



## Planning and Economic Development

Ed Anzek, AICP, Director

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From: Sara Roediger, AICP  
Date: 5/10/2016  
Re: **Sanctuary in the Hills East PUD (City File #89-114.2)**  
**PUD Concept Plan - Planning Review #4**

The applicant is proposing a 14-unit owner occupied condominium Planned Unit Development (PUD) on 4.57-acres located on the east side of Sanctuary Boulevard, north of South Boulevard consisting of seven duplex buildings. The project was reviewed for conformance with the City of Rochester Hills Zoning Ordinance. The comments in this and other review letters are minor in nature and can be addressed during step two site plan/PUD agreement review following concept plan review by the Planning Commission and City Council for consideration.

1. **PUD Requirements** (*Section 138-7.100-108*). The PUD option is intended to permit flexibility in development that is substantially in accordance with the goals and objectives of the City's Master Land Use Plan at the discretion of the City Council. The PUD development shall be laid out so that the various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another. The PUD option seeks to:

- Encourage innovation to provide variety in design layout
- Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities
- Encourage the creation of useful open spaces
- Provide appropriate housing, employment, service and shopping opportunities

The PUD option can permit:

- Nonresidential uses of residentially zoned areas
- Residential uses of nonresidential zoned areas
- Densities or lot sizes that are different from the applicable district(s)
- The mixing of land uses that would otherwise not be permitted; provided that other objectives are met and the resulting development will promote the public health, safety and welfare

### Review Process

The PUD review process consists of a two step process as follows:

- a. **Step One: Concept Plan.** The PUD concept plan is intended to show the location of site improvements, buildings, utilities, and landscaping with a level of detail sufficient to convey the overall layout and impact of the development. The PUD concept plan is not intended to demonstrate compliance with all ordinance requirements, but rather is intended to establish the overall layout of the development, including the maximum number of units which may be developed. This step requires a Planning Commission public hearing and recommendation to City Council followed by review by the City Council.
- b. **Step Two: Site Plan/PUD Agreement.** The second step in the process is to develop full site plans based on the approved PUD concept plan and to submit the PUD Agreement. At this time, the plans are reviewed for compliance with all City ordinance requirements, the same as any site plan. This step requires a Planning Commission recommendation to City Council followed by review by the City Council.

### Qualification Criteria

Section 138-7.102 sets forth the criteria that a PUD must meet. Each of the criterion are listed below in italics, followed by staff comments on the proposed PUD's compliance with each.

- a. *The PUD option shall not be used for the sole purpose of avoiding applicable requirements of this ordinance. The proposed activity, building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.* The proposed PUD is intended to be an extension of the existing, very successful Sanctuary in the Hills development to the west. The existing Sanctuary in the Hills development is the result of a consent judgment that dictated how the site would be developed, and does not meet underlying zoning. In order to be able to construct an extension of this development, with similar quality and layout, the PUD option is the recommended process. The development of the proposed owner occupied attached single-family residential units at this location is a logical extension of the existing development, providing additional diversity in housing stock for the community.
- b. *The PUD option shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.* While the development generally meets the applicable requirements of the MR zoning district, there are potentially a number of variances under conventional zoning that may be required including minimum parcel area, minimum interior and perimeter rear setback, and multiple variances for building design as it relates to the garage as currently proposed. Through the use of the PUD, the City has the ability to be flexible with regulations in return for development that is above and beyond conventional development; and it is the applicant's responsibility to justify the requested deviations to the Planning Commission and City Council.
- c. *The PUD option may be used only when the proposed land use will not materially add service and facility loads beyond those contemplated in the master land use plan. The applicant must demonstrate to the satisfaction of the City that the added loads will be accommodated or mitigated by the applicant as part of the PUD.* The Master Plan calls for residential units at 4 units per acre, while the proposed residential units are less than the planned density at 3.06 units per acre, therefore the City's infrastructure and utilities should be adequate to accommodate the development. The Engineering Department has reviewed the proposed project and recommends approval as outlined in their memo dated April 28, 2016.
- d. *The PUD shall meet as many of the following objectives as may be deemed appropriate by the City: The PUD is not required to comply with all of the items listed in this criterion; it is up to the judgment of the Planning Commission and City Council to determine if the proposed development provides adequate benefit that would not otherwise be realized.* It is up to the applicant to prove their case, in this instance; it may be the development of a desired land use to provide diversity in housing options in the City.
  1. *To preserve, dedicate or set aside open space or natural features due to their exceptional characteristics or their environmental or ecological significance in order to provide a permanent transition or buffer between land uses, or to require open space or other desirable features of a site beyond what is otherwise required in this ordinance.* The plans indicate 0.23 acres of open space near the south property line of the site, most of which is located in the flood plain. In addition, the applicant is providing some sitting areas near Sanctuary Blvd. It does not appear that much of the existing vegetation is going to be preserved, and as noted in 5.d. of this review below, the tree survey does not accurately depict all of the trees on the site which will need to happen during site plan review. In addition, there are areas labeled "landscaping" along the western property line, but it is not clear what is being preserved and what is being removed. The plans must indicate the location of tree protective fencing to identify which areas are to be preserved. As recommended by ASTI, the city's wetland consultants an 18" boulder retaining wall has been provided along the boundary of the wetlands along units 2,3 and 14 to prevent unplanned impacts to the wetlands. ASTI further recommends the removal of the access drive along Sanctuary Blvd, which would eliminate 0.02 acres of permanent wetland impact.
  2. *To guarantee the provision of a public improvement that would not otherwise be required to further the public health, safety or welfare, protect existing uses or potential future uses in the vicinity of the proposed development from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.* None proposed.
  3. *To promote the goals and objectives of the Master Land Use Plan and other applicable long range plans such as the Master Thoroughfare Plan.* The proposed project promotes the following goals and objectives of the Master Land Use Plan and other applicable long range plans:

