

2006-0226

Request for Planned Unit Development Agreement Recommendation - City File No. 03-009 - Enclaves of Rochester Hills PUD, a proposed 26-unit residential development on two parcels totaling approximately 30 acres, located on the east side of Rochester Road, north of Tienken (north of Cross Creek Sub), zoned RE, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated April 2, 2015, PUD Agreement and Final Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Tom Cooney, TJ Realvest, LLC, 54153 Deer Ridge Ct., Rochester, MI 48307 and Ralph Nunez, Design Team Plus, 975 E. Maple, Suite 210, Birmingham, MI 48009.*

*Mr. Anzek outlined that the PUD was in front of the Planning Commission in May 2014 for Preliminary PUD review. Design features, layout and proximity to neighbors were discussed, and it was recommended for approval. The matter went to the City Council in June 2014, and Council approved it unanimously. The applicant had been working on the engineering since then. The City Attorney had signed off on the PUD Agreement. He turned it over to Mr. Nunez, and he asked if he would also summarize responses to the letters Staff had received from the neighbors.*

*Mr. Nunez stated that the site contained 30.5 acres. There were two parcels; the north parcel was five acres, and the other was approximately 25. There were 26 lots proposed with two points of access. The original one was called Tree Top Lane, and it was also used by neighbors to the northeast. At the Preliminary review, the northern five acres had not gone through a tree survey. Subsequently, they had a complete wetlands survey done. There had previously been more wetland areas, but wetlands change, and it ended up showing 6.29 acres. That was verified by King and McGregor, ASTI, the City's wetland expert and the MDEQ. He pointed out the wetlands and said that where it crossed Tree Top Lane, there was a culvert that connected to the northern wetland. He noted that there were steep slopes, but it had been verified that a permit was not needed. He said that after the tree survey, they determined that they were able to save 47% versus the 37% normally required for a subdivision. Lot 25 was widened, and it was still 40 feet from the right-of-way of Rochester. They gave the 60-foot one-half right-of-way for Rochester as part of the project. They modified lot 2 closer to the north and the three lots to the south would have larger back yards. They would*

exceed the tree replacement criteria. There would be trees along the perimeter adjacent to the neighbors and many along Rochester Rd. The wetland impact would all be within MDEQ's allowable impact of .19 acre. He advised that they made sure that all the notes that were required on the plans were there, and that they had addressed the review comments.

Mr. Nunez spoke in response to letters received from the neighbors, which he said they took very seriously. One gentleman came to the Concept Plan meeting and asked about headlights, and Mr. Nunez said that his property was over six feet higher and headlights would not impact. He stated that their method of operation had always been to deal with the neighbors as best as they could. There were four original letters and six were copies of those. The engineer for the project, Jim Jones, had prepared a response letter, which was passed out to people in the audience who wished to see it. Regarding a question about wetlands, he went over the impact again. There was a lot of documentation regarding groundwater and dewatering and what had happened with a project across Rochester Rd. to the west. It apparently damaged some homes in Cross Creek, but he maintained that it was not his client's project. He assured that soil borings would be done as a requirement of Engineering for the storm water detention basin to determine what the capacity and depth would be. Another question was about Oakland County's 100-year storm requirement. Mr. Nunez advised that the project would not drain into a County Drain, and that the City had a 25-year storm event requirement. He noted that Mr. Jones was also the design engineer for the project to the south (Cross Creek). That project had a 10-year storm event because that was the City's standards at the time for storm water detention. The homes in Enclaves would be on the upland side of the site (there were 20 acres of upland), and soil borings would be done during the construction phase. At that point if it was determined that there was a high ground water table, the engineer would recommend best practices for how to resolve it, but he did not believe there would be any impacts to the wetlands from construction. There were recommendations in the letters that a 12-inch pipe was not sufficient. Mr. Nunez said that the storm system varied from 12" to 21," and it was designed to match the calculations for the water sheds to get the water off of the impervious areas into the forebay and into the storm water detention basin. There were concerns from neighbors that the sanitary line along Rochester Rd. should be used, but Mr. Nunez advised that it was not at the depth where they could take all of the lots to that area. The lots that could go there would. When the project to the south was originally designed, future plans to develop to the north were part of that concept. The sanitary system was designed for that. There was an easement between lots 13 and 79

