills, MI 48309 Mr.

Begley said that he lived on the north side of the western parcel. He noted an outline of a possible wetland at the north end of the parcel, and he asked if that had been designated as a wetland. His concern was the extent of the development. The parcel went to the back of his property, and it was next to some houses on Rochdale. He asked if the proposal was just a start to get a foot in the door, and if they would develop north of Sargent Creek in the future. He noted that on the west side of Rochdale, just north of the parking, there were some monitoring wells put in for hazardous materials, and he asked if there was a report of how it would be handled. He said that he did not see any trees north of the development being removed, and he wondered if they would be in the future.

Lynn Rizzo, 1360 New Life Lane, Rochester Hills, MI 48309 Ms.

Rizzo said that she lived to the east of the east parcel. It was her understanding that many detention basins in the City over the years had not been maintained. She asked the plans - she assumed the condo development would maintain the detention basins - for maintenance.

Shirley Melnick, 254 Marmoor Ct., Rochester Hills, MI 48309 Ms.

Melnick advised that her question had been asked.

Chairperson Boswell closed the Public Hearing at 7:37 p.m.

Chairperson Boswell asked Mr. Anzek what changes were made in the flood plain designation. Mr. Anzek said that he was not aware of any changes recently. The City's Engineering Staff had reviewed the plans and approved them, but he was not aware of any recent changes.

Mr. Schroeder explained that the original flood plain was taken from a 10-foot contour map. It was very inaccurate, and just an arbitrary line to get the system going. Later on, more mapping was done, which was more

reasonably accurate, but not too much so. With the advent of computers, there was new mapping and better information. He believed that what the Commissioners were reviewing was from that new mapping, which Mr. Michael confirmed.

Chairperson Boswell asked if the flood plain, as designated, was considered accurate. Mr. Michael agreed that it was. Mr. Schroeder noted that the mapping was just done for the south side of the parcels. Mr. Michael advised that they had only shown mapping for their properties. Chairperson Boswell clarified that it had nothing to do with the land to the north. He thought that the entire wetlands, including surrounding properties, were normally shown on the plans. Mr. Anzek advised that the applicant was asked to show his property only.

Mr. Michael noted that originally, the entire property was mapped for wetlands. It had been many years, and six wetland consultants had been involved, but since no development was proposed for the north side of the western parcel, they had not updated the wetlands study. He assured that they were not confusing wetlands and flood plain, which were two very different things.

Chairperson Boswell indicated that there was a request to fill some of the wetland area. He asked if that would change the flood plain. He wondered if a study had been done to show what those changes would do to the flood plain.

Mr. Michael answered that over the course of the project, there had been a flood plain fill and wetland impact permit filed with the MDEQ, and it was issued. It never got used, because they never got all the issues with the City resolved. The permit had expired, so they would have to file for it again. They would end up using the same techniques and compensating fill that was done the first time. It had already been issued once, and the extent of their development was actually less than it was originally, so they knew that the techniques used should work. They realized that they had to get that permit, and they would have to fulfill all the engineering requirements to determine that there would be no negative impact on the flood plain.

Chairperson Boswell asked if a determination would be made that there would be no negative impact on the neighbors to the north. Mr. Michael stated that if there were no impacts to the flood plain, it would not affect any adjacent neighbors or anyone who now might be in it.

Chairperson Boswell mentioned the property taxes, and he asked if they had been paid in full, which Mr. Michael confirmed.

Chairperson Boswell noted that there had been a question about maintenance of the detention basin. Mr. Michael said that many of the older basins were designed before the concept of a sediment forebay. A lot of siltation that occurred during the course of construction would fall into a basin, and a lot of the capacity of the basin would be lost. Today, technology had been upgraded, and there was a small basin next to the main basin that took the first flush of rainfall, and the sediment was collected. There was an outlet from the small basin to the large basin to protect the capacity of the large basin. In addition, the City would require that after construction, they (the applicants) would have to go back in to the forebay and the basin and excavate back to its original design parameters. Once construction was completed, and there had been a complete covering of all the disturbed land with vegetation, the amount of silt that could get into the basin would be relatively small. The City requirement and the way things were done today were designed to protect against those issues. There would be an association that would have a specific line item budgeted for the detention basins and their repair and maintenance. There was also an agreement with the City that allowed it to come in and take care of an issue and charge the association if something were to happen.