- (a) Provide a diversity of housing types and sizes to meet the needs of people of different ages, incomes and lifestyles within the community.
  - (b) Encourage the mixture of residential types of residential uses that are compatible with the established character of the surrounding neighborhood.
  - 4. *To facilitate development consistent with the Regional Employment Center goals, objectives, and design standards in the City's Master Land Use Plan.* Not applicable.
  - 5. *To preserve and appropriately redevelop unique or historic sites.* Not applicable.
  - 6. *To permanently establish land use patterns that are compatible with or will protect existing or planned uses.* As previously noted, the development of owner occupied attached single-family residential units at this location is a logical land use, providing much needed diversity in housing stock for the community.
  - 7. *To provide alternative uses for parcels that can provide transition or buffers to residential areas and to encourage redevelopment of sites where an orderly transition or change of use is desirable.* The use of the PUD option is to provide attached units in a similar fashion as the existing Sanctuary in the Hills to the west of the project. The extension of this successful project is a desirable land use that best complements the existing development, provided it is designed with appropriate design features and setbacks. If developed under the current zoning district, it would result in individual home sites that would have a higher impact to natural features and result in a typical subdivision street.
  - 8. *To enhance the aesthetic appearance of the City through quality building design and site development.* As discussed throughout this review, staff encourages the applicant to consider alternative building footprints that minimize the garage doors and focuses more on the human entrance; however the applicant maintains that the proposed design is the most desirable design for seniors.
2. **PUD Concept Plan** (Section 138-7.105). The Planning Commission and City Council should only be evaluating the major elements of the development such as density, layout, and building design with the understanding that the details will be reviewed during step 2 of the process, with the burden being on the applicant to maintain compliance with the overall layout and density approved with the PUD Concept Plan.
3. **Zoning and Land Use** (Section 138-4.300 and 138.7.103). The site is zoned R-4 One Family Residential District, however the applicant is proposing to develop the site with a PUD option. Refer to the table below for the zoning and existing and future land use designations for the proposed site and surrounding parcels.

	Zoning	Existing Land Use	Future Land Use
<b>Proposed Site</b>	<b>R-4 One Family Residential</b>	<b>Vacant</b>	<b>Residential 4</b>
North	R-4 One Family Residential	Deerfield Elementary School	Residential 4
South	R-4 One Family Residential	Vacant	Private Recreation/Open Space
East	R-4 One Family Residential	Single family homes	Residential 4
West	RCD One Family Residential Cluster	Sanctuary in the Hills Condos	One Family Cluster

4. **Site Layout** (Section 138-5.100-101, Section 138-6.500-507 and Section 138-7.104). Refer to the table below as it relates to the area, setback, and building requirements for this project. For purposes of this review, the proposed plan was reviewed in accordance with the requirements of the MR Mixed Residential Option as that is the most similar zoning district for what is being proposed.