(35-foot utility easement) designed for the sanitary for the future connection to the proposed site. It was held back from the edge of the property because there were some major trees, but those were in the utility easement and as such, they would not remain where the sanitary would go. The cul-de-sac was requested to be extended as part of planning. The water and utilities would be extended to the east so that in the future, if the five-acre parcel became something other than one single-family home, it would allow for connections. There was a concern about trees falling in the wetlands. Mr. Nunez advised that it was illegal to remove trees that fell in a wetland. There had been photographs sent of the trees that had fallen and damaged a fence, but the applicants could not remove the trees. One resident said that 75% of his backyard was wetland area. Mr. Nunez said that there had been a change over the last 25 years, and the wetlands had shrunk. He said that they would not be dewatering the wetlands, because that would be in violation. When they did the sanitary, there would be a trench and clay barriers to keep it from dewatering the wetland. The water would stay in the wetland unless nature drained it. An exhibit was sent that showed a Michigan wetland map from years ago. He noted that if there had not been a wetland survey within five years that another one would have to be done. The map from the State showed that a lot of the homes in Cross Creek were in wetlands, so that was not accurate. The detention basin was designed to calculate for the impervious areas of the lots based on the City's Ordinance. They could not discharge any water off the site faster than it occurred presently. There would be no increase of storm water detention onto the neighbor's or into the wetland other than what was currently being allowed under normal issues. Mr. Nunez said that one neighbor had looked at the engineering plans, which did not show the landscaping. He said that the landscape plans showed significant plantings. The evergreens would be 10 feet, 3" caliper trees to screen the property. Another concern was about the boulder walls. The walls were designed based on the City's Ordinance. Anything over four feet had to be structurally engineered. The client proposed boulder walls and to stair step the wall, which was similar to what the neighbor to the east would like to see. They originally looked at a 27-foot wide pavement for the road, which would be integral with the walkway and they looked at doing colored, textured pavement. After investigating, they decided that it would be better to take an integral sidewalk with mountable curb and raise it up to three inches and keep it as a sidewalk. It would still be structurally sound for fire trucks to turn, and it would be safer for pedestrians because of the slight deviation of the sidewalk. It would also reduce the maintenance problem of having to repaint it every season. He concluded that they appreciated everyone's comments and went over the approvals they were seeking, and said that if

any neighbors wanted to meet afterwards, they would be more than happy to do so.

Ms. Brnabic stated that it was a very good presentation. She asked for a point of clarification. The Staff Report said that there were 255 regulated trees, but in the plan review, it stated that there were 2,060. Mr. Nunez explained that there were 2,055 regulated trees. They would be removing 1,101 and providing 1,118 credits.

Chairperson Boswell opened the Public Hearing at 8:34 p.m. He asked comments to be limited to three to four minutes.

**Jeanette Cooper, 6233 N. Rochester Rd., Rochester Hills, MI 48306**

Ms. Cooper stated that she lived immediately north of the smaller lot. She noted that the two wetlands shown were also on her property and onto the property to the north of her, and she was very concerned that they would be kept viable and that there would not be flooding onto her yard. Her other concern was that on the northeast corner of the lot, there was a stand of mature, white pine trees, and they were not marked, and she hoped that they would not be taken down. She felt it would be a tragedy.

**Ray Cooper, 6233 N. Rochester Rd., Rochester Hills, MI 48306** Mr.

Cooper said that he was concerned that the applicants wanted to build on 30 acres. They were treed and it was wetland, and he asked why they needed to take down 30 acres of trees and trash them. He said that they needed trees for a number of reasons, including oxygen, and they would be putting in homes to make their bank accounts a little higher. He felt that there were other places where the project could be built. He mentioned wildlife, and said they were concerned.