Chairperson Boswell asked Mr. Anzek about toxic chemicals from the dry cleaners. Mr. Anzek advised that it had been going on for about 20 years. There was a leak from the dry cleaners that MDEQ had been monitoring for some time. There were wells monitoring the ground water, and within the last 18 months, it was shown to be moving in a westward direction. Last summer, there was an MDEQ directive given to the insurance company responsible for cleaning it up to establish additional monitoring wells close to Sargent Creek. They had to clear some trees, and the City was immediately called to the site by several residents. They learned that there was one division of MDEQ that dealt with bad chemicals in the ground water and another MDEQ wetland agency that was not keen with the trees being destroyed in the wetlands. They expected some restoration to occur with tree plantings from the project. The wells would stay in place and continue to monitor. If there were spikes in the contaminants, the City would be notified. Chairperson Boswell wondered if they monitored it but did not do anything about it. Mr. Anzek said that it was difficult to dig the dirt and remove things when they found concentrations, and they were trying to get an understanding of how it was moving through the ground. Their efforts were to create a barrier to stop it

from entering the Creek. He was not sure if it would be a slurry wall or something else. He noted that ASTI was on the scene, as were he and Mr. Davis, and they watched it closely, but it was an MDEQ directive. Chairperson Boswell commented that they were at the mercy of the MDEQ again.

Mr. Michael noted that they had also retained ASTI to represent Andover Woods when they found out about it. They met with the insurance company and the MDEQ consultant and obtained all the files on the project. There was a relatively small plume that extended to the west of Rochdale. The MDEQ looked at six criteria for residential development, and there were a couple of contaminants that were of a very minute amount above the threshold levels for drinking water. If they were going to drill their own wells, they would have an issue, but they would be on public water, so it was not an issue. The other issue was groundwater/surface water interface and a concern about Sargent Creek. The depth of the contaminant plumes were below the level of the Sargent Creek. At this point, the plume was slowing down, and the contaminant levels were staying the same or reducing.

Chairperson Boswell said that there was some concern about trees being taken out north of Sargent Creek. Mr. Anzek said that there was no tree removal proposed north of Sargent Creek. He noted that the wetland area extended to the entirety of the parcel to the north, virtually eliminating the possibility of any development north of Sargent Creek. Mr. Michael agreed that there was a lot of wetland and flood plain in that area. Mr. Anzek believed that in initial discussions, it was never conceived possible that development could occur north of Sargent Creek. Mr. Michael agreed that they stayed close to the south end for all of those reasons, including the neighbors. Mr. Anzek said that it was a heavily wooded site, with over 2,000 trees surveyed and 651 were to be removed. Of the 651, over 500 were diseased or had died, mostly Ash trees. Mr. Anzek had walked the site, and he saw a high percentage of dead trees. They were 6" in diameter or greater. The applicant would be obligated to replace the healthy ones, which came to about 143 trees onsite. He had spoken to Mr. Michael about using that to replenish the wetland areas that were damaged when the monitoring wells were installed. They would still have to maintain access to the wells, but it would at least fill the site in somewhat.

Chairperson Boswell asked Mr. Michael how their finances really were. Mr. Michael said that they owned the property, and their company built 50-60 houses a year. They had funds set aside for the project to proceed

with it and take it to fruition. They had been doing it for 35 years. They survived the downturn that many did not. Mr. Anzek asked Mr. Michael if the development would require flood insurance, and Mr. Michael said it would not.