Requirement	Proposed	Staff Comments
<b>Min. Parcel Area</b> 10 acres	<b>4.57 acres</b>	<b>City has the ability to determine the min. parcel area as part of the PUD option, refer to a. below</b>
<b>Max. Density</b> MR = 4.25 units per acre = 19 units	3.06 units per acre = 14 units	In compliance
<b>Min. Front Perimeter Setback</b> (Sanctuary Blvd.) 20 ft.	30 ft.	In compliance
<b>Min. Side Perimeter Setback</b> (north/south) 25 ft.	25 ft./38+ ft.	In compliance
<b>Min. Rear Perimeter Setback</b> (east) 60 ft.	<b>20 ft.</b>	<b>City has the ability to determine the min. perimeter setback as part of the PUD option, refer to b.</b>

Requirement	Proposed	Staff Comments
		below
<b>Min. Front Interior Setback</b> (front) 15 ft.	25 ft.	In compliance
<b>Min. Side Interior Setback</b> (one/total) 10/20 ft.	10/20 ft.	In compliance
<b>Min. Rear Interior Setback</b> (rear) 35 ft.	<b>25+ ft.</b>	<b>City has the ability to determine the min. interior setback as part of the PUD option, refer to b. below</b>
<b>Max. Height</b> 2.5 stories/30 ft.	2 stories/30 ft.	In compliance
<b>Garages</b> Max. 25% of garage doors may be located at or in front of the front building wall of the building, with all other garage doors being located at least 10 ft. behind the front building wall of the unit or facing the side or rear of the unit	<b>100% of garage doors are located in the front of the buildings</b>	<b>City has the ability to determine the building design as part of the PUD option, refer to c. below</b>
<b>Unenclosed Front Porches</b> Larger than 80 sq. ft. w/ roof may encroach up to 8 ft. into a required front yard	None	Not applicable
<b>Individual Entrances Required</b> Attached units shall have entrances that are directly accessible from the exterior of the building that include a minimum 30 sq. ft. unenclosed porch	30+ sq. ft. porches	In compliance
<b>Max. # of Attached Units</b> 4 dwelling units	2 dwelling units	In compliance
<b>Stacked Flats Prohibited</b> Attached units shall be separated by common vertical walls	All units separated by common vertical walls	In compliance
<b>Min. Floor Area</b> 1,250 sq. ft.	2,200+ sq. ft.	In compliance
<b>Design Features</b> Attached unit façades visible from a public right-of-way or private road shall include features such as columns, cornices, pediments, articulated bases, & fluted masonry covering a min. of 10% of the exterior wall	A number of design features are used including shutters, decorative vents with raised brick surrounds, window muntins, Queen Anne rood returns, gable rake soffits & frieze	In compliance
<b>Architectural Requirements</b> 1. All walls that face a street shall contain a min. of 25% of the wall area in windows or doors 2. Windows shall be provided with trim detailing or shall be recessed, shall not be flush with the exterior wall treatment & shall be provided with an architectural surround at the jamb 3. Exterior finishes shall primarily consist of natural, durable materials such as brick or stone. Max 33% wood or vinyl of any façade elevation & max. 10% EIFS or stucco on any façade elevation	1. Street façade contains 45% windows or doors 2. Trim detailing provided 3. It is indicated that the front facades will be 100% brick or stone, however the elevations depicts siding at the peak. Information on the side & rear facades	<b>Elevations depicting materials on all facades shall be provided at preliminary PUD review to ensure compliance</b>
<b>Formal or Active Open Space</b> Min. 5% of the gross lot area shall be dedicated to planned open space designed to complement the development = 0.23 acres open space	0.23 acres (5%)	In compliance, refer to d. below
<b>Passive Open Space</b> Any natural features determined by the PC to be of significant aesthetic or natural value that are located on the site shall be preserved		
<b>Landscaping &amp; Screening</b>	Refer to Landscaping table in 7. below	

Requirement	Proposed	Staff Comments
Type C Buffer between attached units & adjacent one-family residential zoning		