**Stan Leslie, 236 Cross Creek, Rochester Hills, MI 48306** Mr. Leslie said that they had not heard from him in the past because he had not heard about the meetings until they had happened. He reviewed the minutes from previous meetings, and he was aware the applicant had been there before, but the City was not required to notify him of a meeting. Regarding dewatering, he had not been affected, but some of his neighbors were. Some were on spring break and were not able to represent themselves. From what he understood, there was some litigation and settlement, and the City had approved dewatering, and he assumed a ball got dropped somewhere in the soil sampling. His primary concern was that the ball did not get dropped again during construction. He realized that the developer and his engineer had fulfilled all the current Rochester Hills obligations. It appeared that the

*Rochester Hills detention pond requirements were a bit behind the times relative to the State and Oakland County recommendations. Since water flowed downhill, and he was downhill from the development, he was concerned. It had somewhat been addressed, but he was concerned that the rate of outflow did not become different than it was today. They would collect the water, and he asked if the amount of peak water runoff or the timing relative to today would change and if so, if it would change in a negative fashion. He was not sure if the impact to the surrounding areas was looked at as much as required, and he wanted to make sure that the City had taken into consideration the people down stream. With regards to the sewer, he did not question that the pipe was put there with plans for future development. At that time it was put there and inspected, it was under three feet of water. To connect to that pipe would require trenching through over 250 feet of wetland that was roughly at the same elevation and would require the destruction of a lot of trees. He knew some trees would get replaced, but they would not be equivalent to what was there today. His concerns were not so much for 20 years down the road but for the construction phase and for the next ten years while the trees were growing. He thought that the development overall was very nicely laid out, and he had no problem having them as neighbors. He just had some concerns about the process.*

**Alan Amici, 6225 N. Rochester Rd., Rochester Hills, MI 48306 Mr.**

*Amici noted that he lived two parcels north of the proposed site. He said he had a simple request; to continue the pathway proposed from the south end of the Enclaves property all the way to Wimberly Dr. There was a subdivision there and a number of houses in that area. He thought that while all the equipment was there, that it would be very economical to finish the pathway northward. It would be much safer for pedestrians, joggers and cyclists to go down Rochester Rd. on a path. It would also service some of the businesses at City Walk.*

**Paul Wise, 299 Wimberly Dr., Rochester Hills, MI 48306 Mr. Wise**

*Wise advised that he lived in the Waverly Woods subdivision. He said that he had been working with the pathway committee for several years to get a path from Cross Creek to Wimberly. He had been working with Paul Shumejko and Paul Davis of DPS/Engineering. Mr. Wise was told that his area was not on the list for a path, and they discussed that when a development was built, that the City would work with the developer to extend the path to Wimberly. He got petitions from residents and businesses in the area that wanted the path very badly. They had been walking along Rochester Rd. nearly getting killed for the last 30 years, and he felt that it was time to rectify that. He reiterated that the resources*

would already be there to build the path, and it would only be another 600 feet. It would service 200 families and all the businesses coming down from Oakland Township and the Stony Creek bikers. He asked the Commission/Council to consider, as an extension of the project or with the project, extending the pathway.

**Russell Smith, 1250 Lakeview Dr., Rochester Hills, MI 48306** Mr.

Smith addressed the comment from Mr. Nunez, and said that the reason he and his wife did not attend other meetings was because, as far as they were aware, the notice was only submitted to the 12 houses abutting the development. He was not aware of the requests until two weeks ago. He reiterated that the water ran downhill and at some point, he could be impacted if something went wrong. He said that he did not fully understand how the planning worked in the U.S., but in the UK, their councils posted planning requests that had been submitted to a whole neighborhood, not just 12 or 20. He thought that might explain why there had not been that many people at the door lodging complaints or having discussion. He said that he would like to take Mr. Nunez up on his invitation to meet afterwards.

**Harold Stroupe, 200 Cross Creek, Rochester Hills, MI 48306** Mr.

Stroupe said that he had a number of things to say, but his neighbors said very well what he had intended to say. It had dawned on him that if someone looked at the lower right hand of the site plan, the new development could be envisioned as a coffee cup turned over on its side, spilling water into his backyard. He had a real concern about the effect the development would have on the wetlands. He was the one who wrote that his backyard was 75% wetlands, and he said it might be more than that. It was beautiful, rugged and natural. He hoped the planners knew what they were doing when they designed the wetland so that the impact to the surrounding properties would be minimal, if anything at all. He said that he just learned about the pathway project, and he said that he would support that idea.