Mr. Anzek agreed that the City would enter into an agreement with the applicant granting the City the right to clear out the detention system if it got clogged. The City's new standards required a forebay which was a much easier system to clean. Everything would have to be made whole before it was turned over to the association and before the City released any bonds. Any tree clearing could not begin to occur until the bonds were posted. It was a safety net to assure that they were good to go before any trees were removed.

Mr. Kaltsounis brought up sediment forebays, and he asked if there was an update for the development called the Vistas (47 lot subdivision south of Avon, east of Rochester Rd.). Mr. Anzek said that they were still in the construction phase, and it had not been turned over to the association. There had been sediment building up in their basin. If it became full, the Engineering Dept. would notify the developer to clean it. It would have to be cleaned again before it was turned over to the association. Mr. Kaltsounis talked about steep slopes eroding because of house gutters. He asked if there were any plans that would handle the flow of water from the gutters.

Mr. Michael said that oftentimes, they would grab the downspouts on the back of buildings that backed to the wetlands and flood plain and put them in underground tubes and tie them into the storm sewer system. If they did it for the proposed homes, it would stop the water from going into the Sargent Creek. He did not believe that it was shown on the plans, but they would have no issue doing it. He thought that Engineering would probably require it. Mr. Kaltsounis confirmed that it could be a condition of approval.

Mr. Anzek stated that Engineering would require it, but it could be a condition. He noted that when the Steep Slope Ordinance was adopted, the applicants lost some units and some were moved. The applicants would not be allowed to direct discharge into Sargent Creek.

Mr. Kaltsounis noticed that there was a garage sitting by itself on the west side. Mr. Michael advised that it would be a maintenance building for the association for things like lawnmowers, trimming equipment, etc. Mr. Kaltsounis asked if the association would want to take on that roll, and Mr.

Michael suggested that they could use it to store fertilizers or mulch.

Mr. Kaltsounis asked the difference between flood plain and flood way. Mr. Anzek explained that a flood way was where the water flowed, and a flood plain was where the water was stored. Mr. Kaltsounis remembered seeing the development before, and he said that it had come a long way. He said that it was a tricky plan, and there would be a lot of engineering work and decisions that could cause things to move around. Most developments were straight forward, but he thought that the hurdles were yet to come.

Mr. Michael responded that the plan was mostly engineered. In order to get the engineering approval level they had, they worked with the Engineering Staff on details of where to route one of the sanitary sewers on the west side, so that it would be the proper distance from the waterline and the storm line. It had been fully graded, and they could actually build from the grading plan. They had to engineer the site because it was complex, and Staff had been very thorough. Mr. Kaltsounis wished him luck.

Mr. Kaltsounis had mentioned that the plans said preliminary, but Mr. Anzek corrected that it was not a site condo development, which had preliminary and final approvals. It was a cluster development with duplexes, and it was being brought forward for final consideration.

Mr. Schroeder clarified that the flood plain program was a Federal program and was financed and handled by the Federal government. The State handled the wetlands. Regarding the flood plains, the residents could appeal a determination. There was a surveyor locally who did just that. Most survey firms could, if warranted, file a form with FEMA to appeal its decision. He was not sure about the situation with Mr. Mordell's deck, but Mr. Schroeder suggested that he might be able to move the posts. Mr. Schroeder had seen rulings where people were taken out of the flood plain, and if someone was that close, it was worth checking into.

Mr. Anzek thought that in 2005-6, the Engineer at the time working on the proposed development made a field determination that the flood plain did not match the survey results he was getting. The owner of the project (Mr. Randazzo) directed him to seek a letter of revision from FEMA to establish the accuracy of the flood plain. Mr. Anzek agreed that what Mr. Schroeder said was possible, and a survey could be re-verified. Mr. Michael said that he would make that data available to anyone who wished it.