- a. The MR District standards were used in the review of the proposed PUD purely because they contain standards that relate to the use of attached condos, the minimum parcel area is not applicable as part of a PUD development option.
  - b. The buildings as proposed do not meet either the perimeter or interior rear yard setback requirements. The project is intended to be an extension of the existing Sanctuary in the Hills which was the result of a consent judgment, and as such, the applicant is providing similar setbacks.
  - c. There are many design standards for attached units that relate to the design of the garage and building details that are not met in the proposed plan. The current design emphasizes the garage door as the majority of the front façade which is not the most desirable design option. The City's *Architectural Design Standards* (for all districts) further emphasizes this point in *Section 3.2.2 Hierarchy of Massing* which states that "the location of the main body of the house and the human entrance should be easily distinguished. The car entry shall not be the most notable element of the building massing." As part of the PUD development option, the development should encourage innovation to provide variety in design layout and staff encourages the applicant to consider alternative building footprints that minimize the garage doors and focuses more on the human entrance. The applicant maintains that the proposed design is the most desirable design for seniors.
  - d. The project provides an open space area with fire pit, benches and a wood chip path along the south property line, as well as two benches near the entrance of the development use by its residents.
  - e. As part of the PUD and in accordance with the city's Complete Streets Policy to improve pedestrian access, a sidewalk into the site should be provided off of Sanctuary Blvd. A sidewalk is proposed at the entrance of the development to connect to the sidewalk on the other side of Sanctuary Blvd., however the sidewalk does not extend into the site as has been recommended by staff. A sidewalk waiver is requested, however staff does not recommend that the Planning Commission approve an exception from this requirement based on the established criteria.
5. **Natural Features.** In addition to the comments below, refer to the review letters from the Engineering and Forestry Departments and the City's Wetland Consultant that pertain to natural features protection.
- a. **Environmental Impact Statement (EIS)** (*Section 138-2.204.G*) An updated EIS has been submitted for the updated project in accordance with ordinance requirements.
  - b. **Natural Features Setback** (*Section 138-9 Chapter 1*). The 25 ft. natural features setback has been identified on the plans which indicate that a number of setback modifications will be required as proposed as part of the site plan and PUD agreement review and approval. As recommended by ASTI, the city's wetland consultants an 18" boulder retaining wall has been provided along the boundary of the wetlands along units 2,3 and 14 to prevent unplanned impacts to the wetlands. Refer to the ASTI review letter dated April 27, 2016 for additional information.
  - c. **Steep Slopes** (*Section 138-9 Chapter 2*). The site does not contain any regulated steep slopes.
  - d. **Tree Removal** (*Section 126 Natural Resources, Article III Tree Conservation*). The site is not subject to the City's tree conservation ordinance; however as part of the PUD development option, natural feature preservation is encouraged. A partial tree survey has been provided, however a full tree survey is required as part of step two site plan review of the PUD. The plans indicate that 32 trees greater than 6" in caliper will be removed, and 12 trees will be preserved, however it is not clear if the three trees labeled 130 will be kept or removed and the landscape plan indicates that 15 trees will be preserved. These discrepancies must be corrected as part of the site plan review. The site is heavily wooded the tree survey does not accurately depict all of the trees on the site. In addition, there are areas labeled "landscaping" along the western property line, but it is not clear what is being preserved and what is being removed. The site plan must indicate the location of tree protective fencing to identify which areas are to be preserved.
  - e. **Wetlands** (*Section 126 Natural Resources, Article IV Wetland and Watercourse Protection*). The site contains two wetland areas, one that is regulated by the city and MDEQ that is 0.68 acres and one that is not regulated accounting for 0.09 acres. As proposed, 0.08 acres of regulated wetlands will be impacted, 0.03 temporarily and 0.05 permanently, and a wetland use permit will be required as part of the site plan and PUD agreement

review and approval. ASTI recommends the removal of the access drive along Sanctuary Blvd, which would eliminate 0.02 acres of permanent wetland impact. Refer to the ASTI review letter dated April 27, 2016 for additional information.

6. **Landscaping** (Section 138-12.100-308). Refer to the table below as it relates to the landscape requirements for this project. This information is provided to aid the applicant in preparation of step two site plan submittal.

Requirement	Proposed	Staff Comments
<b>Buffer C</b> (north: 524 ft.) 20 ft. width + 2 deciduous + 1.5 ornamental+ 4 evergreen + 6 shrubs per 100 ft. = 10 deciduous + 8 ornamental + 21 evergreen + 31 shrubs		
<b>Buffer C</b> (south: 501 ft.) 20 ft. width + 2 deciduous + 1.5 ornamental+ 4 evergreen + 6 shrubs per 100 ft. = 10 deciduous + 8 ornamental + 20 evergreen + 30 shrubs		
<b>Buffer C</b> (east: 465 ft.) 20 ft. width + 2 deciduous + 1.5 ornamental+ 4 evergreen + 6 shrubs per 100 ft. = 9 deciduous + 7 ornamental + 19 evergreen + 28 shrubs	49 deciduous 15 deciduous (existing)	In compliance
<b>Right-of-Way</b> (Sanctuary Blvd.: 452 ft.) 1 deciduous per 35 ft. + 1 ornamental per 60 ft. = 13 deciduous + 8 ornamental	31 ornamental 79 evergreen 100 shrubs	
<b>Stormwater</b> (283 ft.) 6 ft. width + 1.5 deciduous + 1 evergreen + 4 shrubs per 100 ft. = 4 deciduous + 3 evergreen + 11 shrubs		
<b>TOTAL</b>		
	46 deciduous 31 ornamental 63 evergreen 100 shrubs	

- a. The site is heavily wooded, and depending on the extent of existing vegetation being preserved, the intent of the buffer zones may very well be accommodated, however it appears that much of the existing vegetation will be removed. Staff strongly recommends keeping as much of the existing vegetation as possible, particularly along the eastern property line which abuts existing rear yards. The plans need to clearly identify existing vegetation that is proposed to remain. Existing healthy vegetation on the site may be used to satisfy the landscape requirements described above.
- b. If required trees cannot be planted due to infrastructure conflicts, a payment in lieu of may be made to the City's tree fund at a rate of \$205.50 per tree, however installation of required landscaping is preferred, particularly as it applies to required buffer requirements.