**Debra Gash, 1421 Otter Dr., Rochester Hills, MI 48306** Ms.

Gash said that a lot was mentioned about the 25-year detention pond. She did not think that some things had been adequately addressed by the developer. Mr. Nunez said that the detention pond would be holding the runoff from the development and discharging into the existing wetlands at the same reduced agricultural rate that was discharging today. She asked how that could be and how they knew that. If the trees were taken away that held the soil down and absorbed the water, and concrete pads and foundations were put in, she asked how it would not create extra runoff. She stated that

*the detention pond was good in theory, but the development to the west side of Rochester Rd., at the corner of Orion and Rochester, had multiple detention ponds, and they flooded. For all the good intentions, rain happened, as they saw with the floods in Detroit. They did not know if the water runoff would occur at the same rate that it currently did. She lived downhill from the proposed development by the drainage outlet on Otter. Her yard to the north was flooded every spring currently. That was without a new development and with the thousand trees. It took months for it to drain, and it did not drain until sometime in June. She stated that it was not inconceivable that if there was development and extra rain that the water would come down Otter Dr. and empty out and flood their houses. There had already been two floods in her house. Her next door neighbor had two floods. Her sump pump ran almost continuously. They knew that there was a high water table. There was standing water well into spring. She was very concerned that being at a lower grade and with having a natural habitat that held the existing water taken away, that there would be extra runoff into her neighborhood. She concluded that she would like to see that addressed.*

**Henry Barcino, 218 Cross Creek Blvd., Rochester Hills, MI 48306** *Mr. Barcino stated that he lived at the southeast corner of the proposed development. He said that he would not repeat what Mr. Leslie said, but he had the same concerns. He was sure that the developer was going through a painstaking effort to meet the Ordinances and guidelines. They did not question that, and he was not opposed to the development, but he had serious apprehensions about the plans. He had a creek through his property. In the spring when it rained, it tended to wind away from his property. He had a below grade, fully furnished, white basement with two sump pumps that ran throughout the spring. He had serious concerns with what he believed would be the additional runoff of water that would be caused by all the impermeable land draining into the detention pond. He reviewed maps with City engineers, and there was some runoff. All the storm drains drained into the detention pond, but if it overflowed, there would be runoff into the wetlands. He walked the property about a week ago, and there was well over two feet of water. That was with the naturally occurring runoff that existed, and it had not really rained. The developer was planning to connect their sanitary sewers down 250 feet for which they would have to dig some trenches. He learned from the City's engineers that the developer would have to cut down the trees, and although the trees would be replaced, they could not be replaced in the area they dug them out, because it was a utility easement.*

*Chairperson Boswell closed the Public Hearing at 8:55 p.m. A short*

recess was taken from 8:55 p.m. to 9:05 p.m.

Chairperson Boswell mentioned that people had brought up not getting noticed for the meeting. He advised that anyone that lived within 300 feet of a project would be notified. Public Hearings were noticed in the paper and notice was put on the City's website. He noted that the main concern was about water runoff and the bike path, which he thought sounded like a very good idea, and he asked Mr. Nunez to address the water runoff. Mr. Davis introduced himself as the Rochester Hills City Engineer, and he said he would try to answer some of the questions presented.

Mr. Nunez noted Mrs. Cooper's comments, and said that there was no intention of altering the wetland on their site. There would be a crossing, but there would be a pipe that would allow the water to go south. Regarding the trees at the northeast corner, two lots had been pushed away from the property line, and the trees would remain. Mr. Cooper had talked about 30 acres of trees being removed, which Mr. Nunez said was not the case. They would save 47%, and if they removed all of the trees, there would be nothing but an open field, and that was not indicated. Mr. Leslie talked about dewatering. Mr. Nunez could really not comment because it was not their project, but he understood the concerns. There was an overflow device, and the impervious area that would be used for the homes, rooftops, roadways and walkways had been designed with a storm system that would collect the water. It took into account the water from adjoining properties. He agreed that water went downstream, but without any development, the neighbors were complaining that their sump pumps were running and that there was flooding, but nothing had even been done to the proposed site. The water currently running through it naturally would continue to run through it naturally. If the sump pumps were running now, they would most likely continue to run after the development. He stressed that the discharge of the water off the property could not go any faster than it did now. The impervious area would run off faster, but it would collect into the storm system pipes, store there and go into the detention basin and be released at an approved rate. In the case of the flooding that hit the area last year, it was based on quantity, not quality, which was what the storm system would do for water infiltration with the forebay and holding the water for the regulated period of time. There was interest for a safety path to the north. They agreed it was a great idea if the City would like to participate. He felt that if there were 25 business owners that were interested, that they might have the where with all to participate and work with the City to extend the path. There might be some grants available. He said that he would be more than happy to give his number out and talk with people.



