

Mr. Frank Ferro, F&M Construction, 3718 Twenty-five Mile Road, Shelby Township; Jackie Viers, 3675 Tienken Road, and Donna Ybarra, 413 Sandlewood, were present representing the applicant. Mr. Ferro stated they were requesting approval of the Final Plat for the Pine Creek Estates Subdivision.

Mr. Anzek stated no change had been made to the plat as it was approved for lot, parcel or size; however, the street designation had been changed to a private street. He stated the appropriate water, sewer, and public safety easements had been met. Mr. Anzek explained the street had been constructed according to City standards, but had not been recorded. He stated the applicant would be obligated to enter into a maintenance agreement with all property owners for upkeep of the street.

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Resolution A0186-2002-R0269

**MOTION** by Barnett, seconded by Golden,

***Now Therefore Be It Resolved,*** That the Rochester Hills City Council hereby approves the Amended Final Plat for Pine Creek Estates Subdivision (City File #87-902), subject to submittal of all required performance guarantees, fees, and other requirements which must be met prior to release of the Mylar. Property is identified as Parcel No. 15-07-100-016, zoned R-2, One Family Residential.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins  
Nays: None  
Absent: None

**MOTION CARRIED**

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**11b. Approval of Final Preliminary Plat - North Oaks Subdivision No. 3** a development consisting of eight (8) proposed lots on 7.391 acres located on the south side of Dutton Road, east of the existing North Oaks Subdivision and west of the Paint Creek Hills Subdivision; zoned R-1, One Family Residential, identified as Parcel No. 15-04-201-003; Singh Development, Applicant (A0278) (Members received a copy of a City Council Agenda Summary Sheet dated June 5, 2002 from Ed Anzek, Director, Planning Department, with attachments)

Mr. Dave Zaitchik, Manager, Project Development, was present on behalf of the applicant, Singh Development Co., 7125 Orchard Lake Road, West Bloomfield, Michigan.

Member Hill questioned whether Findings 9, 15 and 17 referred to in the Staff Report had been addressed to the satisfaction of the Administration. She also questioned whether a reduction in the right-of-way to allow construction of a tiered wall had been resolved, and whether the applicant felt they could meet the requirements.

Mr. Zaitchik explained the Planning Commission had suggested a reduction in the size of the right-of-way to allow moving the road and wall away from the adjacent property owners. He explained this matter had to be reviewed for engineering repercussions.

Member Hill verified the applicant would come back for a right-of-way variance request should the reduction be deemed necessary. Mr. Zaitchik explained a reduction in the size of the right-of-way would be easier and less costly; however, that option had not been decided.

Ms. Millhouse explained Condition #9 referred to adjacent property owners in North Oaks Subdivision No. 1, and noted copies of the agreements were included in the packet. She stated the City Council Resolution had been revised indicating the applicant would comply with those agreements.

Ms. Millhouse explained Condition #15 referred to a separate Homeowners Association for North Oaks Subdivision No. 3, and noted a letter had been received from the applicant documenting the fact there would be a separate Homeowners Association.

She explained the City Council resolution requested that a note be added to the plat specifying that as a condition of approval.

Ms. Millhouse explained Condition #17 referred to a Tree Removal Permit, which would be addressed prior to issuance of a Land Improvement Permit.

Member Golden questioned whether the retaining wall adjacent to Lot 8 in North Oaks Subdivision No.1 and Lot 107 in North Oaks Subdivision No. 3 had been addressed.

Ms. Millhouse explained the Planning Commission had discussed a retaining wall adjacent to the road, and the retaining wall questioned by the Lot 8 property owner had not been discussed by the Planning Commission.

Member Holder stated the amount of disruption between the lot owners and the retaining wall had been discussed because the adjacent lot owners were concerned about the heavy equipment that would be necessary to construct the wall. Ms. Millhouse indicated that discussion related to the retaining wall along the roadway, not the grading of the lot to the south.

Member Hill questioned whether a request for a variance in the road right-of-way would affect the request for approval of final plat. Ms. Millhouse clarified the request being considered was for approval of a final preliminary plat. Attorney Staran noted it was question of how significant the change would be.

Member Barnett questioned how the resident concerns about the retaining wall would be addressed. Mr. Zaitchik noted the conditions would have to be met before a Land Improvement Permit would be issued. He indicated a revised tree survey was being conducted.

Member Golden noted she spoke with a resident who was concerned the retaining wall would be eight (8) to ten (10) feet high; however, as this was a request for final preliminary plat approval, she believed the matter would be resolved amicably.

Mr. Zaitchik clarified the main retaining wall discussed at Planning Commission would be located at the north end of the Project, allowing for the main entry off Dutton Road. He explained the wall was tiered and would be six (6) feet high, go back four (4) feet, and then up another six (6) feet. He stated the retaining wall depicted opposite Lot 8 was noted on the plans by the engineer because it may be necessary when a home is constructed; however, that would depend on the configuration of the home, and cannot be finalized until the builder for that lot proposes a home and submits a plot plan.

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Resolution A0278–2002–R0270

**MOTION** by Robbins, seconded by Duistermars,

***Now Therefore Be It Resolved,*** That the Rochester Hills City Council hereby grants Final Approval of the Preliminary Plat for North Oaks Subdivision No. 3, an eight-lot subdivision located on 7.391 acres south of Dutton Road and east of the existing North Oaks Subdivision zoned R-1 (One Family Residential) and identified as Parcel No. 15-04-201-003, with the following 2 findings and subject to the following 17 conditions.

