

Findings

1. *Approval of the rezoning could facilitate greater density than currently allowed in the RE district, which is contrary to the Master Land Use Plan's vision for the future development of this area of the City.*
2. *Approval of the R-1 zoning district could increase the potential for development with higher trip generation rates in the area.*
3. *The applicant has submitted only verbal evidence that a reasonable return cannot be realized under the existing RE zoning district.*

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Nay 1 - Anzek

2017-0290

Request for Tree Removal Permit - City File No. 17-015 - For the removal and replacement of as many as 500 trees associated with development of Innovation Hills, a 112-acre City-owned park located on the north side of Hamlin, east of Adams, zoned R-2, One Family Residential, Parcel Nos. 15-29-101-020 and 15-20-300-005, Ken Elwert, Director of Parks and Forestry, City of Rochester Hills, Applicant

(Reference: Staff Report, prepared by Sara Roediger, dated June 16, 2017 and site plan had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Ken Elwert, Director of Parks and Forestry, City of Rochester Hills, 1000 Rochester Hills Dr., Rochester Hills, MI 48309.

Ms. Roediger indicated that staff was very excited to bring forward a proposed Site Plan for Innovation Hills, formerly known as Riverbend Park. She noted that in February 2016, the Planning Commission approved a Parks and Recreation Master Plan which included Innovation Hills. Since that time, the City, Mr. Elwert and Mayor Barnett had been very busy taking the concept plans to the next level. They had submitted plans for the first phase of development - the main water feature near the front of the park, improvements to the parking lot, bioswales, the trail system near the front and associated amenities, including benches, waste receptacles and pet waste stations. The site was subject to the City's Tree Conservation Ordinance, so every tree six inches or greater

that was healthy was surveyed. There had been work done to the site already, and they thought that the most efficient way to go about it was to ask for one Tree Removal Permit for the entire property, recognizing that the City was the applicant, and it was in its best interest to preserve trees. Every tree that could be preserved would be, and any taken down would be replaced. It was somewhat like a blanket Tree Removal Permit for the all the phases of the Park. She next showed a video prepared by the Mayor's office promoting the site.

Mr. Elwert also showed a brief presentation. He noted that the Park was approximately 112 acres close to M-59. The tentative plan, depending on available funding, was to have six phases over five years. They were working phases one, two and three concurrently. What had been presented was primarily part of phases one and two - the parking lots (part of phase one) and the water feature (phase two). They were working on phase three, which included the play area and Sensory Garden, as well as observation areas and a possible community structure and bridge connection between Innovation Hills Park and Innovation Hills green space. He showed a walk-through of what the City was envisioning. There was a sun dial next to the pond area which would be an interactive area, and there would be benches almost all the way around it.

Mr. Elwert talked briefly about financials, and advised that the estimated total project cost was \$7 million. They had almost 60% of the funding secured, and City Council approved approximately 50% of the total cost. They did fund raising for the rest through \$400k in in-kind construction costs already completed, grants approved including \$220k and grants requested for 2018 of \$150k so far. They had either received or had agreements for \$155k in additional donations, and they were currently pursuing an additional \$750k. They had raised about 10% in the first eight months, due in large part to Mayor Barnett's strong support of the project. He next talked about the grant processes in place and what was planned. The first grant they received approval for from the Federal Government was for 500 feet of boardwalk. It would also provide a small, modular restroom and a completed trail connection to the City's pathway system. He added that the restroom would be very nice with solar and rain collection with a tiled inside, and it would be fully accessible.

Mr. Elwert showed detailed plans of the Sensory Garden, the proposed parking lot and pond area. He noted that work had already started on the Sensory Garden. The Sensory Garden was possible with a Scott's Grow grant that Mayor Barnett had secured through his work with the U.S. Council of Mayors. The City was just beginning the Garden, and there

would be another component to it called the Learning Garden, for which the City was interacting with the schools which were including it in their development curriculum with year-round classroom participation.

Mr. Elwert advised of another grant, part of a Land and Water Conservation Fund, which had been secured for another 500 feet of boardwalk going in a slightly different direction and for an accessible kayak launch on the River. He showed some possibilities for phases four, five and six. There were several different wetlands overlooks, birdnest areas and a playground area. There might be a modular playground with different areas for different age groups. The last received was a Brooksie Way grant. It was for \$30k to sponsor a section of the Trail that would be constructed in the future. He thanked the Commissioners for their time, and said that he was open to questions.