JRB

DPS/Engineering  
Allan E. Schneck, P.E., Director

From: Jason Boughton, Engineering Utilities Coordinator  
To: Sara Roediger, Manager of Planning  
Date: April 28, 2016  
Re: Sanctuary in the Hills East, City File #89-114.2, Section #32  
PUD Site Plan Review #4

Engineering Services has reviewed the PUD site plan received by the Department of Public Services on April 15, 2016 for the above referenced project. Engineering Services recommends site plan approval with the following comments:

**Sanitary Sewer**

1. Revise the sanitary sewer basis of design showing 3.5 people per unit due to the square footage of each unit

**Storm Sewer**

1. Provide calculations for the proposed infiltration/recharge with your next submission.
2. Revise the sediment forebay to have a permanent pool of a minimum of 3 foot deep sump for sediment to be trapped.
3. Provide calculations showing that the 12 inch sizing for the culverts within the wetland are adequately sized accordingly.

**Grading**

1. A letter was provided from Paul Hanneberg & Associates Inc., dated April 11, 2016, stating that buildings #1 thru #7 have a top of basement slab elevation of 801.00, however on the grading plan submitted, building #1 has a basement elevation of 800.90, revise as necessary.

**Traffic**

1. Please remove road sight lines from all sheets except the Landscape Plan.

The applicant will need to submit for a Land Improvement Permit (LIP) application with engineer's estimate, fee and construction plans to get the construction plan review process started.

JRB/jf

c: Allan E. Schneck, P.E.; DPS Director  
Paul Davis, P.E., Deputy Director/City Engineer; DPS  
Tracey Balint, P.E., Public Utilities Engineer; DPS  
Keith Depp, Staff Engineer; DPS

Paul Shumejko, MBA, M.S., P.E., PTOE, Transportation Engineer; DPS  
Sheryl McIsaac, Office Coordinator; DPS  
Sandi DiSipio; Planning & Development Dept  
File

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ASSESSING DEPARTMENT  
Kurt Dawson, Director

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From: Nancy McLaughlin  
To: Ed Anzek  
Date: 8/05/15  
Re: File No.: 89-114.2, Escrow #101.287212  
Project: Sanctuary in the Hills East Review #1  
Parcel No: 15-32-476-001, 002, 005, 006, & 009  
15-32-477-009 & 016  
Applicant: MacLeish Building Inc

The parcel descriptions are adequate assuming the "vacated" Grant Rd is approved.





BUILDING DEPARTMENT  
Scott Cope Director

From: Craig McEwen, R.A., Building Inspector/Plan Reviewer *CPM*  
To: S. Roediger, Planning Department  
Date: October 5, 2015  
Re: Sanctuary in the Hills East  
Sidwell: 15-32-476-001, -002, -005, -006, 009, 15-32-447-009, -016  
City File: 89-114.2

The site plan review for the above reference project was based on the following drawings and information submitted:

Sheets: Sheets 1, 2 and 3 dated 7/7/15

Approval recommended based on submission of individual residence plot plans for code compliant site drainage at the time of building permit application. References are based on the Michigan Residential Code 2009.

1. Lots shall be graded to fall away from foundation walls a minimum of 6 inches within the first 10 feet.  
**Exception:** Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building. Section R-401.3
2. Swales in general shall be sloped 1% minimum (see exception to comment #1 above.)
3. Lots with rear or front drainage shall have a protection swale 1'-0" minimum below the grade at the house foundation.
4. Driveway slopes shall meet the following requirements:
  - a. Approach and driveway: 2% minimum – 10% maximum.
  - b. Negative slope driveway: 2% minimum, 7% maximum.

If there are any questions, please call the Building Department at 248-656-4615. Office hours are 8 a.m. to 5 p.m. Monday through Friday.



**FIRE DEPARTMENT**  
Sean Canto  
Chief of Fire and Emergency Services

From: William Cooke, Lieutenant/Inspector  
To: Planning Department  
Date: October 9, 2015  
Re: Sanctuary in the Hills East

**SITE PLAN REVIEW**

**FILE NO: 89-114.2**

**REVIEW NO: 2**

**APPROVED**     X    

**DISAPPROVED** \_\_\_\_\_

The Fire Department recommends approval of the above reference site plan contingent upon the following conditions being met:

1. The proposed construction type and square footage of each building require 1 fire hydrant every 500 feet, with a required fire flow of 1750 GPM. This requirement appears to have been met; however, a fire flow test is still required for this development to determine adequate fire flow is available. Please contact the Rochester Hills Engineering Department to schedule a flow test at (248) 656-4640.