*Mr. Davis said that the proposed development, similar to other developments in the City, was being held to the same criteria. It was consistent with what the City would require for storm water detention throughout the City. The standards prior to 2007 were based on a 10-year basin storm event. He explained that a detention basin provided a temporary volume for storm water generated to be directed to, and then it was released at a controlled rate. He advised that in storm water design, there was a difference between rate and volume. When flooding occurred, oftentimes, it was because the receiving streams or sewers did not have enough capacity to handle a rate that was inundating them. A detention basin would attenuate the rainfall. Sometimes, there were very intense rainfalls, and without a basin, the rate would be higher into the streams or sewers. Progressing from a ten-year event to a 25-year event required developments to hold 30% more storm water than previously. There were comments that the Oakland County Water Resource Commission required sizing for a 100-year event, which he agreed was true. The City had looked at a 100-year event and they would continue to do see if they wanted to revise the standards, but as of today, any type of development would be held to a 25-year event. There was a comment that there would be the same amount of storm water generated with the proposed development as pre-conditions, and that was not true. An open field would generate less storm water runoff than a development that had pavement. When impervious areas were created, it would generate more storm water runoff. The counter to that was to provide a detention basin, where the runoff could be directed to temporarily hold and release water at a controlled rate which would not inundate the downstream waterways. Although the volume of storage requirement was different for the City and the County, the rate had not changed. For many years, the rate had been to design storm water detention facilities at .2 cubic feet per second per acre. If there was a ten-acre site, it would be ten acres times two or 2 cubic feet per second would be allowed to discharge. The developments in the City had all been designed with that same criteria.*

*Mr. Davis felt that the development would be a terrific project to coordinate with a future pathway extension. He said that Mr. Wise had mentioned talking with him and Mr. Shumejko previously. The reason why they did not move forward on a pathway project along Rochester Rd. in the area was because they felt certain that a development on the subject property would occur. Typically, the City looked for the developers to help extend the pathway system that the City ultimately took ownership of and maintained in the future. Similar to road construction projects, such as the Hamlin Rd. project going in the*

summer, the City did look for opportunities to take any economies of scale and if they were reconstructing a roadway, to also construct pathways. It was possible that the City could try to coordinate activities with the development in order to get a pathway extended to Wimberly. He was not sure if the City had the necessary right-of-way or where the pathway alignment would go. He did not know if trees on other people's properties would have to be removed or what would be necessary. They would want to offset the pathway from the roadway as much as they could.

Mr. Davis suggested that someone could make an additional calculation about the additional volume that would be generated from an existing condition and a post development condition. It was fairly simple to determine how much more volume of storm water there would be. He observed that wetlands were good to discharge to, because they provided a good water quality benefit. They helped settle out sediments that might otherwise (without a wetland) be carried downstream. The City liked to try to avoid sediment transfers. In the subject case, he felt that the detention basin was sited appropriately to use the wetland. He thought that they could make an estimate about the wetland height. He did not think it would be very much. He thought that there was a lot of surface area, and they could ask their engineer to make a calculation about the difference in water volume that would be generated between the existing condition and the proposed condition during construction plan review. He reminded that there would still be a lot more reviewing from the Engineering Dept. for the site after tonight's meeting. The Wetland Permit would have to be acquired through the MDEQ and the City would have to review it, and there would be a number of other steps to further scrutinize the wetlands.