Ms. Roediger related that there was a ground breaking for the Sensory Garden about three weeks ago, and she showed a video of that.

Chairperson Brnabic opened the Public Comments at 7:57 p.m. She read an email from **Lynn Loeb, 2845 Portage Trail Dr., Rochester Hills, MI 48309** into the record: "I am dismayed to see that with the plans submitted for approval, there was still a berm shown. They were assured that this unnatural feature would be removed from the plans. The area proposed is currently densely wooded and would require extensive tree removal. How is that a cost savings? Another issue I have are the proposed solar brick pavers. Park use is limited to dawn to dusk, and this feature has absolutely no value if the Park hours are enforced. I recommend that the Planning Commission delay approval until these items have been addressed. Per the Tree Removal Permit on the agenda, I am frustrated that the City violated its own Ordinance. Where will these replacement trees be planted? No details are evident in the plans. I cannot attend the meeting tonight, but would appreciate a response to these concerns."

Raleigh Wilburn, 2851 Portage Trail Dr., Rochester Hills, MI 48309.

Mr. Wilburn said that at the last meeting with the City, they talked about the removal of the berm. He lived about 30 feet from the proposed berm. He asked everyone how they would like 100 feet of sludge stacked up 20 feet high in their backyards, which he claimed was what the City was proposing to do.

Robert Chastain, 2821 Portage Trail Dr., Rochester Hills, MI 48309.

Mr. Chastain stated that he also lived in a house bordering the Park. He

said that they really enjoyed the Park, and the City could do what it wanted, but what bordered his house was beautiful trees. He asked if he should want to look at that or at a dirt berm that would erode into all of their lots. He commented that Mr. Elwert's title should be Director of Parks and Deforestation, because he strip mined half of the property there, and not one tree had been replaced. He referenced the video, which showed big, mature trees, and said that only twigs would be put back. They would strip mine Rochester Hills for a Park and plant some twigs, which did not seem right to him. He asked if that was really what they wanted for the community. He believed that they were wasting taxpayer money to tear down large trees. He asked why and for an explanation for the berm that he felt was not needed. He was told that the berm would be built because the City did not want to haul away the dirt. He repeated that the City would build a berm behind all of their houses and tear down the trees because the City did not want to pay to have the "sludge" hauled away from the pond. They did not want that in Rochester Hills. He agreed that their Homeowner's Association met with Mr. Elwert, and they were promised that the berm would go away. He was shocked to see the plans showing a berm again. He stated that Mr. Elwert should not be given a permit to remove 500 trees.

Keith Loeb, 2845 Portage Trail Dr., Rochester Hills, MI 48309. Mr. Loeb noted that he had been a resident of Rochester Hills since 1985. He and his wife bought a house that abutted the Park in 1995. He agreed with Mayor Barnett, stating that they were relatively close friends, that the Park was a gem. The view behind his home was very nice, and they did not want that destroyed with a sludge berm right behind his house. When they first bought the property, it was stated that it would remain a green space. They were a little disillusioned that there would be ponds, and he wondered how mosquitos would be addressed. If a pond just sat, it would fill in with silt. He asked if there was a plan to dredge the ponds and how often it would be done. He asked how often mosquito control would be done for two large ponds with no incoming water. He asked if the soil they were going to excavate had been tested. It would be right behind their house, and it would run into their properties. He asked how much money would be allocated for the annual maintenance and upkeep of the Park. There were a bunch of weeds that had grown, and maintenance was a concern of his. He stated that he appreciated the tough job the Commissioners had, but he would recommend that they postponed the vote to take a look at moving the ponds to perhaps the other side away from all of the homeowners. He did not want to see large earth moving equipment. He agreed about the clear cut path 100 feet wide, and he asked if the oversight would happen again when the berm was installed.