Lt. William A. Cooke  
Fire Inspector

April 27, 2016

Sara Roediger  
Department of Planning and  
Economic Development  
**City of Rochester Hills**  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309-3033

**Subject: File No. 89-114.2 Sanctuary in the Hills East PUD;  
Wetland Use Permit Review #4;  
Plans received by the City of Rochester Hills on  
April 13, 2016**

**Applicant: MacLeish Building, Inc.**

Dear Ms. Roediger:

The above referenced project proposes to construct seven residential buildings on eight parcels comprising 4.57 acres as a Planned Unit Development (PUD). The site is located along the east side of Sanctuary Boulevard, north of South Boulevard, and west of Crooks Road. The site includes wetland regulated by the City of Rochester Hills and likely the Michigan Department of Environmental Quality (DEQ).

ASTI has reviewed the site plans received by the City on April 13, 2016 (Current Plans) for conformance to the Wetland and Watercourse Protection Ordinance and the Natural Features Setback Ordinance and offers the following comments for your consideration.

#### **COMMENTS**

1. **Applicability of Chapter (§126-500).** The Wetland and Watercourse Protection Ordinance is applicable to the subject site because the subject site is not included within a site plan which has received final approval, or a preliminary subdivision plat which received approval prior to January 17, 1990, which approval remains in effect and in good standing and the proposed activity has not been previously authorized.

2. **Wetland and Watercourse Determinations (§126-531).** This Section lists specific requirements for completion of a Wetland and Watercourse Boundary Determination.
- a. This review has been undertaken in the context of a Wetland and Watercourse Boundary Determination previously completed by the applicant's wetland consultant in September 2015, which was confirmed in the field by ASTI on March 21, 2016. The site contains two wetland areas; a larger wetland in the western portion and a smaller wetland in the eastern portion.

The larger wetland in the western portion is comprised of forested wetland in its southern two-thirds and of open water area with a scrub/shrub wetland fringe in its northern third. Dominant species observed in the forested portion included red maple (*Acer rubrum*), silver maple (*Acer saccharinum*), and cottonwood (*Populus deltoides*), with scattered American elm (*Ulmus americana*) and black willow (*Salix nigra*). Understory species were similar. Tree cover was robust and individuals ranged in size of approximately 6 inches diameter to 16 inches in diameter. Glossy buckthorn (*Frangula alnus*) was also observed in sparse amounts in the understory. Herbaceous cover was sparse at the time of inspection, with poison ivy (*Toxicodendron radicans*) being the dominant species. The open water portion of the western wetland exhibited a fringe of scrub/shrub wetland dominated by a dense gray dogwood (*Cornus racemosa*) colony. Herbaceous cover in the scrub/shrub fringe was sparse and was dominated by reed canary grass (*Phalaris arundinacea*). Overall, vegetation was dominated by native species with sparse invasive species cover throughout. The forested portion, the dense shrub cover in the wetland fringe of the open water area, and the open water area proper provide a locally diverse wildlife habitat. This wetland as a whole is a portion of a larger wetland system and is also partially within the 100-year flood plain of the Rouge River to the west/northwest and was observed to be actively detaining water on the day of the site inspection. Based on these factors, it is ASTI's opinion that the larger wetland in the western portion of the site is of high quality and function and should be considered a valuable natural resource to the City.

The smaller wetland, approximately 0.10 acres or less in size, in the eastern portion of the site was predominantly open water with a very minimal wetland fringe. Dominant vegetation observed within this wetland included scattered cottonwood saplings, glossy buckthorn, and poison ivy. This wetland appeared to be the result of a former disturbance on or around the site. No significant wildlife habitat, significant flood reducing, or water quality improvement properties were observed. Based on this wetlands small size, its isolation on-site, and lack

of vegetation, it is ASTI's opinion that this wetland is of little functional value, of low quality, and should not be considered a valuable natural resource to the City.

The larger wetland to the west is regulated by the City and likely the DEQ because it is larger than five acres in total size. The smaller wetland in the eastern portion of the site is not regulated by the City or likely the DEQ because it is less than two acres in size and is not within 500 feet of or directly connected to, an inland lake or stream regulated under Part 301.

ASTI agrees with the depiction of the on-site wetlands on the Current Plans based on the aforementioned site inspection. The applicant should be advised that wetland delineations are only considered valid by the DEQ and the City for a period of three years.