Mr. Davis said that he had been with the City almost 15 years. The concern about dewatering and some of the damage that was done to the homes predates his employment. He heard about it from an employee that was no longer with the City, and it sounded like it was an issue where dewatering had occurred to the extent where residents felt that their homes were damaged. He noted that he was involved with the sewer extension that the City did to take the sanitary from Cross Creek north to Mead. That was done about eight years ago. At that time, and because of the previous dewatering concern, they approached the homes close to the intersection of Rochester and Cross Creek and told them that if they really felt that their problems were a result of dewatering the area, that the City would video tape their homes before and look at them afterwards. The City wanted to have a baseline to make sure the damage was a result of the sewer extension. When the time came for waivers to be signed and

for the City do that effort, not one homeowner took the City up on it. Something like that could be set up again, but if dewatering was needed, and soil borings would determine that, the dewatering wells had a limited influence. The pump that temporarily drew down the water table in order to extend a utility in a trench had a limit as to where it would influence the ground water table. He believed that what was proposed for the sanitary sewer extension was further away from the homes than what was seen previously by Cross Creek and Rochester.

Mr. Kaltsounis asked Mr. Davis to define dewatering and the process. Mr. Davis said that it had been done on a number of different projects. There would be a series of ground water pumps or pipes put into the ground. The pumps would draw up the water and discharge it into a receiving stream. After the pumps had been run for a little while, it would have the effect of drawing down the location of the ground water level below the surface so that work could be done and trenches would not cave in.

Mr. Kaltsounis said that one of the comments talked about the detention basin releasing the water into the ground at a controlled rate. He asked if, in a 25-year storm, the basin would fill up and release the water into the ground. Mr. Davis said that was the difference between a detention basin and a retention basin. A retention basin retained water. It did not release it after a period. It would eventually infiltrate into the ground. A detention basin had an outlet. There was a pipe that would discharge and dewater the basin. It only detained it temporarily. Retention basins were typically for two 100-year events. As a result, the City had very few of them. There had to be appropriate soils to allow the water to infiltrate into the ground. With all the wetland area, he would not expect it to be a good location for a retention basin. If there was an area with a lot of good sand, someone might be able to have one, but the City did not typically see that type of design. The City did check to make sure that the detention basin was not affected by the ground water, and that was where the soil borings came in. If it showed that the ground water was higher than the bottom of the basin, that volume would not count.

Mr. Kaltsounis mentioned the 100-year emergency overflow line, and he asked for some details. Mr. Davis said that the City had design criteria where basins were sized or where storm sewers were sized. There were a lot of different rainfalls. Design storm was kind of a theoretical condition. A ten-year design meant that there was a 10% chance that there would be a storm that exceeded the design condition. A 25-year design meant that there was the possibility in 100 years that the design condition could be exceeded. There could be a secondary route for a 100-year storm for the

water to go. They would not want the basin to uncontrollably flood all over the place. They would want to have a predefined path that directed the water to a better path if the basin topped. The City had something called freeboard, which was a safety factor. It was generally another foot of storage before it went into an overflow condition. The City looked for that on all the designs in the event that there was a storm that exceeded the carrying capacities of the basins.

Mr. Kaltsounis referred to page one of one (last page of the Engineering plans). He pointed out the north part of the cul-de-sac by lots 11 and 12, and said that the north part of it was higher than the south. There were two catch basins on the right and one on the left, but there were none to catch any sheeting of water in the cul-de-sac on the south, and there were two houses without any catch basins in their backyards. He asked what the plan was to capture the water from the middle of the road down. He asked how the water from the gutters of the roofs of lots 11 and 12 would be captured. Mr. Nunez pointed out where it would run.

Mr. Kaltsounis asked how the water from the back of the houses would not dump into the slope behind them and erode it. Mr. Nunez said that for lots 11 and 12, the storm water would run directly into the wetland. The rest of the lots had rear yard drains and would discharge into the storm water detention basin.

Mr. Davis said it was a good question. Sometimes they saw developments where not all the drainage was directed to a detention basin. It was termed "unrestricted flow." If a property was ten acres but only nine-and-a-half was captured and directed into the detention basin, the applicant would not get credit for ten acres worth of allowable discharge. The City would only allow nine-and-a-half acres to discharge. They would have to show that runoff would be equivalent to the natural ground.

Mr. Kaltsounis asked what other plans would be put in place to capture the rainwater. Mr. Davis said that it could be a rear yard swale directed toward the basin or a shallow, smaller pipe system.