Terry Lannen, 2863 Portage Trail Dr., Rochester Hills, MI 48309. Ms. Lannen stated that she was a Master Gardener, and the Park was very dear to her. She had watched it almost deforested from the ash borers when they lost so many large trees. What was left were the native trees. She understood that the gentleman who did work did not have a permit. She felt that the City was coming back to ask for forgiveness instead of original permission. She stated that she was very much against a blanket permit to remove 500 trees when they did not know where they were. They did not know what had already been taken out. The stuff that had been put in was dead. They needed to know what kind of trees were being taken out and being brought back in and how they would be maintained. She claimed that the parking lot had not been maintained. The part that did not show in the video was a big gully, mud pond that drained off of the parking lot that needed to be addressed right away, because there was no fencing around it. It was just a mucky bottomed retention pond that would be a problem. She reiterated "no blanket," and said that the City did not get forgiveness for what had already been done to the Park. If the Commissioners were not aware, the gentleman who did work went into two ponds that had turtles below. It had destroyed the lower pond, and the turtles were no longer there. There were barely any ducks left. The City kept asking to tear stuff down without getting anything fixed. The parking lot, the drainage pond and the piles of crud were not shown - they were only seeing pretty pictures. The gentleman put a path through and took out 20-30 feet on either side of the path that he was not supposed to do. It had already been deforested, and none of the trees had been replaced. She indicated that the neighbors did not trust Mr. Elwert. The City wanted to put a berm up, but the sludge coming out of the bottom of the ponds was a mess and it stank. She asked how the trees would be kept alive on the berms if there was no watering. The walnut trees were 150 years old, and she stated that the City could not take any more trees out of the Park. She understood there was a future for the Park, but the City needed to pull in the reigns and relook at things. She concluded that she could not agree with the City's plans to ruin a beautiful green space.

Mr. Elwert responded to the questions, noting that the main topics of concern were the forestry issues, pond issues and the maintenance, as well as soil testing questions. Regarding the forestry concerns, he advised that their Forestry Department managed 20k trees for the City, and they were very concerned about removing large trees. They did conduct a tree survey with a professional crew primarily in the children's playground area and the Sensory Garden. They had documented all regulated trees and changed designs to avoid taking down large trees.

There were some significantly large trees that the City did not want to remove if they did not have to. They would balance that with the needs for the whole Parks and Recreation Plan for the City. Someone commented about the pathway installed a couple of years ago. He agreed that significant trees were taken down. The process to be used to evaluate approximately how many trees were taken down was to evaluate the density of the trees immediately adjacent to the Trail going up and down and counting the number of regulated trees and including them in the process.

Regarding the soil testing, Mr. Elwert advised that there had been soil borings taken from the pond areas that did not show any contamination. There was a meeting about the berm, and in his view, the City listened but did not promise that there would not be a berm. They would look for other options to put the berm, but the berm was adjusted and moved 75-125 feet from the property lines. The slope of the berm was adjusted down to be four or five feet high. The slope on the west side was gentle. The entire berm would be landscaped with trees and other vegetation, so there should not be erosion areas. There would be wet soil for a bit. They had to find a place for the soil dug out from the ponds, and it would add a buffer between Park activities on the east side of the berm and the residential character on the west side. There would be some trees taken down, but most of the forested areas there would be avoided.

Mr. Elwert agreed that some erosion would occur in the pond area. They were in between phases for development of the parking lot. There had been donated work done, and they were trying to get a handle, going forward, with the plans and the Tree Permit process. There was a plan to go to bid immediately for the parking lot to be professionally constructed. There were plans to professionally dig the ponds. Regarding mosquitos, there would be several different sources of flowing water. There would be well heads, bioswales and waterfalls. There would be a high pond/low pond area, and the small pond would have the high pond flowing water through the low pond. There was potential drainage underneath the Trail on the east side. They expected the water to be moving some. If mosquitos became a problem, they had a mosquito program they also managed for the County that they would analyze for that. There were also drainage possibilities coming from areas around the parking lot and other developments. He pointed out potential water flowing from the southwest which would not be from the berm. They analyzed the natural drainage of the area with engineers, and it was south of the proposed berm. It would head into the small area south of the berm. In between those areas on the west side of the large pond was one of the natural drainage areas.

Ms. Lannen stated that she did not want to be the last speaker, but she had a problem if eventually there was a mosquito problem. She stated that water would draw mosquitos. She pointed out that the area would be for children and older people, and she wondered how they would be able to spray any of the area with something that would not affect them. Mr. Elwert corrected that he did not say spray; the County utilized a variety of dunks for both HOA retention ponds and roadside retention ponds that was done yearly. Ms. Lannen said that the children did not play in roadsides or retention ponds. She understood that people would be able to launch boats, so she maintained that his method would not work. Mr. Elwert said that the engineers believed that the flowing water would be satisfactory, but he assured that it was an issue the City would keep an eye on.

