



**City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
248.656.4630  
[www.rochesterhills.org](http://www.rochesterhills.org)**

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**Legislative File No:** 2008-0126

**TO:** Mayor and City Council Members  
**FROM:** Roger H. Rousse, Department of Public Services Director, Ext. 2497  
**DATE:** March 17, 2008  
**SUBJECT:** 1359 New Love Lane Floodplain Use Permit

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**REQUEST:**

City Council is asked to determine whether a floodplain use permit should be granted to the 1359 New Love Lane property owners.

**BACKGROUND:**

Many events have occurred that has lead to this meeting tonight. A condensed version of the background history and current status is provided as follows. It was noticed in August 2005 that fill material was being placed on the subject property without a Rochester Hills land improvement permit. The duration of the fill placement was completed prior to a stop work order being placed by the Building Department. Investigations by the Department of Public Services (DPS) subsequent to the filling operation completion showed that fill material was placed within the existing 100-year floodplain of the Sargent Creek and also in a previously mitigated wetland that existed on 1345 and 1359 New Love Lane.

The property owner at 1359 New Love (Joe Gruits) submitted a plot plan for a proposed new home construction on 1359 New Love in May 2006. Approval of the submission has been withheld by Building Department until the unapproved filling operation was cleared up with the DPS. Separate ordinance violations for filling without a land improvement permit were also issued to the property owners. Meetings with the property owners, Building Department staff and DPS staff resulted in the property owners at 1359, 1345 and 1331 being given two options to resolve the situation: 1) Remove all the fill material previously placed on the properties or 2) Obtain all the permit approvals that would have been normally required prior to placing fill under a City issued land improvement permit process. The property owners chose to pursue securing the appropriate permits to receive a land improvement permit and one of the required permits is a floodplain use permit.

To ensure that the property owners would complete their permit obligations and also provide the property owners some comfort that their permit efforts would not be wasted, three separate consent judgments were finalized and entered with the 52-3 District Court. Ann Christ with Hafeli Staran Hallahan Christ & Dudek, P.C. assisted city staff in completing the consent judgments. One of the parts within the consent judgment is that permits need to be secured by the property owners by March 20, 2008. Thus, the applicants are requesting that the floodplain use permit be granted by City Council.

**RECOMMENDATION:**

It is recommended that City Council approve the floodplain use permit for 1359 New Love Lane. The permit approval is for the proposed work within the Sargent Creek floodplain as prepared by the attached Nowak & Fraus engineering design plans.

Additional background history is provided in the attached memorandum titled RevNewLoveMemo.doc

**Enclosure(s):** Nowak & Fraus engineering design plan sheets Grading & Mitigation Plan (01-C735-02site-lot18-19.pdf) and Cut & Fill Analysis (02-C735-02site-lot18-19earthwork.pdf)

**MDEQ Part 31 Floodplain/Water Resources Protection permit dated November 8, 2007 issued to property owner Joseph Gruits**

**Nowak & Fraus letter dated January 21, 2008 covering ordinance Section 114-159.c.1-13 concerning floodplain use permit review criteria**

**Federal Emergency Management Agency correspondence dated February 14, 2008**

**Floodplain Use Permit application**

**RevNewLoveMemo.doc providing additional background for lots 17,18a**

**Joe Gruits Consent Judgment**

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<b>APPROVALS:</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>Department Review</b>		
<b>Department Director</b>		
<b>Mayor</b>		
<b>City Council Liaison</b>		