Mr. Schroeder asked who the builder would be. Mr. Michael said it would be Trowbridge (Andover Woods). Mr. Schroeder asked if Mr. Michael had ever checked to see where the water table was. Mr. Michael said that he was going to do it himself. The poles were only four feet deep beyond what the present level was. He was out there a few days ago trying to dig the two that were the farthest east. On the west side when he met with neighbors, the neighbors had the same concerns, so he dug a hole and verified that the water table (it was in the summer of 2013) was about five feet down, and the bottom of the hole was four feet. The original hydro-geo study that was done several years ago showed an average depth of water between six and nine feet. They were going to dig holes in the middle of the proposed basins and provide that information to Engineering, but he was fairly certain that he would not run into a situation where the water table was above the bottom of the basins.

Mr. Schroeder mentioned that he had previously been the City Engineer in Troy. They studied the area by Macomb, and Macomb and Oakland Counties were each done in phases. When the study was done, Troy's flood plain was higher than Sterling Heights' in the center of Dequindre. There were things that had to be corrected, and he stated that it could happen anywhere.

Mr. Hetrick said that with regard to flood plains and the interrelationship between those and wetlands, it was mentioned that the work the applicant was doing would have no impact on the flood plain. Mr. Hetrick asked Mr. Michael to describe what they were doing to mitigate the wetland impacts.

Mr. Michael put a plan on the overhead and pointed out wetland number one, which was about 3,500 square feet. It had been determined by the City's wetland consultant to be of moderate or low quality. The second wetland to be filled was the southern portion of a ditch. It was a man made ditch, and ASTI had determined that it was also of moderate to low quality, and ASTI did not see an issue with either one. The Natural Features Setback areas surrounded those. The mitigation would be to provide a conservation easement over the other remaining wetland areas on the site. The easement would be granted to the State, and it would be recorded and permanently in place. Mr. Hetrick asked if the conservation easement would suggest that there would be no impact to the wetlands. Mr. Michael said that the wetlands they were filling would be eliminated, but the remaining wetlands on the site would be protected, and they could not be filled, even if the law changed.

Mr. Hetrick clarified that the work the applicant was doing would have no impact on the flood plain. Mr. Michael said that was correct; the work they were doing would not result in the flood plain elevations going up in any fashion. Mr. Hetrick felt that should be a condition of Site Plan Approval. Mr. Michael said they would still also have to get the permit from the MDEQ and the City, so he was o.k. with that as a condition.

Mr. Schroeder asked the start date for the project. Mr. Michael said that assuming they would get permits, they would like to start in April or May of 2015. Mr. Schroeder asked if they would start on the east or west side, and Mr. Michael said east. Mr. Schroeder asked the timeframe. Mr. Michael said that if the economy stayed the same, it should take three years to build out.

Mr. Hooper questioned whether the applicants would be allowed to build in the 100-year flood plain. Mr. Schroeder said that they could get permits to do so, but it would have to be replaced somewhere else. They could move it, not eliminate it. Mr. Hooper asked Mr. Michael to put up sheet 23. He pointed out that the flood plain designation went right through units 29 and 30. Mr. Michael said that they would make an application for the right to be able to fill so much flood plain, and they would have to show a compensating cut for that volume somewhere, so they did not cause the elevations of Sargent Creek to raise under any flood or rain condition. They would have to get a letter of map revision from FEMA. That would say that the particular area was no longer considered in the flood plain. According to FEMA, flood plains were basically lines on a map, and either you were inside or outside of the line. Mr. Hooper asked if the grading plan reflected the proposed changes. Mr. Michael said that it did. Mr. Hooper referred to sheet 7 and asked if it showed the revised changes to the flood plain. Mr. Michael said that it showed the proposed grades that would occur after the development was completed. The new revised flood plain line had not been shown on the plan; it would be shown as part of the flood plain fill application.

Mr. Reece asked if that request to FEMA would also pertain to units 27 and 28. Mr. Michael said that any of the units that showed inside the current flood plain line would be part of the same process. When they were done, the line would be outside of the units, so there would be no requirements for flood insurance. Mr. Reece clarified that the heavy dashed line on sheet 7 was not the revised line. Mr. Michael said that particular arrowhead happened to be pointing also at the flood plain line and showed that it was the limit of disturbance line.