Ms. Lannen asked how they knew what trees had already been taken down so they knew what needed to be put back when they had no control over the man who took the trees down. Mr. Elwert said that admittedly, the City did not know about the pathway installation. The process was to measure the amount from the side of the pathway to the current forest and review the density of the trees immediately adjacent and identify a number of regulated trees. If it was four feet from the side of the path to the forest, and it was 100 feet long, they would identify a similar strip and count the trees and include them in the process. Ms. Lannen asked that before a blanket Tree Removal Permit was issued that Mr. Elwert had to come up with an idea to deal with the problem already there. She wanted proof that the City could handle any of the Park before more permission was given to take anything else down.

Mr. Elwert said that he understood the frustration. He pointed out that it all occurred prior to him coming to work for the City. Since he had been there, tree surveys had been done of every area they went into prior to working on them. He believed that he had earned trust through that process going forward.

Chairperson Brnabic closed the Public Comments.

Mr. Dettloff clarified that the Tree Removal Permit being requested was for all phases, not just for one, two or three. He added that there would be a one-for-one replacement. He asked if all phases would have to be completed before trees were replanted. Mr. Elwert said that they would not plant trees until they were sure they were done with an area. He thought that there were about 440 trees in the proposed area they would

plant, but they were not planning to remove 440 trees. The construction would probably occur in a couple of phases in the pond area, which might take over a year or slightly more. The intention was not to plant trees in an area until the construction of the phase was completed.

Mr. Dettloff mentioned that Mr. Elwert said there were options regarding the berm. He asked what options were looked at. Mr. Elwert advised that soil was being put in a couple of different areas. They moved the berm about 100 feet from the property line and substantially reduced the slope. It would not be ten feet high. He agreed that it was cost prohibitive to move the soil, and that was one of the reasons for the berm. The other reason for the berm was to block some of the activity in the pond area from the residential area. There would be trees removed, and some were scrub trees, but there were not many regulated trees in that area. It had not been surveyed yet, but it would be done next. They added some berms east of the parking lot that were currently not in the plans to help with the soil and with the aesthetics.

Mr. Dettloff asked, for the residents concerned about looking at a berm, if there was anything that could be done to alleviate. Mr. Elwert explained that they would plant about 100 trees there. Immediately adjacent to the small pond, there would be a lot of vegetation re-planted. Mr. Dettloff asked if they had identified the species. Mr. Elwert agreed.

Mr. Dettloff asked if the \$40k grant came with a one-to-one City match requirement. Mr. Elwert confirmed that normally there was, although there was not one necessarily required for that because of the project cost overall. The project cost was about \$80k. Mr. Dettloff asked if the \$750k in additional money required would be a combination of fund raising and grants or City money. Mr. Elwert said that they had discussed the processes, but he was not at liberty to talk about it at this point.

Mr. Schultz confirmed the location of the berm. Ms. Roediger pulled up Bing maps. Mr. Schultz asked if he was right that the berm was on the section of lawn behind the house with the pool. Mr. Elwert agreed, and added that it would be on City property. Mr. Schultz asked Ms. Roediger to show the property lines. Mr. Elwert noted that there had been disputes regarding the property line, but it was at the east edge of the pool. All encroachments had been removed by the neighbor, but the property line went to the edge of the concrete of the pool. The berm would be in the mowed area. Mr. Schultz observed that it looked like irrigated lawn or someone's yard, and he wanted to make sure it was City property. Mr. Wilburn said that he had permission for that.

Mr. Kaltsounis noted that he was involved in a construction project, and they were also looking for places to put soils they were digging up to save a significant amount of money. He understood that. He noticed that the City picked an area that had already been clear cut, which was understandable. He asked what kind of plan they would put in place to control erosion or water from the wet soils to be away from the residents. Mr. Elwert said that it was currently being reviewed in detail by HRC (Engineering consultants). Mr. Kaltsounis asked if a condition could be placed on the site plan motion stating that the soil erosion plan must be submitted and approved by staff. Mr. Elwert said that it absolutely could. Mr. Kaltsounis understood there was timing, and that the City wanted to get things done as soon as possible, but he wanted to also be sure about the blanket Tree Permit. As a Planning Commissioner, he was not happy not seeing a tree survey, and he asked if that could also be submitted. He said that he would like to add a condition that a survey for the trees in the area be submitted before any work was done. He mentioned the assessment plan for trees previously removed. He thought that plan also needed to be submitted as part of the Tree Removal Permit, to which Mr. Elwert agreed. Mr. Kaltsounis wanted to make sure that they had proper documentation. As for the site plan, the Commissioners had seen a lot of renderings of the Park previously, but seeing a site plan made it come to life. He was happy and excited about it, but he wanted to make sure that they were not giving the City special preference over other applicants.