Mr. Schroeder asked if the City had the right-of-way to do the remainder of the bike path to Wimberly. Mr. Davis was not sure. Mr. Wise came forward from the audience. He said that there were three properties between Wimberly and the top of the project. Two people were present at the meeting, and the third was his good friend. They had all signed the petition, and they all walked the path. They were all very gung ho, and the City would have their permission for the easement. In terms of the

properties, they were leveled, and there was a little bit of a hill on the last one. They would have to figure out if they would need a boardwalk or bridge and some type of engineering. He did not think there were any trees involved. He felt that the number one thing for the project was the bikepath.

Mr. Schroeder explained that if the City had to acquire right-of-way, it could delay a project. He said that it sounded as if that would not be a problem.

Mr. Kaltsounis confirmed that a pathway would be installed across the project on Rochester Road. He asked the applicants if they would be willing to extend it to Wimberly. Mr. Cooney said that he could not speak for his partner, but he could talk to him. There was still a lot of studying to be done in order to extend it, and he did not know about the timing. Hearing no further discussion, Mr. Kaltsounis moved the following:

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received March 4, 2015 with the following four (4) findings and subject to the following two (2) conditions.

#### Findings

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD Concept Plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to preserving natural features, the environment and open space.

#### Conditions

1. The appropriate sheets from the approved final site plan set shall be attached to the PUD Agreement as exhibits, including the building elevations.

2. *All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.*

*Ms. Brnabic asked if the roads would remain private and be maintained by the developer rather than the City. Mr. Nunez said that was correct. Ms. Brnabic commented that the PUD Agreement was very well done. She felt that the pathway was a good idea, but she realized it would be 600 feet, and she thought that the City should also participate rather than asking the developer to take on the whole expense to extend it.*

*Mr. Davis asked if the Planning Commission might consider adding a condition regarding the sanitary sewer. He explained that extending it though a wooded area and towards the easterly end of the property by the cul-de-sac meant that it would be owned and maintained by the City in the future. The City would want access to that and over the line. He asked for some consideration to require a maintenance path along the distance of the sanitary sewer. Chairperson Boswell advised that it could be added as part of the Site Plan motion.*

*Mr. Anzek pointed out that in some of the documents, there was a discrepancy in the name of the development, and he asked that the exhibits in the PUD be consistent in stating Enclaves of Rochester Hills.*

Voice Vote:

Ayes: All  
 Nays: None  
 Absent: None

**MOTION CARRIED**

*Chairperson Boswell stated for the record that the motion had passed unanimously.*

- 2014-0174** Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 03-009 - Enclaves of Rochester Hills PUD, for impacts of up to 12,321 square feet (out of 6.29 acres of wetlands) associated with the proposed construction of a 26-unit residential development on 30 acres, located on the east side of Rochester Road, north of Tienken, zoned RE, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC, Applicant ***MOTION*** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** City Council **approves a Wetland Use Permit** to impact approximately 12,321 square feet for the construction and grading of units, the road, retaining wall and utility installation and

*utility easement and the placement of a culvert, based on plans dated received by the Planning Department on March 2, 2015, with the following two (2) findings and subject to the following four (4) conditions.*

Findings

1. *Of the approximately .6.29 acres of city-regulated wetlands on site, the applicant is proposing to impact approximately 0.2 acres.*
2. *The city's wetland consultant believes that revisions to the plan preserve regulated wetland and the Natural Features Setback and are exemplary of the objective of a PUD by minimizing impacts to a Priority One Natural Feature Area of the city.*

Conditions

1. *City Council approval of the Wetland Use Permit.*
2. *The applicant shall obtain applicable DEQ permits prior to issuance of a Land Improvement Permit.*
3. *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.*
4. *That wetland impacts on Sheets 2 and 3 must be also shown on the final grading plan for the project.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2015-0098

Request for Tree Removal Permit - City File No. 03-009 - Enclaves of Rochester Hills PUD, for the removal and replacement of as many as 1,101 regulated trees for a proposed 26-unit development on 30 acres, located on the east side of Rochester Hills, north of Tienken, TJ Realvest, LLC, Applicant *Mr. Kaltsounis said that Mr. Cooper had a valid comment about the trees. He said that he had moved a lot of motions, and this type was really the one that gave him some heartache. When they talked about removing 1,100 trees, it made him stop and think. However, with the processes in the City and the regulations, the applicant was saving a lot more than required. The trees would have to be taken down at a certain point, not*

right away, which gave him a little comfort in the decision.