3. **Use Permit Required (§126-561).** This Section establishes general parameters for activity requiring permits, as well as limitations on nonconforming activity. This review of the Current Plans has been undertaken in the context of those general parameters, as well as the specific requirements listed below.
  - a. The Current Plans show all proposed impacts to City- and DEQ-regulated wetlands calculated and stated in square feet on revised plans. This is to ASTI's satisfaction
  - b. The Current Plans show that 1,427 square feet of permanent impacts will result to the western wetland in the north central portion of the site from the construction of the proposed private drive Sanctuary Court, a proposed retaining wall to the north and south of Sanctuary Court, and a proposed culvert beneath Sanctuary Court. The wetland in this area is part of a high quality wetland and any impacts to this wetland should be minimized. The placement of the proposed Sanctuary Court appears to be dependent on occurring within the western wetland. The Current Plans show the proposed Sanctuary Court crossing the smallest span of the western wetland, thereby minimizing wetland impacts for this proposed activity. The Current Plans show a retaining wall in this area. ASTI agrees with the construction of a retaining wall in this area, which should further minimize unplanned impacts to this wetland. Moreover, the Current Plans show the retaining wall and propose utilities per City Engineering standards. This is to ASTI's satisfaction.
  - c. The Current Plans show that 926 square feet of permanent impacts will result to the western wetland in the west central portion of the site from the construction a proposed maintenance access drive near the proposed detention basin. The

wetland in this area is part of a high quality wetland and any impacts to this wetland should be minimized. It is ASTI's opinion that an access for detention pond maintenance could be constructed in another area of the site that impacts less wetland. Alternatives include, but are not limited to, constructing an access drive to the north of the area depicted on the Current Plans that stems from the proposed Sanctuary Court in an area that impacts less wetland, or constructing an access on the east side of the on-site western wetland, which could eliminate wetland impacts from this proposed activity. Any alternative considered should include a design that minimizes potential wetland impacts and ensures that wetland overland flow and other natural processes are unaltered from its present natural state. Following these recommendations, impacts to the high quality wetland in this area will be minimized. This information must be shown on revised plans.

- d. The Current Plans show that 253 square feet of temporary impacts to the western wetland will result from the placement of a culvert to the proposed forebay south of Sanctuary Court.

This proposed action qualifies for an exception to the Wetland Use Permit provided that: (1) a prior written notice is given to the City Engineer and written consent is obtained from the City Mayor prior to work commencing; (2) the work is conducted using best management practices (BMPs) to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted; and (3) such that all impacts to the aquatic environment are minimized. Revised plans must note that BMPs will be implemented during the construction phase of the proposed project and that any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City-approved wetland seed mix. This must still be noted on revised plans.

This action will require a Part 303 permit from the DEQ, which must be obtained and submitted to the City for review. This must still be noted on revised plans.

- e. The Current Plans show that 720 square feet of temporary impacts to the western wetland will result from the placement of a culvert to the proposed detention basin east of Sanctuary Boulevard.

This proposed action qualifies for an exception to the Wetland Use Permit provided that: (1) a prior written notice is given to the City Engineer and written consent is obtained from the City Mayor prior to work commencing; (2) the work is conducted using BMPs to ensure flow and circulation patterns and chemical

and biological characteristics of wetlands are not impacted; and (3) such that all impacts to the aquatic environment are minimized. Revised plans must note that BMPs will be implemented during the construction phase of the proposed project and that any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City-approved wetland seed mix. This must still be noted on revised plans.

This action will require a Part 303 permit from the DEQ, which must be obtained and submitted to the City for review. This must still be noted on revised plans.

4. **Use Permit Approval Criteria (§126-565).** This Section lists criteria that shall govern the approval or denial of an application for a Wetland Use Permit. The following items must be addressed on a revised and dated Wetland Use Permit application and additional documentation submitted for further review:
  - a. A Wetland Use Permit from the City and a DEQ Part 303 Permit are required for this project as proposed. Once a DEQ permit is received by the applicant, it must be submitted to the City for review.
5. **Natural Features Setback (§21.23).** This Section establishes the general requirements for Natural Features Setbacks and the review criteria for setback reductions and modifications.
  - a. Should the City accept the applicant's proposal to develop the subject property as a PUD, subject to final review and approval as part of the site plan review process, the on-site Natural Features Setback regulations can be waived by the City at its discretion. The applicant should note that upon the request of the City, ASTI will re-evaluate any Natural Features Setback impacts if the City does not waive Natural Feature Setback regulations. The Current Plans show the Natural Features Setback areas to ASTI's satisfaction.
6. **Additional Comments**
  - a. The previous plan submittal depicted a DEQ conservation easement in the western portion of the site. The applicant has provided a Termination of Conservation Easement document recorded at the Oakland County Register of Deeds on December 17, 2015. This valid written documentation that the DEQ has vacated the on-site conservation easement is to ASTI's satisfaction.
  - b. Due to the high quality of the City-regulated wetland proposed to be impacted, ASTI recommended during previous reviews that a retaining wall, fieldstone wall,