Ms. Morita related that the people in the audience were her neighbors, so she was rather in a no-win situation. Either the City would not be happy with her or her neighbors would be a little disgruntled, for which she apologized in advance. Through the ongoing process, she wanted everyone to understand that the property to the southwest of the Park was a contaminated site. It was a former Super Fund site, and it still had contamination. There were significant concerns within the neighborhood about water traversing from that property through the Park property. Anytime the City talked about digging up soils and putting them in someone's backyard, it was a very scary proposition, because they did not know what was in the soils. The neighbors had been told, over the last few decades, several different stories of where the contamination was and how dangerous it was. She thought that what the neighbors needed to hear, in order to feel comfortable with having a bunch of muck dug up and put anywhere near their properties, was that the soils were tested and clean with no pcb's or pcb dust in the air. She knew that the City mentioned doing soil borings, but she asked if the City had gone ten feet down to make sure there was no contamination where there would be

digging.

Mr. Elwert said that he could provide a copy of the soil boring report. Ms. Morita asked if everything was clean, and Mr. Elwert agreed that it was. Ms. Morita asked Mr. Elwert if he could send the soil testing results/report to the neighbors so they understood about what would go in their yards. Mr. Elwert said that he certainly could send to those with an email address on file.

Ms. Morita confirmed that there was a meeting with the neighbors who abutted the Park. It was made abundantly clear to Mr. Nunez (Landscape Architect for the project), and she thought that there was an understanding, that there was to be no berm behind the neighbors' yards, so she understood their aggravation. When the plan first came, it showed a huge berm right on the property line. The neighbors would literally be looking out their doorwalls at a mountain of soil. She stated that was bad, although the proposed berm would be much smaller in scale and much farther back from the property line. She was not saying that it was completely acceptable, but it was more acceptable. Her concern was that there was no intent by the City to go in and plant trees or vegetation until a project was complete. That meant that those neighbors could potentially be looking at a five to six-foot high mound of dirt for as long as it took to complete the process, and she emphasized that it was not acceptable. She felt that there had to be a way to plant trees sooner as opposed to later, and she noted that the City had a Tree Fund, so the neighbors would not have to look at a mound of dirt for a year. Mr. Elwert suggested that they could look at the vegetation options for that area. Ms. Morita mentioned dust control. Eventually, she knew that the soils would dry out, and dust would start blowing into the houses. She would like to add a condition that the planting of vegetation on the berm must be completed as soon as the berm was finished, not when the project was completely finished. She knew Mr. Elwert's word was good about the soil boring test.

Ms. Morita said that she had noticed a proposed utility easement that went along the western side of the Park behind the homes. It was 20 feet wide, and she had observed a lot of very large trees, such as Black Walnuts, where it would come south through the Park. She would like City staff to find another way to get sanitary sewer into the Park other than bringing it down behind the neighbors' homes. She would like an added condition: That staff and Mr. Nunez evaluate a different route for the sanitary sewer as opposed to the west lot line of the Park. She understood that there might not be another way to do it, but she stressed that if the trees came down, she would not be happy. She hoped that the

Commission understood the frustration. A guy came in with a bulldozer and did a lot of work without permission. The City expressed its frustration in numerous ways, and it was her understanding that the gentleman was not coming back. Mr. Elwert responded that he had not had any discussions with that individual in several months, so he could not answer definitely one way or the other. Current discussions were to not have him involved in any development of the pond area or the subject plans. Ms. Morita asked for another condition: The donor who did the previous work without appropriate permits was not to do any more work in the Park. Mr. Elwert pointed out that the City had a written agreement with that individual. He could not get into the details of what happened. Ms. Morita said that if her condition became an issue, the Mayor could explain to the Commission exactly how he could control that gentleman who had not previously been controlled, and they could look at reconsideration at that time. Until then, he was not to come back. The neighbors understated how bad it was. Someone from the audience said that there was a huge, 20 x 50-foot pile of lumber still there from over two years ago.