**MOTION** by Kaltsounis, seconded by Reece, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on March 2, 2015, 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. The applicant is removing up to 1,101 regulated trees from the site.
3. The applicant is proposing to provide at least 1,116 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 Reece, that this matter be Granted. The motion carried by the following vote:**

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2015-0100

Request for Natural Features Setback Modifications - City File No. 03-009 - Enclaves of Rochester Hills PUD, for permanent and temporary impacts to approximately 2,242 square feet associated with the construction of a 26-unit residential development on Rochester Road, north of Tienken, TJ Realvest, LLC, Applicant

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **grants Natural Features Setback Modifications** for permanent and temporary impacts to as much as 2,242 square feet of natural features setbacks associated with the construction and grading of units, a proposed road, utility installation and associated utility easement and proposed storm water sewer line, based on plans dated received by the Planning Department on March 2, 2015, with the following three (3) findings and subject to the following two (2) conditions.

Findings



1. *Natural Features Setback Modifications are needed to construct several units, a portion of the road, utility installation and associated utility easement and a storm water sewer line.*
2. *ASTI, the city's wetland consultant has no objection to the requested modifications.*
3. *Natural boulder retaining walls are proposed to preserve the natural features setbacks.*

Conditions

1. *Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.*
2. *Construction of a 12 to 18 inch boulder wall to prohibit future development within other areas of Natural Features Setback and associated wetland areas, other than areas where the retaining walls are proposed, to be approved by city staff prior to final approval as recommended by ASTI.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2015-0118

Request for Cul-de-Sac Waiver - City File No. 03-009 - Enclaves of Rochester Hills PUD, for an addition to the required maximum 600-foot cul-de-sac of approximately 90 feet to allow Enclave Ct. to connect to the driveways to units on the east end of the development and to allow the road to be extended to the east property line for potential future connection, TJ Realvest, LLC, Applicant

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **approves a Cul-de-Sac Waiver** of up to 90 feet for proposed Enclave Drive/Court, based on plans dated received March 2, 2015 by the Planning and Development Department, with the following three (3) findings.

Findings

1. *A Cul-de-Sac Waiver is requested for the length and layout of the street Enclave Drive. to be able to get to the lots at the east end of*

- the development and to have the flexibility to extend the road and connect with the property to the east in the future if necessary.*
2. *The proposed cul-de-sac length and lot layout have been reviewed and recommended for approval by both the City's Public Services and Fire Departments.*
  3. *The proposed street design incorporates a cul-de-sac bulb that meets city's standards allowing for easier movement of fire vehicles.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

**2015-0099** Request for Final Site Plan Recommendation - City File No. 03-009 - Enclaves of Rochester Hills PUD, a proposed 26-unit residential development on 30.5 acres, located on the east side of Rochester Road, north of Tienken, TJ Realvest, LLC, Applicant.

*Mr. Kaltsounis asked the developers to consider helping with the extension of the pathway if at all possible. Chairperson Boswell agreed, but he said that the City, the residents and the businesses - that would benefit - might all be able to help.*

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the **Final Site Plans**, dated received March 2, 2015 by the Planning and Development Department, with the following five (5) findings and subject to the following three (3) 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 final plan promotes the goals and objectives of the Master Plan.*

#### Conditions

1. *Provision of a performance guarantee in the amount of \$508,935, as adjusted if necessary by the city, 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.*
2. *Address all applicable comments from city departments and outside agency review letters, prior to final approval by staff.*
3. *Add a maintenance path to the sanitary sewer line to be approved by Engineering Staff, prior to Construction Plan approval.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motions had passed unanimously, and he thanked the applicants.*

### **ANY OTHER BUSINESS**

**2014-0450** Request to discuss Eddington Blvd. located on the east side of Rochester Road between Avon and Hamlin - Lorraine McGoldrick, Resident, Eddington Farms

### **NEXT MEETING DATE**

### **ADJOURNMENT**