



Rochester Hills Minutes - Final Planning Commission

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*William Boswell, Deborah Brnabic, Gerard Dettloff, Kathleen Hardenburg,
Barbara Holder, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder*

Tuesday, March 21, 2006

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

Vice Chairman Boswell called the regular meeting to order at 7:30 p.m.

ROLL CALL

Present: William Boswell, Deborah Brnabic, Gerard Dettloff, Kathleen Hardenburg,
Barbara Holder, David Reece and C. Neall Schroeder

Absent: Greg Hooper and Nicholas Kaltsounis

APPROVAL OF MINUTES

2006-0217 February 21, 2006 Regular Meeting

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

Aye: Boswell, Brnabic, Dettloff, Hardenburg, Holder, Reece and Schroeder

Absent: Hooper and Kaltsounis

COMMUNICATIONS

- A) Planning & Zoning News dated February 2006
- B) City of Auburn Hills Letter dated March 1, 2006 re: Master Plan
- C) Letter from M/M D. Metzler re: SW Corner of Hamlin & Livernois
- D) Alliance Program re: Retail Seminar - April 5, 2006

NEW BUSINESS

2004-0316 Tentative Preliminary Plat Recommendation - City File No. 99-011 - Rochester Meadows, a proposed 47-lot subdivision development on approximately 22 acres, located east of Rochester Road and south of Avon, zoned R-3, One Family Residential, Parcel Nos. 15-23-201-006, 15-23-201-010, 15-23-201-011 and 15-23-201-012, Rochester Meadows LLC, applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated March 21, 2006 had been placed on file and by reference became part of the record thereof.)

*Present for the applicant were Roy Rathka and Joseph Check,
Rochester Meadows, L.L.C., 11684 Majestic Ct., Shelby Township, MI*

48315.

Mr. Delacourt gave a brief introduction of the project and stated that the proposal was for 27 lots on approximately 21 acres, south of Avon, east of Rochester Road. The project had been through several reviews over the last six years. He went over the requests (Tree Removal Permit and Recommendation of the Tentative Preliminary Plat) and said that the plan had been recommended for approval by all applicable City Staff. He noted that if the project moved forward, the applicant would go next through construction review with Engineering Services. When that was done, the applicant would appear again before the Commission for Final Preliminary Plat Recommendation to City Council.

Mr. Rathka reported that they had been working on the project for a number of years and that hopefully, they had everything in line so it would work. They changed the drawings several times and they now had Staff approval. They hoped to move forward. Mr. Check said they would ask for approval based on the recommendations in the Staff Report.

Mr. Boswell explained the procedure for public commenting and said that the Commission would be more than happy to hear from anyone who wished to speak.

Ms. Hardenburg asked about the wetland and natural features setback mentioned for lots 12 and 13, and that signs were recommended to keep people out of the setback. She recalled that for another project, a more permanent barrier - a boulder wall - was requested for a similar setback. That type of barrier would alleviate missing signs and be more likely to keep people out in the future. Mr. Delacourt said that it was certainly something the Commission could consider as a condition. Mr. Check offered that they would not have a problem with that.

Ms. Hardenburg noted that around the retention pond, a 12-foot gravel road would be abutting the homes in Eddington Farms, and she asked if that was typical. Mr. Delacourt said that access for maintenance was always required for a retention pond. Ms. Hardenburg asked if the applicant would be adding landscaping so the drive would not appear to be in people's backyards. She wanted to find out how other Commissioners felt about a gravel drive in that location.

Ms. Holder reminded that it would be used very seldom because it was just for an access. There would not be a lot of traffic, and she suggested that the residents could add plantings on their properties. Mr. Check advised that it would be at grade and should not be very noticeable. Ms. Hardenburg stressed that gravel roads caused dust and even wind

caused dust. Mr. Delacourt said they could explore moving the drive or other materials, such as turf block; or come back with the explanation of why it had to be gravel. Mr. Schroeder recommended that there had to be a good base or the block would sink.

Ms. Brnabic referred to a notation in the Staff Report about residents having concerns regarding drainage, and she wondered if those had been adequately addressed. Mr. Check said they had obtained three easements from Eddington Farms homeowners, adjacent to the detention basin, to correct the drainage situation. In the springtime there was ponding in their backyards. They proposed to run the drainage down to the east and into the Rewold Drain.

Mr. Boswell opened the public comments at 7:46 p.m. He notified the audience that there would be no dialogue, and that all questions should be directed to the Chair to be addressed after everyone had finished speaking. He asked that comments be no longer than three minutes.

Warren DeGrendel, 695 Tewksbury, Rochester Hills, MI Mr.

DeGrendel stated that his yard backed up to the retention pond. He had lived in Rochester Hills since 1963, and a subdivision and retention pond were put in behind his parents' subdivision on Avon Circle. There was not a service drive. His concern with a road access was because the property was saturated with water. He had pictures with deer drinking out of a small pond behind him. He had to have his driveway engineered with crushed concrete because it sank due to the amount of moisture. He was concerned about more water coming into his storm drains and into his yard, and also about the potential of having a service drive behind his house. He addressed the amount of trees to be eliminated and said he did not know which trees would be, but he wanted to know which trees would be removed and where. He was also concerned about the wetlands on the subject site. He said there were a lot of deer and pheasant habitat. There were crayfish, indicating there was a high water table in that area and possible wetlands.

Lea DeGrendel, 695 Tewksbury, Rochester Hills, MI 48307 Ms.

DeGrendel was concerned about the retention pond. She was told it would be a wet pond and then told it would be a dry pond. She heard that dry ponds become a mess, and stated that they have had the opportunity to enjoy their property for over five years. She was also concerned about how wet the proposed site was, noting that when a truck came to do a perk test, it sunk into the property, leaving grooves in the field that were still existing. She was concerned there would be mosquitoes and she wondered how they could be controlled without polluting the environment with chemicals.

Chris DeGrendel, 695 Tewksbury, Rochester Hills, MI 48307 Mr.

DeGrendel felt it was important to speak based on his values. He attended the University of Detroit Mercy as an architectural student. He did not see that the proposal would be a benefit to the City. The City was beautiful, and he had been influenced by the area. He felt that the City had to draw the line somewhere. A road might go right behind his home and it could be a sight for sore eyes, just like many of the new subdivisions were. He mentioned West Nile Virus as a health risk. He stated that not only had their driveway been replaced in the sub, but there were a number of residents who had sections replaced. He said that the soil behind their house was very hard and when it rained, nothing was absorbed into the soil; it ran outward and there was an over-saturation of water.

Joe Cockell, 683 Tewksbury, Rochester Hills, MI 48307 Mr.

Cockell stated that he bought his property in 2002, and noted that it was a corner lot. He bought the corner house for a reason, citing his three and five-year old children. He was concerned about the road through to Avon and traffic. He stated that there were a lot of high school kids that drove excessively. He was concerned because during the planning process, the developers tore up his property. He wondered what would happen to his property when construction started. There were grooves in his lot; there were things removed from it and things broken. He did not think the developers would follow protocol, and he was concerned for the safety of his children.

Fred Hartman, 532 E. Avon Road, Rochester Hills, MI 48307 Mr.

Hartman said it was his third time before the City regarding the development. He acknowledged the plan was not as bad as the other two he had seen, and that some of his concerns had been addressed. The drainage was still a problem. There was a stream running through his yard and through the development, and to stop it, they would have to go on his property. It was dug up by the developer and it was not fixed. He was concerned about the gravel road. When he bought his home, it had a 60-foot right-of-way on one side for a driveway, and a 60-foot right-of-way on the other side for Detroit Edison. He was assured that Edison's drive was for construction only. In the 1980's, when he did not occupy the house for awhile, Detroit Edison switched the Rochester Road entrance to Avon Road. When he called, they said it was from pressure from people complaining who lived next to the Edison road off Rochester. The City asked them to change it. He now had a half a mile gravel road with trucks trying to go in and out (he said he closed the gates on them). He could not see for 30 minutes after they went down the road. He referred to the drainage and said he was not sure if the Rewold Drain was supposed to fix anything, but his basement was flooded and he has had to run pumps for days since the Drain was put

in. There were some trees next to him, and if the proposed plan was approved, he would like to see some homes moved back so they could be saved. He noted that they were huge trees and were scheduled to be removed: Trees #261, #280 and #259 - 32 inches, 43 inches and 36 inches in diameter, respectively. They were between 60 and 80 feet high. (Mr. Hartman handed in pictures of the trees for the Commissioners, which were placed on file and became part of the record thereof).

Rodney Morris, 1276 Pembroke Dr., Rochester Hills, MI 48307 Mr. Morris stated that he was present as a homeowner and as a board member of the Eddington Farms Association. He said he would like the layout of the gravel road made available to people. He did not understand the drainage of the retention basin, but he assumed it covered all the homes before it got to the Pembroke/Bembridge retention area. There were a number of concerns about that. The Board had signed over drainage retention to the Rewold Drain, but there were still modifications to be made. There was a significant back-up in the area and it needed cleaning out, and they were not addressing it. He said he assumed that the drainage would run along the homes on the north side of Tewksbury down to the drain. At the bottom of the drain, where the big drain dispersed into the commons area, the whole drainage was not done correctly and was not signed off correctly, in the Board's opinion. The grade was atrocious and there was less than a six-inch drop-off between where the Rewold Drain entered the lot to where it exited under the Bembridge drive area. It was very shallow. They had a number of issues trying to work with contractors. He related that the water pooled and collected and it was very difficult to mow. He felt that something needed to be done to ensure that would be addressed or there would be a mosquito issue. When the initial work was being done on the proposed site, some wetlands to the west of Bembridge, towards the Edison gravel road, were reconstructed without approval. That area was constantly under water and a stream ran through it, connecting to the Pembroke/Bembridge Drain. He wondered how the wetland would be preserved. He was concerned about the trees also. He asked about construction traffic and said he assumed there would be none through Eddington Farms. He felt it should all be through the Avon Road access. He also thought something should be done in terms of road design to ensure traffic speeds were maintained.

Mr. Boswell closed the public comments and remarked to the applicants that they needed to start discussing the drainage issues.

Mr. Check referred to the DeGrendel family's concerns with regard to the detention pond. He stated that it would be a dry basin, with an overflow pipe, which would run due east of the basin and ultimately connect up

with the Rewold Drain. It would connect with the Drain somewhat north of the area Mr. Morris spoke. He showed the area on the overhead and the direction of the flow. He referred to the comments about the roads, and said Pembroke was a cul-de-sac, not a drag strip. There would be a stop sign and stop signage on other corners. He did not see traffic speeds as a problem. Regarding construction, they would be glad to access the site from Avon, but he noted that it would be up to the City and County. He stated that there were no wetlands on their site. There were wetlands only on the Edison property, although the wetland setback went into three of their lots, which they would honor. He did not think there would be mosquitoes with a dry basin, but if it happened, they could address it at that time. He was familiar with dry detention basins and they had never had that type of problem. It sounded to him as if there was a problem in the other sub in that regard.

Mr. DeGrendel stated that a lot of subdivisions - Pulte, for example - were putting in retention ponds with fountains rather than dry ponds. He wondered if that was to eliminate mosquito larvae. He was concerned the pond would become a "muckhole" or swamp. He asked if they might address an option other than a dry sump pump. Mr. Check pointed out that there would be a maintenance agreement that would burden the proposed sub to maintain the basin and to address problems.

Mr. Check stated that they tried to save as many trees as possible. They reduced lots and were transplanting trees to save 37% of the trees. The trees were scattered on the site and there were no stands of nice mature trees. They also had to look at the health of a tree to see if it was suitable to save.

Mr. Boswell asked if he knew of which trees Mr. Hartman referred. Mr. Rathka said they would try to save trees by building around them, but if they were within the building envelope they could not be counted as being saved. After determining the lots the trees were on, Ms. Hardenburg asked if there was a reason they had to be removed.

Mr. Check reiterated that they were in the building envelope, so they had to be shown as removals; however, he stressed that they would attempt to save them if they could. Ms. Hardenburg commented that it would be a nice addition to the entrance if they could be kept.

Mr. Delacourt explained that tree #259 was right in the center of the building envelope of lot 46; #280 was towards the back of the building envelope of lot 45, so he felt there was a chance to save it, but by Ordinance they had to show it as a removal; #261 was in the front yard between the proposed Queensboro Drive and lot 47, and it was outside of the building envelope. They had to show it as a removal because of

utility installation. Applicants were always asked to try to save trees in those areas.

Ms. Hardenburg said it could potentially be saved, to which Mr. Delacourt agreed, and he added that the applicant had to provide replacement whether it was saved or not. He reminded that it was still very likely that the roots could get cut during construction.

Mr. Delacourt stated that Staff had discussed the drainage extensively, including the wetlands, soils, etc., and the engineers were aware of the situation and current problems. They had done everything they could through the design of the site to make sure that construction would not worsen that situation. They believed they had improved it. The City's Environmental Consultant, ASTI, pointed out in their letter of October 26, 2005 that the detention basin had been revised and was to be connected to the existing storm water sewer. The design would greatly reduce the downstream flow and flooding that was occurring to the southeast of the site. The water moving off the site would be restricted and controlled. He reminded that the site had not been through construction and engineering plan review.

Mr. Schroeder reminded that basements would be added, with footing drains, and it would only take a year or two for the water table to drop. A lot of the drainage problems would go away when the water table lowered - which, he added, happened in almost every subdivision.

Mr. Cockell stated that the land was not dry in August and the whole area was under water. He invited the City to come look at his backyard. Mr. Boswell stated that the plan had not gone through full engineering reviews, and he added that the idea would be for the development to alleviate any problems to this point. That was also what the Commission was looking for, and he reiterated that the City's Wetland Consultant believed the situation on the neighbors' properties would be improved.

Ms. Brnabic mentioned the homeowner's property damage, and asked if it had currently been done and by whom. Mr. Cockell said that trucks came across his property in August and they sank down into his property because it was wet.

Ms. Brnabic asked the developers if they made a reasonable effort to repair damages to surrounding properties if that occurred. Mr. Check replied they certainly would be glad to fix it and that he had no idea that had happened. Mr. Schroeder noted that during construction, the developer or contractor could put up orange fencing around the property and keep people off.

Mr. Boswell asked if there were any comments besides drainage to discuss.

Mr. Schroeder suggested that crushed gravel or a base could be put on the access gravel drive, and it could be capped with gravel or topsoil and block, and grass would grow. The base would support a truck. He reiterated that the water table would drop when the basements were put in and in time take care of itself. Regarding maintenance of the pond, it was the responsibility of the Subdivision Association, and he suggested there might be a cunnet in the basin - a cement trough - which would carry the water through so there would not be a low flow sitting in the bottom of it. He thought that would be part of the design. Regarding stop signs, he stated that they did not control speed. The intersection would not warrant a stop sign, people would ignore it and it would become a danger because people would drive through it. He did not advise reliance on stop signs there. The speeding would actually come from the residents in Eddington Farms. In his jurisdiction, when tickets were issued, 98% went to the local residents. Speeding had to be controlled by the Eddington Farms Association. Mr. Boswell added that the layout of the roads were not very conducive to speeding.

Ms. Hardenburg asked if a dry basin was mowable, which was confirmed, and if it would look like someone's yard. Mr. Schroeder said it would if it were maintained properly. Ms. Hardenburg did not think there should be a problem then. Mr. Schroeder said that with today's environmental concern, the trend was toward putting more natural plantings on the bottom of the basin. It would take about two or three years to establish, but there would be natural grasses and flowers and then a cunnet would not be desired because the plantings would absorb the water and take care of the problem. He expressed, however, that a lot of people were not ready to accept that yet.

Ms. Hardenburg agreed that made sense, but she referred to the area off Rochester Road, north of Hamlin and south of Meadowfield, and said it was overgrown and was a mess. Mr. Anzek said that was nature taking over. Ms. Hardenburg said she would not want to live beside that, but if a basin could be mowed and was dry most of the time, she would not mind living by it.

Mr. Reece asked why the access road to the basin could not be moved so that it ran parallel with Lots 16 and 17. Mr. Schroeder said it could not be because that was where the access to the outlet was (at the low point), and keeping that outlet clear was the main part of the maintenance.

Mr. Reece referred to the tree issue and said he did not think there was

an opportunity to save #259, but he thought every effort should be made to save #280 and #261. He agreed with Mr. Schroeder that if the area where the detention pond was proposed was as wet as described by the residents, they probably would have a greater concern with West Nile Virus now than when the pond was installed. It would help drain the area and improve the situation, rather than detract as it currently did.

Mr. Hartner disagreed about the drainage. He did not have a problem with flooding for 30 years, but now he did. It flooded because streets and driveways were added. The County was supposed to fix it, but it did work. He had cattails in his backyard. He used to have a nice garden, but now it was a swamp. He disclosed that City Staff had been out and tiles had been torn up, but it was still not fixed. He said he would not plan on the drainage getting better just because more homes were built.

Mr. Boswell asked Mr. Delacourt what problems there were with the original plans and what had driven the plan before the Commission.

Mr. Delacourt said he had only seen the plan in its final inception and that it had been reviewed by a previous City planner over several years. The applicant had applied for a Variance from the Tree Conservation Ordinance and ASTI's letter indicated that there were issues with wetlands, but they had been straightened out and signed off by ASTI. There were several Engineering reviews, but the main issue was trying to manipulate the design of the site to comply with the Tree Conservation Ordinance.

Mr. Schroeder noted condition four in the motion for the Tree Removal Permit, which said the trees would be replaced on an inch-for-inch basis and he asked for clarification.

Mr. Delacourt said that the applicant proposed to transplant 12 trees on site and the City's Landscape Architect had reviewed that. If the transplanted trees did not survive for two years, the applicant would replace them inch-for-inch. Normally, replacement is one credit for one tree removed. In this instance, for a 46-inch tree, four-and-a-half feet above ground that did not survive, the applicant would be required to replace with 46 credits.

Ms. Holder asked if the three trees mentioned would be shown as trees to be saved or just "hopefuls" to be protected. Mr. Boswell replied that the applicant would do everything they could to protect them, but they were scheduled for removal. Ms. Holder read that if a tree designated for protection were damaged, a fine of \$122 per caliber inch of tree damaged would be issued and payment received before a Certificate of Occupancy was given. Mr. Delacourt advised that to show those trees

as saved would require a Variance from the Tree Conservation Ordinance. The Ordinance required them to be shown as removals.

Mr. Schroeder asked if a motion could be made if there were no other discussion. Mr. Boswell agreed it could, but first commented about the drainage, noting that although it bothered him, he did not think it was the Commission's function to solve the problem. He stated that it was the City's engineers, who would make sure the standards were met.

MOTION by Schroeder, seconded by Reece, in the matter of City File No. 09-011 (Rochester Meadows Subdivision), the Planning Commission grants a **Tree Removal Permit**, based on plans dated received by the Planning and Development Department on January 12, 2006, with the following three (3) findings and subject to the following five (5) conditions.

Findings:

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 37 percent of regulated trees on-site.
3. The applicant is proposing to replace as many as 188 regulated trees with replacement tree credits on-site within the open space areas.

Conditions:

1. Submit irrigation plan for review and approval by the City's Landscape Architect.
2. Install tree protective fencing, as reviewed and approved by the City's Landscape Architect, prior to issuance of the Land Improvement Permit.
3. Provide a performance guarantee in the amount of \$116,856.00, as adjusted if necessary by the City's Landscape Architect, to ensure the proper installation of replacement trees and other landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
4. Prior to issuance of the Land Improvement Permit, Submission of a letter of Warranty to the City's Landscape Architect for the 12 regulated trees being transplanted onsite, stating that the trees will be warranted for a period of two years and if, at the end of the

warranty period the trees are dead or declining, they will be replaced on an inch for inch basis. The tag numbers of the transplanted trees are to be listed in the letter (#243, 250, 322, 357, 515, 525, 620, 1007, 1077, 1080, 1090 and 1092). The letter will also state that the City's Landscape Architect has final approval on the inspection and approval rights for the type, size and location for any replacement trees necessary.

5. Make every attempt to save trees #261 and #280.

Mr. Reece wished to add the above condition. Mr. Schroeder advised that they had to be careful because they were very old, large and sensitive trees, and when lots were graded, utilities added and the roots disturbed, the trees could die in three or four years. The homeowner would be stuck with thousands of dollars to remove the tree. It would potentially put a strong liability on the future homeowner and he felt there should be something to protect that future owner.

Mr. Delacourt reminded that the City had a Landscape Architect on Staff, and she did everything possible in working with the developers in an attempt to save trees. She also worked in the field to make adjustments. He did not think there was anything inappropriate with the condition, and noted that Ms. Dinkins did that as a matter of course. The condition would just have her pay a little more attention. If she felt the tree would be damaged, she would not require that it be saved for the reason Mr. Schroeder pointed out - it might become more of a hazard in the future than a benefit to the City. Mr. Schroeder added that once the engineering was done, the grading plan would show more information, and they would know the answer right away.

Mr. Schroeder agreed to the fifth condition and added that it should be subject to the City's Landscape Architect making the final decision.

Condition 5 now to read: Make every attempt to save trees #261 and #280, subject to the City's Landscape Architect making the final decision regarding disposition of the trees.

Roll Call Vote:

Ayes: Boswell, Brnabic, Dettloff, Hardenburg, Holder,
Reece, Schroeder

Nays: None

Absent: Hooper, Kaltsounis **MOTION CARRIED**

Mr. Morris wanted to make one last comment, but first complimented the

change in layout. He was concerned about the drainage into the Eddington property. The Eddington Board had signed off and given Rewold permission regarding of draining into their commons area. They had not given permission for drainage from any other lot, in terms of pipeline, into the Eddington drain. Where the drain would come in was exactly where the water pooling was a concern. In order for the drain to come into the Eddington drainage area, the City needed to sign-off stating there would not be an issue and it needed to be presented to their Board for approval.

Mr. Delacourt advised that if there were a concern by the City about out-letting, the proposal would not be in front of the Commission. Any easements the City needed to connect future stormwater drainage or for access, would be provided by Rochester Meadows, the same as Eddington's developers provided the City when it was developed. He noted that the request was only for Tentative Preliminary Plat, and that any deed restrictions or easements would be done at construction review. When it was ready for Final Preliminary Plat, all those things would be finalized. The City's Engineering Staff was completely satisfied that everything needed for the Tentative Preliminary Plat had been provided.

Mr. Reece asked about Condition 1 for the Tentative Preliminary Plat motion which asked for additional evergreen plantings along Avon Road to buffer homes. He asked Mr. Delacourt for an explanation. Mr. Delacourt answered that per the City's Subdivision Control Ordinance, Staff asked for buffering for the rear of homes with plantings or trees. That would cut down the view of homes from the road.

Mr. Reece asked if that was not shown on Sheet L2, and Mr. Delacourt replied it was not. Mr. Boswell observed that there was considerable landscaping shown already. Mr. Delacourt asked the applicants if it had been revised since the City's Landscape Architect and Planning Consultant had seen it. Mr. Rathka replied that it had been. Mr. Boswell pointed out the note regarding it on Sheet L2. Mr. Delacourt replied that he would have the Landscape Architect verify it, and suggested leaving the Condition in for her to see.

Mr. Schroeder cautioned that a private easement should be put there, and if there was to be a berm it should be spelled out in the plan. Some berms, especially if they were too steep, could not be maintained easily. He did not want a Condition added, but thought it should be in the design.

The following motion was made, and Ms. Brnabic added Condition 3, Mr. Reece added Condition 4, and Mr. Boswell mentioned adding a

Condition about the gravel access road, and Condition 5 was dictated by Mr. Reece.

MOTION by Schroeder, seconded by Brnabic, in the matter of City File No. 99-011 (Rochester Meadows Subdivision), the Planning Commission **recommends City Council grant Tentative Approval of the Preliminary Plat**, based on plans dated received by the Planning and Development Department on January 12, 2006, with the following five (5) findings and subject to the following five (5) conditions.

Findings:

1. The preliminary plat meets all applicable requirements of the Zoning Ordinance and the Subdivision Control Ordinance.
2. Adequate utilities are currently available to properly service the proposed development.
3. The preliminary plat represents a reasonable and acceptable plan for developing the property.
4. The preliminary plat represents a reasonable street layout, as well as a reasonable lot layout and orientation. In addition, all lots have access to an interior local street.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions:

1. Addition of greenbelt plantings along Avon Road, outside the public right-of-way, to minimize the view of the rear yards of homes (especially lots 30, 31 and 47), as approved by the City's Landscape Architect.
2. That all off site drainage easements and agreements be reviewed and approved by Engineering Services prior to Construction Plan Approval.
3. All construction traffic be limited to and from Avon Road.
4. Erect a physical barrier along the wetland buffer, as identified on Sheet L2 for lots 12 and 13, as approved by Staff (fence and sign not appropriate).
5. Gravel road access to detention pond to include turf block.

Mr. Schroeder called the question.

Roll Call Vote:

*Ayes: Boswell, Brnabic, Dettloff, Hardenburg, Holder,
Reece, Schroeder*

Nays: None

Absent: Hooper, Kaltsounis **MOTION CARRIED**

Mr. Boswell noted for the record that the motion passed unanimously and he thanked the applicants.

DISCUSSION

2006-0226

Proposed Residential Development on 25.9 acres located east of Rochester Road, north of Tienken (north of Cross Creek Sub), Parcel No. 15-02-177-001, TJ Realvest, LLC, applicant.

Mr. Delacourt informed the Commission that Staff recommended the applicant go before them to discuss the 26-acre site, which was located on the east side of Rochester Road, north of Tienken. He noted that the site was encumbered by a high-quality wetland and trees, and that Staff had talked with several applicants in the past about how to do a single-family development there.

Mr. Delacourt brought up that the Commission had previously discussed the City's Natural Features Inventory, the Master Plan and recommendations about using flexible types of housing to protect the natural environment. The applicants came up with several concepts, including attached housing. It related to the mixed-residential designation in the Master Land Use Plan update, with a density no greater than what was allowed by the underlying single-family (R-1) zoning.

Present for the applicant were Jaroslaw B. Kisil, Member and General Counsel, and Tom Cooney, Member, TJ Realvest, LLC, 35312 Connecticut Drive, Suite 100, Sterling Heights, MI 48310.

Mr. Kisil stated that they had a parcel with high quality wetlands and natural features. He showed a proposed single-family development, which would meet the City's Ordinances, with the wetland and buffer outlined. Out of 25 acres, there were about 9 acres of wetlands. The topography of the site was quite severe and there was a 40 to 47-foot drop down to the wetland areas. Staff expressed watershed concerns, tree concerns, and that most of the upland area would be disturbed with a single-family development. As an alternative, and after talking with