Ms. Morita said that in Mr. Elwert's defense, he was not at the City when it happened. Mike Hartner was the Director but had since retired, so Mr. Elwert inherited the situation. Members of the audience started commenting about the berm. Ms. Morita said that the berm would only be behind two lots. Mr. Wilburn stated that it was wrong, and that he would spend whatever it took to fight the berm. He claimed that students drew up the master plan, not an Architect, and he suggested using another University. He thought that the City should spend the money to remove the soil, and that it would not cost anything for six lots. Ms. Morita asked Mr. Elwert if he had received an estimate for the cost of hauling the soil elsewhere. Mr. Elwert said that one had not been done. Ms. Morita felt that the neighbors deserved an explanation of how much it would cost. She understood that the berm was going to be a lot smaller and lower, which meant to her that some of the soil was being hauled away. Mr. Elwert said that he would provide cost estimates.

Mr. Kaltsounis said that he took offense to the comment about the students. He advised that it was not just students; it was also Planning Commissioners. He had no issues with what the students planned, and he enjoyed seeing their ideas. The plan was also done by a Registered Landscape Architect. He sat in on all the meetings with the college students from a reputable college, and it was a reputable plan. Mr. Kaltsounis referred to Ms. Morita's condition about the donor who had previously done work in the Park, and said that he would make it a

recommendation to City Council to review. Ms. Morita felt that was a very good idea. Between now and then, they would have clarification about the agreement and be able to talk to the Mayor about the situation a little more. She stated that the residents had reasonable fears about the gentleman. As much as she appreciated his good intentions, she remarked that they all knew where that road could lead. Mr. Kaltsounis appreciated her agreement, noting that the Commissioners really did not have the authority that Council had in that regard.

Ms. Roediger reminded that the site plan was not going to City Council. It ended at Planning Commission, so a recommendation to Council would be more of a policy recommendation and not be tied to a site plan or Tree Removal Permit. Mr. Kaltsounis thought it was fair to make a recommendation as a statement so that it could be taken to Council and discussed. The Planning Commission would be recognizing that things were done, and that the mess needed to be cleaned up. Ms. Morita said that as a recommendation to Council, she would ask that it be put on an agenda.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-015 (Innovation Hills), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on May 22, 2017, with the following two (2) findings and subject to the following four (4) conditions.

Findings

- 1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
- 2. The applicant is proposing to replace up to 500 regulated trees with 500 tree credits on site.*

Conditions

- 1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
- 2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.*

3. *An assessment plan for trees previously removed on trails be approved by staff.*
4. *That a tree survey be submitted for each phase before removal of trees.*

Mr. Reece said that he also resented the comment about the students designing the Park. He noted that he was a graduate of that University (LTU), a Licensed Architect and a VP for one of the largest contractors in the State of Michigan. The implication that those people did not know what they were doing was a false accusation. Mr. Nunez was a highly respected, Licensed Landscape Architect in the State of Michigan, and Mr. Reece strongly suggested that he was owed an apology.

Mr. Reece questioned how the Park property came to be a large, mowed green space behind the neighbors' homes as shown in the aerial photograph. Ms. Roediger said that she did not have the history about that. Mr. Elwert agreed that there was an agreement with the City at some time in the past that allowed the neighbors to use Park property up until the time the Park was developed. He added that there was paperwork associated with that. Mr. Reece commented that he was shocked to see that, in light of all the discussion about tree removal elsewhere. He asked Mr. Elwert the current construction timeline by phase. Mr. Elwert said that they were 99% there in preparing documents. Assuming the proposed request was approved for the parking lot that would be the first phase done. They hoped it would go out for bid in the next couple of weeks. The numbers might come in too high for this season, so they would have to wait until January to bid. However, the engineers felt that because the parking lot was such a small project that they might get a variety of vendors. After that, the pond areas would be prepared. It was expected that the bid process would start in the beginning of January, possibly earlier, for that. There was a chance that there would be some work done in the ponds with another company prior to bidding, so that could start in the fall.

Mr. Reece noted that the berm, if it was installed, would not go in until the pond work was done. He suggested that they postponed the site plan until some of the questions were answered and approve the Tree Removal Permit, the landscaping and development plans for the base bid. They could get the tree survey for the entire property, as they normally expected from a developer, and have that information for the remaining phases. They might be six months to a year down the road. The way construction was going in the State, he could guarantee the

project would be over budget, unless there was a reputable contractor who would donate time and money. Mr. Elwert thought that might be a possibility that could happen soon. Mr. Reece said that personally, he would rather get the questions answered and approve the base bid for the parking lot development in the interim. They could come back and reassess the plan after the issues were hammered out.