Findings:

1. The preliminary plat is in substantial compliance with the previously approved tentative preliminary plat street and lot layout.
2. The preliminary plat and associated documents conform to all applicable City ordinances, standards, regulations, and requirements.

Conditions:

1. Completion of the Charles R. Moon Drain improvements, and indication on the North Oaks Subdivision No. 3 construction plans of connection to the completed drain in order to obtain a Land Improvement Permit.
2. The 25-foot greenbelt landscape easement indicated west of Acorn Glen and along the westerly property line of Lot 104 be extended along the westerly property line of Lots 105 and 107.
3. The building footprints for Lots 105 and 107 be located outside the 25-foot greenbelt landscape easement and the driveways be indicated on the east side of the home.
4. Inclusion of a detail indicating the type and height of the fence to be installed west of Acorn Glen, as approved by the City.
5. Correction of the tree conservation calculations as indicated in the Parks and Forestry memorandum dated April 30, 2002.
6. The Redspire pears on the Dutton Road right-of-way be changed to red or white oak, as approved by the City.
7. Submittal of a tree planting plan, to be approved by the Forestry Division, indicating the planting of trees in the Dutton Road right-of-way to replace eleven trees to be removed from the city-owned portion of the Dutton Road right-of-way or payment of \$2,860 into the Tree Fund prior to issuance of a Land Improvement Permit.
8. A note be added to the preliminary plat indicating that the applicant acknowledges the responsibility for replacing the trees on an inch-for-inch basis, if development of the project (including lot grading and installation of check dams) results in the total number of existing regulated trees to drop below 37 percent.
9. A note be added to the preliminary plat indicating that replacement trees to be located on Lots #1, #4, #5, #8, and #9 of North Oaks Phase I will be planted in a manner and location approved by the City's Landscape Architect during the spring immediately following completion of underground and paving construction. Such replacement trees will further be planted in accordance with the agreements signed by the individual property owners and on file with the Rochester Hills Planning Department.
10. The six (6) Redspire pears along Acorn Glen be changed to white spruce.
11. Provision of a performance guarantee in the amount of \$8,819.00, as adjusted if necessary by the City, to ensure the proper installation of replacement trees. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
12. Payment of \$31,590.00, as adjusted if necessary by the City, into the City Tree Fund prior to issuance of a Land Improvement Permit.
13. Provision of a performance and maintenance guarantee in the amount of \$4,520.00, as adjusted if necessary by the City, to ensure the correct installation and maintenance of the proposed landscaping. Such guarantees to be provided by the applicant prior to issuance of a Land Improvement Permit.
14. Payment by the applicant of \$1,600.00, as adjusted if necessary by the City's Forestry Division, for one street tree per lot. Such payment to be provided prior to issuance of a Land Improvement Permit.

15. The applicant add a note to the preliminary plat indicating that there will be a separate Homeowner's Association for North Oaks Subdivision No. 3.
16. A new Tree Removal Permit be obtained, as necessary, after an updated tree survey is conducted and submitted to the City. Such Tree Removal Permit, if needed, to be obtained prior to issuance of a Land Improvement Permit.
17. Addition of a note to the preliminary plat indicating that no work will occur within six feet of the western property line in an area equal to the length of the retaining wall, and a snow fence will be placed along that same six-foot line. Such snow fence to be installed prior to, during, and until utilities, the wall itself, and pavement are completed and re-vegetation has begun.

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins

Nays: None

Absent: None

**MOTION CARRIED**

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**11c. Approval of Final Plat - Manchester Knolls** a 26 lot subdivision on 25.35 acres located east of Brewster Road and south of Tienken, zoned R-1, One Family Residential, identified as Parcel No. 15-08-251-002; Kay Building & Land Development, L.L.C., Applicant (A0380) (Members received a copy of a City Council Agenda Summary Sheet dated June 7, 2002 from Ed Anzek, Director, Planning Department, with attachments)

Mr. David Duggan and Mr. John Golden, Kay Building & Land Development, 57 Kay Industrial Drive, Lake Orion, were present representing the applicant.

(i) Approval of Storm Water Detention Basin Maintenance Agreement

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Resolution A0380-2002-R0271

**MOTION** by Robbins, seconded by Holder,

***Now Therefore Be It Resolved,*** That on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approves the Agreement for Maintenance of Storm Water Detention Pond between the City of Rochester Hills and Kay Family Asset Company, L.L.C., a Michigan Limited Liability Company, of Post Office Box 1000, Lake Orion, Michigan 48309-3033, affecting property identified as: Parcel Number 15-08-251-002.

***Further Resolved,*** That the Mayor and City Clerk are authorized to execute and deliver the agreement on behalf of the City

Ayes: Dalton, Barnett, Duistermars, Golden, Hill, Holder, Robbins

Nays: None

Absent: None

**MOTION CARRIED**

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(ii) Acceptance of the Declaration of Covenants and Restrictions

Member Hill noted the Declaration stated the homeowner or association would install and maintain the sidewalks at their own expense. She clarified that referred to future repair of the sidewalks, and the applicant would be installing sidewalks as the Project is developed.

Mr. Golden explained the applicant would install sidewalks along the boulevard entrance and across the front of the detention basin, and as the lots are built, the builder