



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

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**Legislative File No:** 2008-

**TO:** Mayor and City Council Members

**FROM:** Roger H. Rousse, Department of Public Services Director, Ext. 2497

**DATE:** June 23, 2008

**SUBJECT:** 1331 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 1331 New Love Lane property owners.

**BACKGROUND:**

Many events have occurred that has lead to this item being brought to council. 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.

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.

City council approved floodplain use permits for 1359 and 1345 New Love at the March 31, 2008 regular meeting. Engineering staff recommended denial of the floodplain use permit for 1331 New Love because the drawings submitted with the application for this property showed a future building addition proposed to be built touching floodway limit for the Sargent Creek. City council upheld the staff's denial recommendation for the floodplain use permit at the meeting on March 31, 2008.

The applicant has prepared and submitted a revised grading plan that does not indicate a future building addition and is acceptable to engineering. Thus, the applicant is now requesting approval of the floodplain use permit for 1331 New Love so that the combined restoration work of fill removal and wetland establishment can be undertaken together for 1359, 1345 and 1331 New Love.

**RECOMMENDATION:**

It is recommended that City Council approve the floodplain use permit for 1331 New Love Lane.

**Enclosure(s):** Nowak & Fraus Grading & Soil Erosion and Sedimentation Control engineering drawing sheet 01-E823-01site-lot 20-21.PDF

**MDEQ Part 31 Floodplain/Water Resources Protection permit dated November 8, 2007 issued to property owner Kathryn J. 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**

**Kathryn Gruits consent judgment**

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		