Mr. Kaltsounis explained that the reason he asked for a tree survey for each phase before removal of trees was so that if the project took six years, they would have a clean assessment. He had an issue with phased properties without that information. Mr. Reece noted that they would not have one for base bid, but Mr. Kaltsounis was requesting that one had to be approved. Mr. Reece said that normally, that came before them already completed. Mr. Kaltsounis acknowledged that he was not happy not seeing it at the meeting.

Mr. Hooper said that following up on Mr. Reece's comments, he saw the base bid on the phasing plan and phases b and c, pond grading development and future parking lot, and he asked if the only thing under consideration in the immediate six months was the parking lot. Mr. Elwert said that was correct for the base bid, and they had the specs 99% done pending some review for the tree surveys by staff already completed. On the pond areas, they were starting to prepare specs, but there was an opportunity being worked on through the Mayor's office for another professional contractor to work in some of those areas pro bono as their downtime permitted in between projects. Mr. Hooper asked if the pond areas would include the pond grading and development phase, which Mr. Elwert confirmed. Mr. Hooper asked if the berm along the west property line was not in the contract area or not under any potential contracting in the near future. Mr. Elwert agreed for bid contracting. There was the potential for a possible significant pro bono donation, and the area would be utilized subject to the conditions of the Planning Commission.

Mr. Hooper mentioned the sanitary sewer along the existing subdivision and he asked if it was an existing easement in the rear property lines or new. Mr. Elwert said that he understood it would be new, and the primary purpose was long term with the potential of adding a community structure down the road. Mr. Hooper clarified that it would terminate at the potential location of the structure.

Mr. Hooper said that regarding approving a Tree Removal Permit without a tree survey, he would take Mr. Elwert's word the Commissioners would get a survey and an estimate of what was removed by the donor. He felt

that they could certainly enhance the landscape plan, such as adding more trees. He noted that it showed a mixture of Spruce, Firs and London Pine trees along the western property line. The site plan approval based on the submitted drawings were so that if the potential additional donor came forward there was no delay. Mr. Elwert said that was correct. He said that it would be done much differently than in the past. They had discussed professionally staking specific areas with HRC, and the area would be surveyed prior to that work being done. Mr. Hooper recalled that when the City purchased the property, they had a Phase I environmental study done. The City knew, even before it bought the property, whether there was contamination.

Mr. Schroeder noted the drainage along the parking lot and saw that it was a straight drain with velocity breakers. He thought that it would look nicer and more natural if they put a few curves in it. He asked if they were putting in lunkers under the bank for fish. Mr. Elwert thought that there might be some areas for that, but they had not discussed it. Mr. Schroeder indicated that it saved fish from birds. He also brought up that with construction, it took about three years for natural growth. They could not plant and see natural growth right away.

Chairperson Brnabic asked if or when exterior lighting would be proposed. Mr. Elwert stated that none was planned currently. If they added a community structure, it might make sense to have it. That would be phase five. Chairperson Brnabic echoed the comments in regard to the tree survey and the estimates, and that the City should not have any special privilege over any other applicant or person in the community. She explained that it seemed to be insinuating that privilege, and that was why the Commissioners expressed concern.

Voice Vote:

Ayes: Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Schroeder, Schultz

Nays: Reece

Absent: None

MOTION CARRIED

Chairperson Brnabic stated for the record that the motion had passed eight to one.

2015-0308

Request for Site Plan Approval - Innovation Hills - City File No. 17-015 - City-owned park totaling 112 acres, located on the north side of Hamlin, east of Adams, zoned R-2, One Family Residential, Parcel Nos. 15-20-300-005 and 15-29-101-020, Ken Elwert, Director, Parks and Forestry Department, City of Rochester Hills, Applicant.

Mr. Kaltsounis moved to approve the site plan motion, and there was further discussion. Mr. Schroeder did not want a condition that mandated moving the sanitary sewer, stating that it would be a big project. Ms. Morita said that she respectfully disagreed, as it would be 20 feet from the neighbors' properties where there were very large trees, and it was very wooded. She suggested that there might be alternatives such as going down the pathway which had already been clear cut, so the neighbors' yards would not have to be dug up. Mr. Schroeder said that he agreed, but he did not want to be stuck with something that was not practical. He suggested evaluating. The condition was read as "evaluate other options."