Mr. Kaltsounis asked Mr. Michael if he would be making improvements or changes to the property south of the development. It appeared as if the parking lot would be redone. Mr. Michael agreed that they were, so they could set up the access. Mr. Kaltsounis asked if they had a letter of agreement. Mr. Anzek advised that Trowbridge owned the property to the south. Mr. Michael advised that there would be an easement for the access between the two properties for the access when they sold the condos to third parties. Trowbridge would grant that access agreement showing that the road would go onto the office property. Mr. Kaltsounis asked if the office building would lose parking. Mr. Michael advised that afterwards, there would still be an extra 24 spaces over what was required.

Mr. Kaltsounis wondered about adding a condition regarding the flood plain line, and Mr. Michael agreed. Mr. Anzek assured that the applicant would be required to provide the flood plain mapping to Engineering.

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

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on October 1, 2014, with the following three (3) findings and subject to the following one (1) condition:

Findings:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. Of the 2,175 regulated trees, the applicant is removing up to 651 from the site (of which 508 of the trees are dead, decaying, or diseased).
3. The applicant is proposing to plant sufficient trees of sufficient size to meet the minimum required 143 replacement credits.

Condition:

1. All tree protective fencing must be installed, inspected and approved by City Staff, prior to issuance of a Land Improvement Permit.

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

Absent 1 - Yukon

2014-0440

Public Hearing and request for a Wetland Use Permit - City File No. 98-025 - Andover Woods, for impacts to approximately .24 acres associated with the construction of several units, a portion of the cul-de-sac and detention basin on Parcel No. 15-09-451-002, located east of Rochdale, north of Walton, zoned RCD, One-Family Cluster, Andover Woods, LLC, Applicant

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission recommends City Council approves a Wetland Use Permit to impact approximately .24 acres for the construction and grading of the cul-de-sac of Rochdale Court and of Units 5, 6, 11 and 12, based on plans dated received by the Planning Department on October 1, 2014, with the following three (3) findings and subject to the following four (4) conditions.

Findings:

1. Of the approximately 9 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately 10,600 square feet (.24 acre).
2. The impacted areas of Wetlands B and C are of low quality and not considered by to be a vital natural resource to the City.
3. The applicant has minimized potential wetland impact by incorporating a retaining wall to the north of the cul-de-sac of Rochdale Court and will use best management practices during construction to avoid impacts to Sargent Creek.

Conditions:

1. That the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
3. Provide proof that the artesian well north of proposed Unit 26 has been abandoned to confirm that it does not contribute water to the wetland nearby, prior to final approval by Staff.

4. *Verification by ASTI that conditions from the October 3, 2014 letter are addressed on revised site plans prior to final approval by Staff.*

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

Absent 1 - Yukon

2014-0453

Request for Natural Features Setback Modifications - City File No. 98-025 - Andover Woods, for permanent and temporary impacts to as much as 1,526 linear feet of natureal features setbacks associated with the construction and grading of units, Detention Basin A and its outlet, Detention B and its outlet, the outlet for Detention Basin C, construction of a vegetated storm water overflow swale from Detention Basin B, and the dul-de-sac Rochdale Court, in conjunction with a proposed 42-unit residential development on the east and west sides of Rochdale, north of Walton Blvd., Andover Woods, LLC, Applicant

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission grants Natural Features Setback Modifications for the permanent and temporary impacts to as much as 1,526 linear feet of natural features setbacks associated with the construction and grading of units, Detention Basin A and its outlet, Detention B and its outlet, the outlet for Detention Basin C, construction of a vegetated storm water overflow swale from Detention Basin B, and the cul-de-sac Rochdale Court, based on plans dated received by the Planning Department on October 1, 2014, with the following one (1) finding and subject to the following three (3) conditions.

Finding:

1. *Natural Features Setback Modifications are needed to construct ten units, the Detention Basins and the cul-de-sac Rochdale Court.*

Conditions:

1. *All restoration to natural features areas will utilize native seed and vegetation, to be reviewed and approved by the City's Wetland Consultant prior to Final Approval by Staff.*
2. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*

3. *That ASTI verifies that conditions from the October 1, 2014 letter were addressed on the current plans, prior to Final Approval by Staff.*

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

Absent 1 - Yukon

2004-1074

Request for Site Plan Approval - City File No. 98-025 - Andover Woods, a proposed 42-unit attached condominium development on approximately 26.6 acres, located east (9.3 acres) and west (17.3 acres) of Rochdale and north of Walton Blvd., zoned RCD, One-Family Cluster, Parcel Nos.15-09-451-002 and 15-09-476-035, Andover Woods, LLC, Applicant.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 98-025 (Andover Woods Condominiums), the Planning Commission approves the Site Plan, dated received October 1, 2014 by the Planning and Development Department, with the following five (5) findings and subject to the following twelve (12) 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. *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.*
4. *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.

5. *The proposed Site Plan promotes the goals and objectives of the Master Plan that the City provides a variety of housing.*

Conditions:

1. *All remaining engineering issues identified in the memo dated October 17, 2014 be addressed prior to issuance of a Land Improvement Permit.*
2. *All comments from the Building Dept. memo dated September 16, 2014 to be addressed prior to obtaining building permit approval.*
3. *Provision of a performance guarantee in the amount to be determined based on the landscaping cost estimate submitted, as adjusted if necessary by the City, plus landscape inspection fees, 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 and cost estimate, prior to Final Approval by Staff.*
5. *Provide cross access easement from office development to the south (western parcel) and property transfer to Andover Woods, prior to Final Approval by Staff.*
6. *Show proof of property deeded to homeowner to the west, prior to Final Approval by Staff.*
7. *Obtain a Sidewalk Waiver from City Council for Rochdale Ct. and Rochdale Pond Ct., prior to issuance of a Land Improvement Permit.*
8. *That a Landscape Performance Bond of \$84,575 be posted. This amount is to be adjusted upward once the cost estimate for the irrigation plan is provided. (condition #4)*
9. *Change plans to reflect "Final" not "Preliminary."*

- 10. *Capacity of the total flood plain shall not be impacted.*
- 11. *Provide a plan to show that all storm water runoff from roofs shall be directed to the detention systems, prior to construction plan approval.*
- 12. *The plans shall show the revised flood plain line for units 27-30, prior to construction plan approval.*

Chairperson Boswell asked about the artesian well, noting that he did not see it on the plan. Mr. Michael said that the Engineering Dept. wanted proof that it was properly capped under the City codes and public health requirements.

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

Absent 1 - Yukon

Chairperson Boswell stated after each motion that it had passed unanimously. Mr. Schroeder asked about the price point of the units, and Mr. Michael believed that they would run from \$340-390k.

2014-0378

Request for discussion and input - for a proposed residential Planned Unit Development consisting of townhomes on 15.5 acres, located at the northeast corner of Auburn and Barclay, zoned O-1, Office Business, Parcel No. 15-26-376-007, Gary Shapiro, The Ivanhoe Companies, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated October 17, 2014 and PUD Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Gary Shapiro, IAC Barclay, LLC, 6689 Orchard Lake Rd., Suite 314, West Bloomfield, MI 48322, and Brad Strader, LSL Planning, 306 S. Washington St., Suite 400, Royal Oak, MI 48067.

Ms. Roediger summarized that the applicants were at the meeting in September. She noted that the property was 15.6 acres, zoned O-1, Office Business, located on the northeast corner of Auburn and Barclay Circle. The applicants were proceeding with a PUD development option, which allowed the City some flexibility in zoning requirements in return for a development the City considered of a higher quality than what could