or some other City-approved permanent structure at least 18 inches in height be constructed along the boundary of the wetland east of Unit 2, west of Unit 3, and west of Unit 14 to ensure no further unplanned impacts from lawn maintenance or residential activities occur. The Current Plans show a proposed 18 inch high boulder retaining wall in the area specified above. This action will prevent unplanned wetland impacts to this area and is in the spirit of the PUD. This is to ASTI's satisfaction.

**RECOMMENDATIONS**

ASTI recommends the City withhold approval of the Current Plans until the items in comments 3.c, 3.d, and 3.e have been addressed on revised plans and submitted for further review.

Respectfully submitted,

**ASTI ENVIRONMENTAL**



Kyle Hottinger  
Wetland Ecologist



Dianne Martin  
Director, Resource Assessment & Mgmt.  
Professional Wetland Scientist #1313





innovative *by* nature

Bryan K. Barnett  
Mayor

March 21, 2016

City Council

Stephanie Morita  
District 1

James Kubicina  
District 2

Susan M. Bowyer, Ph.D.  
District 3

Thomas W. Wiggins  
District 4

Kevin S. Brown  
At-Large

Dale A. Hetrick  
At-Large

Mark A. Tisdell  
At-Large

Ms. Karyn Green  
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
Southeast Michigan District Office  
Water Resources Division  
27700 Donald Court  
Warren, MI 48092-2793

Re: MacLeish Building, Inc., Sanctuary in the Hills East  
MDEQ File No. 63 – Sanctuary Boulevard – Rochester Hills

Dear Ms. Green:

This letter is provided to inform you that the City of Rochester Hills does not object to your office issuing permits for the above referenced project. Rochester Hills does not intend to submit further comments on the applicant's Sanctuary in the Hills East permit submission to your office.

The Sanctuary in the Hills East is proposed as a Planned Unit Development and the City is supportive of the project. A site plan has previously been submitted and reviewed by the City but final approval has not yet been earned. MacLeish Building, Inc. will be required to obtain all approvals and permits prior to construction proceeding.

Please call me at 248.656.4640 or contact via e-mail at [davis@rochesterhills.org](mailto:davis@rochesterhills.org) if you would like to discuss this matter in greater detail.

Sincerely,

Paul M. Davis, P.E.  
City Engineer/Deputy DPS Director

PMD/jf

c: Bryan K. Barnett, Mayor  
Allan E. Schneck, P.E., DPS Director  
Paul G. Shumejko, P.E., PTOE, Transportation Engineer  
Adele Swann, Engineering Technician  
Tim Pollizzi, Water Resources Coordinator  
Ed Anzek, AICP, Director of Planning and Development  
Sara Roediger, Manager of Planning  
Dan MacLeish

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DPS/Engineering  
Allan E. Schneck, P.E., Director

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From: Michael Taunt  
To: Sara Roediger, Maureen Gentry  
Date: October 16, 2015  
Re: Sanctuary in the Hills East  
City File #89-114.2, Sec.32

RE: Site Plan received 09/24/2015

The MDEQ Conservation Easement 3 (Liber35043 Page 654) called out on Sheet 1,2 & 3 prohibits development within the easement "accept as authorized under MDEQ Permit Number 03-63-0326". Please provide a legible copy of this permit.

Using courses shown on sheet 2, the revised boundary closes and matches adjacent tax parcels within reason. The area described has an area of 3.16 acres /137763.22 sf. Add this quantity to the description. The parcel description should include lot 82 of South Boulevard Gardens.

*Please provide evidence (Liber & Page OCR) that Grant Road has been vacated and that title has passed to adjoining lots. \**

*Explain how the undeveloped Dayton Road 1/2 ROW (30") will be dealt with. The site plan appears too create a 30' x 573.90 parcel w/ ambiguous title. \**

Benchmarks are labeled "U.S.G.S DATUM". "U.S.G.S." is not a datum.  
Are contour lines and spot elevations NVGD29 or NAVD88?

*Please specify source for BM elevations. e.g. "Elevations derived from GPS observations" or "Level loop from RR spike @..... , or BM provided by City Engineering Division.". \**

*In due course agreements or easements with exhibits in recordable form must be provided for sanitary, water, storm system maintenance, wetland buffer, and emergency vehicle access. \**

\* carry over from previous review

Michael Taunt  
Survey Technician

Site Plan Memo Sanctuary East 10.16.15.doc