Mr. Hooper recommended putting specific time requirements for planting the vegetation on the berm. He suggested that vegetation must be completed within 30 days of final grading of the berm and that trees adjacent to and atop of the berm be planted within 60 days of final grading of the berm. He wanted a timeframe so vegetation and screening were established. He realized that it depended on the time of the year and when the contract was let. There was a planting season when trees could be extracted and planted, but it would put some specifics behind the condition.

Mr. Reece was concerned that if the berm was as wet as it supposedly could be, it might be a while before it could dry enough for planting on it. Anything planted might die from over saturation. He stated that he really supported the Park and the plan, but to him, there were too many unanswered questions. He thought that they could postpone the site plan a month to get questions answered and come up with a better design. He would like to know where the sanitary sewer routing would go. As a Planning Commission, they had the right to know that, and then they could make an informed decision. They would understand why it had to stay where it was proposed or if it could be relocated. There might be significant elevation issues that would make the proposed location the best place from an engineering perspective. The cost premiums to move it might be significant. He felt that there were too many things that the Commission were owed to affirmatively or negatively vote.

Ms. Morita said that she supported delaying the project a month to get more answers. She appreciated that the City wanted to get moving. She supported the phases, at least doing the parking lot, and having the answers on the other matters for the next time they met.

Mr. Anzek asked Mr. Elwert if a delay would affect the grants. Mr. Elwert

did not think so. The only potential was that a delay might affect their ability to engage a significant pro bono donation for construction work.

Mr. Dettloff asked if 30 days was sufficient to get the answers he needed. Mr. Reece asked who was doing the engineering on the main and who was doing the tree survey. Mr. Elwert said that HRC and the City's DPS department were doing the engineering and the tree surveys were being done internally. The City had two professional foresters on staff. Mr. Reece asked if staff could at least do the tree survey for the base bid work, and Mr. Elwert believed that they could within the next two weeks. Mr. Reece asked if HRC could provide an analysis on the sewer so the Commissioners had some options to review. He indicated that everyone was slammed right now, and he was not sure how busy HRC was. He realized that there was a contractor willing to donate time, but he said that he could guarantee that site contractors were "making hay while the sun shined." If they did not, he remarked that M-59 would not get done in time and everyone would be angry. They would be busy through the fall. So the Commissioners were not castigated by everyone for pushing the project, he wanted to take the time and do it right. He commented that it was a great plan, and it would represent everything they felt was great about the City for the benefit of the entire City, not one or two peoples' concerns. They could address those concerns and move forward with a realistic plan.

Mr. Hooper agreed with Mr. Reece. If there was a pro bono contractor, he would not be able to do something now. They would do that during the winter, because they were making too much money in the summer. He felt that 30 days was reasonable to get the answers. HRC probably already had done an analysis of the sanitary. He supported delaying the request a month.

Mr. Kaltsounis said that he tried to put enough caveats into the motion. He noted that the Commissioners saw applicants for a gas station redo recently, and they were asked to revise and come back, and they were asking the same of the City. He recommended a motion to postpone.

Mr. Schroeder recommended that the City should get a contractor to pave the parking lot, grade the area and seed it no matter what was done at the meeting. Mr. Reece said that they had until about November 15 to get the parking lot paved. Asphalt plants closed down in the middle of November. Mr. Schroeder asked if they could get the parking lot grading done this year if nothing else. Mr. Elwert said that they were planning to go out for bid; the specs were 99% completed. That area had a survey

done by staff. Assuming the prices came in reasonably, they were planning on getting that area done at a base level. Mr. Reece said that realistically, at the end of June, bids would take a couple of weeks, and awarding a contract would take three to four weeks. All the school work had to be done by the third week of August, so they would not likely see work until after September. If there was a dry fall, they might have a fighting chance to get it in.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 17-015 (Innovation Hills) and based on plans dated received by the Planning Department on May 22, 2017, the Planning Commission hereby **postpones** the **Site Plan until the requested information is available and the applicant is ready to present to the Planning Commission for further review** with the following six conditions.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. An erosion control plan for the berm shall be created to control wet soils that could be created by the building of the berm.
3. The planting of vegetation in the berm be done within 60 days of final grading of the berm.
4. Staff shall evaluate a different route for the sanitary sewer away from the west side of the property.
5. The velocity drain next to the parking lot shall be reconfigured with curves to give a more natural look, as approved by staff.
6. Due to past performance, the Planning Commission recommends to City Council that the donor that had previously done the work on the property shall not be permitted to do any further work on the property.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously.