

5. The existing development and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare as there are several existing restaurants within the Gateway II shopping center; the overall shopping center has been developed to current city standards for development; and the nearest residential land use is approximately 400 feet away, behind the Fairfield hotel.

6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.

2. If, in the determination of City staff, the intensity of the restaurant use changes or increases, in terms of traffic, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

2024-0462

Public Hearing and Request for Preliminary Site Condominium Recommendation and Site Plan Approval for Auburn Angara Oaks Condominium development, a proposed development with 9 single family detached residences, 6 multi-unit condominium buildings and related amenities on approximately 9.7 acres of land located at 2469 & 2489 W. Auburn Rd., 3045 Angara Dr., 3050 Harvey St., Parcel Nos. 15-32-201-001, -002, -003, -004, and -006, located on the south side of W. Auburn Rd. and west of Crooks Rd., zoned R-4 One Family Residential and a portion of the land has the FB Flex Business Overlay, Bruce Michael Auburn Angara Oaks, LLC, Applicant
(Staff report dated 10-15-24, Reviewed Plans and Wetland Reports, Applicant's Response Table, Rochester Housing Solutions Presentation, Development Application, Environmental Impact Statement dated 8-14-24, Notice of Intent to Establish Condo Project dated 3-12-24, Neighborhood Meeting Information, WRC letter dated 12-13-22, MDOT email dated 9-21-23, Sewer Easements, Public Comment and Public Hearing Notice were placed on file and by reference became a part of the record thereof.)

Present for the applicant was Bruce Michaels, Auburn Angara Oaks, LLC., and partner with Three Oaks Communities.

Chairperson Brnabic introduced this item and noted it is a request for preliminary site condominium recommendation and site plan approval for Auburn Angara Oaks, a proposed condominium development with nine single family detached residents, and six multi-unit condominium buildings, on approximately 9.7 acres located at 2469 and 2489 West Auburn Road, and 3050 Harvey Street, on the south side of West Auburn Road and west of Crooks. She noted that the property is zoned R-4 One Family Residential and a portion of the land has the FB overlay. She invited Mr. Michaels up to the presenter's table and asked for the Staff Report.

Mr. McLeod noted that also present for staff were Jason Boughton, Engineering Utilities Specialist, Matt Einheuser, Natural Resources Manager, and Kyle

Hottinger, PEA-ASTI, the City's Wetland Consultant. He explained that this is a series of requests for approvals in terms of preliminary site condominium, wetland permit, natural features setback modification, and a tree removal permit. He stated that the project consists of approximately nine acres. He reviewed the surrounding zoning, noting that it is R-4 One Family Residential with the Flex Business overlay on the front part of the site, and pointed out that to the south, east and west is R-4 One Family Residential zoning. He mentioned that the distinguishing line is about halfway through the development and this allows for the multiple family units to be proposed on the front portion of the site. The applicant is proposing a series of five different multiple family condominium buildings as well as a row house building toward the front of the site, and those units then transition to single family, with two of the single family units will be dedicated for IDD residents. He explained that it is similar to the Walton Oaks development which has just broken ground, where those homes will be broken up for four different residents living within a common scenario under a single roof. The front units are a mixture of IDD units as well as traditional or neurotypical traditional residents. Parking is provided under each one of the multiple family buildings, and some on-street parking is provided as well.

He noted that the Flex Business District provides for and encourages the interconnection of streets and blocks to create a more unified system, and this is why a connection is proposed to the east and to the west to the traditional single family residential zoning. He pointed out a significant wetland area that is mid- to back portion of the site in the open area; and there is also an existing wetland system at the terminus of the cul-de-sac at the rear portion of the site. He explained that these are the two environmental features which are causing the need for a wetlands permit and a natural features setback modification.

He reviewed parking, stating that there are a total of 99 parking spaces for the 45 units within the multiple family condominium buildings and the five units within the row houses, as well as on-street and individual driveway parking spaces. Nine single family lots include two dedicated to IDD residents, with four in each IDD unit or up to eight residents.

He reviewed the natural features setback modification being requested for permanent disruption in the area of Wetland A, and added that moving to the back of the site, the wetland disruption is much more minor with only a small amount of fill being proposed at the very end of the cul-de-sac. He explained that the City regulates its own wetlands in addition to any State regulation that may also occur. As a part of that function, the City requires a 25-foot setback, which is a natural features setback to the wetlands designed to provide a buffer to the wetlands, hopefully to cleanse the water and minimize disruption to the true wetland portion from any fertilizing or mowing that may occur next to the wetland. He noted that throughout the development boulders will be placed to delineate the location of the natural features setback and to keep residents from encroaching into the setback by mowing or installing structures such as playscapes.

Mr. McLeod reviewed the details of the requested tree removal permit and shared the landscape plan, noting the City requires 40 percent preservation of

trees, and they are proposing 40.9 percent. He pointed out that the trees that are being removed are required to be replaced, and the developer is proposing to replace 129 total replacement trees as well as 106 trees for specimen tree removal; and is also paying in the equivalent of 206 trees into the City's tree fund which he explained is an acceptable mechanism. He reviewed buffering, noting that the south half of the development is single family against single family, and no buffering is required. He explained that a retaining wall is proposed to provide for less impact to the existing wetland than a standard grade would coming off of the roadway. He mentioned that the configuration of street trees at the front half of the development is impacted by fire department requirements in order to allow the passage of an aerial ladder truck.

He reviewed the underground parking proposed, the various floor plans, and the architecture. He explained that the amenities to be provided include a plaza space at the intersection of Harvey and Angara and a farm stand/greenhouse that would be available for residents within the development to grow their own products and provide a limited amount of retail for anything grown within the greenhouse, which is allowed within the FB District.

Chairperson Brnabic invited Mr. Michaels to contribute any additional information.

Mr. Michaels explained that this is a project designed for intellectually and developmentally disabled adults, and stated that they have a number of families in attendance that have reserved units in the development as well as David Mingle with Rochester Housing Solutions. He added that the development is similar in nature to what was discussed with Walton Oaks.

Chairperson Brnabic noted that the Commission received approximately 18 emails in support of the development and two emails that expressed concerns about maintaining and protecting wetlands and trees. She opened the public hearing and noted that each speaker would have three minutes to express comments and ask questions, and stated that all questions would be answered together after everyone has had an opportunity to speak.

Jessica McCord, 2449 W. Auburn Rd., stated that they live in the parcel right next door and own the easement currently labeled as Harvey. She commented that it is part of their parcel and is no longer a valid easement. She expressed concern over the water on the property, noting that fill has been added over the last 15 years and questioned how they would have underground parking. She added that road safety is a concern, noting that the main road has a 50-mile per hour speed limit and there is a hill limiting visibility.

Clayton McCord, 2449 W. Auburn Rd., expressed concern over the zoning density, noting the surround properties are typically acre-size parcels. He questioned adding multifamily there, noting that it is not compatible with what is already there. He pointed out that piles of fill material are clearly visible in 2005 aerials, and stated that the wetlands have already been reduced by the previous owner.

Nate Ruppel, 2433 W. Auburn Rd., expressed concern over Auburn Road

traffic, noting it is a Class A road controlled by the State of Michigan which has gravel trains, cement trucks and heavy equipment. He added that he was concerned over the flooding that will occur to properties to the east.

Theresa Pounders, 3172 Devondale, stated that she owns the property to the east of the project and stated that it has always been a swamp and has flooded. She stated that the previous owner asked if she was interested in purchasing the back part of the property, and then decided he would not split it. She stated that the property was wet and has an underground spring, and fill has been added which was full of debris, leaves and trees from a landscape company. She pointed out that the assessed value is low, showing her that the City knows it's wet. She suggested that a flooded situation will occur.

Ray Nicosia, 3645 Winding Brook Cir., stated he is in Sanctuary of the Hills just to the south. He explained he will have a son that will be a resident of the community, and stated that this is a wonderful project. He commented that he recognizes that there are concerns, and stated that in their dealings with Three Oaks, they have assured them that the concerns can be handled. He added that every development goes through a movement of wetlands to control these type of things. He noted that this development is so unique because it provides for individuals with disabilities. He mentioned that his son is very high functioning but has some physical disabilities and developmental issues and can be a part of this community and have a place of his own.

David Mingle, 1555 Rochester Rd., Leonard, representing Rochester Housing Solutions, stated that he is the proud father of Logan who will be moving into Walton Oaks. He thanked those who attended the groundbreaking for Walton Oaks. He noted that Auburn Oaks will build on the resident experience being created at Walton Oaks and will introduce some innovative features unique to this location. He mentioned that it will be a neuro inclusive neighborhood featuring five condominium buildings, four of which will feature first floor units designed specifically for residents with disabilities along with multipurpose space to support various activities and community engagement. He noted that the second floor will house units for the general public, ensuring that both the neighborhood and the condominium buildings promote a neurodiverse living environment. He added that their goal is to provide peace of mind for people who are parents of special needs individuals so when they are no longer able to care for their loved one, their child will be safe and supported.

Raymond Rowe, 3280 Fairgrove Terrace, stated that he is the parent of a 42-year-old daughter who has autism who has been looking forward to being a resident of Auburn Oaks. He commented that like any parent of a disabled child, they worry about what will happen when they are no longer around to take care of and advocate for her. He stated that this is a wonderful area and she will be in a place where there will be a number of people with various disabilities, along with a lot of people without disabilities. He commented that this will be a forever home that she will own and can live there and thrive with her friends for life.

Susan Ullmann, 2507 W. Auburn Rd., expressed concern over the sight line to turn left onto Auburn. She mentioned a crash that happened at 2 a.m. in front of

her house where someone hit a tree. She stated that the back of her property turns swampy on their side and stated that these people will need dry basements. She commented that when developments go up, she sees the trees replaced with the cheapest options available, and stated that replacements should be good trees.

Corwin McCord, 2449 W. Auburn Rd., stated that he lives with his parents and wanted to reiterate about the dangerous road because of the hill. He noted that his brother is just learning to drive and is terrified of turning out from a road that has worse sight lines, and questioned how people with disabilities will turn out. He added that flooding is a concern, and he does not see how they can raise or fill the property without negatively affecting other people in the area as water has to go somewhere.

Aaron Diedrich, 2466 W. Auburn Rd., expressed concern over the traffic going over the hill at a high rate of speed. He stated that this will put the disabled's lives in danger, and suggested that he could have accidents in his front yard. He commented that he has a small child and wants to keep them safe.

Larry Collette, 33721 Roselawn, Chesterfield, stated that he and his wife are both 77 years old and have a 46-year-old autistic son. He noted that most of the housing opportunities in the area have been facilities that one would not want their special needs adult in, and that this development has it right. He stressed that this development will help a lot of people.

Chairperson Brnabic thanked everyone who came out to speak and closed the public hearing. She asked for the questions to be addressed and started with concerns expressed over traffic.

Mr. Boughton stated that the road is owned by the Michigan Department of Transportation (MDOT), the development will be reviewed and approved by MDOT with a permit. He explained that MDOT will take the hill into account and adjust the widening of the deceleration and acceleration lanes as necessary.

Chairperson Brnabic mentioned concerns regarding the underground parking and comments that there is a natural spring on the property.

Mr. Boughton responded that the proposed underground parking is located near the north of the site and is getting cut into the hill. He added that if underground springs exist that they are unaware of depending on the elevations they would be looked at further when reviewing construction plans.

Chairperson Brnabic pointed out that people are questioning fill added to the property and asked if that was taken into consideration.

Mr. McLeod noted that Kyle Hottinger, PEA-ASTI, the City's wetland consultant has been out to the site numerous times, and the development has gone through nine reviews. He asked Mr. Hottinger to comment.

Mr. Hottinger stated that a wetland delineation or environmental assessment is done based on the conditions that are present at the time. He noted that

delineations are only valid for three years, and will change a bit as they did with this project. He stated that if the City receives a complaint, he would go out and check a site to determine whether there was any fill or dredging happening in a wetland.

Mr. McLeod noted that earlier this summer, there was a call saying that there might be potential pumping out of the wetlands on the site, and Mr. Hottinger went out within a very short timeframe and reviewed what was going on. He noted that this summer was a case in point to ensure that there wasn't anything improper with any dewatering or removal of water from the wetland area on the site.

Chairperson Brnabic questioned the road easement at Harvey.

Mr. Boughton noted that this was platted a long time ago and it was uncommon to have 25-foot roads. He explained that for Angara, these will be private roads. He noted that in speaking with the City Attorney, since these roads will be private roads, the City will relinquish or vacate the 25-foot right-of-way and then capture water main and sanitary sewer easements as necessary.

Mr. McLeod added that this development simply stubs to the edge of the property and it does not propose a full-blown connection at this point. He noted that the ultimate long-term plan is if those properties ever developed to the east there would be future connections, but at this point there is no anticipated physical connection to Harvey and there would be no traffic through there. He mentioned that the FB District allows and even requires the interconnection of parcels.

Chairperson Brnabic mentioned the comment regarding debris and asked Mr. Michaels if he had any plans to clear up debris so it would not be so unsightly.

Mr. Michaels responded that the entire area will be regraded as it is developed and that will include removal of any of that kind of material. He noted that it is not acceptable material to be used in fill so it would be removed and most likely trucked off site.

Chairperson Brnabic stated that as the questions from public comment have been touched on, she would ask for Commissioner comments.

Mr. Weaver asked if there was any knowledge of a natural spring on the site.

Mr. Michaels responded that there is not a natural spring. He explained the surface water movement from the neighboring property to the west and explained how a culvert that was in place had been blocked by someone over the course of the last winter and caused water to back up and flow to a low point onto one of the neighbor's properties. He added that a cistern was found that was filling up and water was seeping out of the edge of that, and stated that it will be removed or plugged. He pointed out that they hired McDowell to do soil borings throughout the site including infiltration tests and dug test pits, and he explained that once they disturb the area and put utilities and basements in, any flooding in the northern end will be relieved. He explained that normally the

basements of the homes are located above the groundwater level. He stated that they will be capturing the water and it will end up in the stormwater system. It will get pulled into the detention basin between the two wetlands and will outlet to the southern wetland.

Mr. Weaver asked about the impacts of filling in the wetland and if it would overload the wetland that would remain.

Mr. Hottinger responded that they have spent many site plan reviews on the project and have directed any storm water flow to be directly deposited into any wetlands. He explained that the ultimate end is the wetland at the end of Wetland B and that will gather all the water that is filtered from the sedimentation basin into Wetland B, which is very deep and can hold a lot of water. He added that this is the highest quality wetland on the site.

Mr. Michaels noted that Wetland A will continue to be replenished by the stormwater discharge from the property to the west.

Mr. Boughton stated that they will ensure that the basements are elevated with the elevation of the detention basin. He added that it will be a wet detention basin with storage above. He noted that most likely all of the water will be detained on site and discharged to the south, and commented that it should alleviate flooding for the neighbors to the east if constructed according to the plan.

Mr. Weaver asked if the lawn areas by the row houses would include railings.

Mr. Michaels responded that safety railings will be included wherever it will exceed 30 inches.

Mr. Weaver asked for a review of the number of units and asked how many were already reserved or spoken for.

Mr. Mingle responded that all of the IDD have been reserved and one house and one condo is still available, representing 84 percent of the development.

Mr. Weaver stated that he reviewed the landscape plan and the trees look good. He commented that regarding the sizes, they would like to see them larger when they go in, but it looks standard per the City, and represent a good mix so that if one dies it will not knock out everything there. He stated that he loves the community greenhouse idea. He asked Mr. Boughton who has control of the acceleration and deceleration lanes.

Mr. Boughton responded that it would be MDOT, and explained that they take into account the speed on the road and widen it accordingly. He noted that as a part of MDOT's permit, they will make the developer make the entrance safe.

Mr. Michaels stated that they have made three submissions to MDOT. He added that most of the IDD individuals will probably not be driving.

Mr. Mingle responded that only a couple will be driving, and others will typically

be driven by neurotypical caregivers or family.

Mr. Michaels stated that they may have some people who are more high functioning that may have a part-time job and can drive. He explained that they had multiple meetings with MDOT and resubmitted a complete set of engineering plans and they have signed off and said those are acceptable. He mentioned that they are being required as a part of the project to not only put in tapers but extending the left turn lane toward the east another 290 feet.

Mr. Gallina stated that as a Commissioner he has noticed that the City is oftentimes dealing with flooding issues, and a lot of the opportunities before the Commission propose challenges. He commented that he feels confident that in the projects that they have had to go through they have oftentimes helped with a long-time situation, and he is pleased to hear that hopefully the flooding and water situation will improve for the neighbors. He added that regarding traffic concerns, he trusts that the departments have done a thorough job to ensure what is being done is responsible and will do right for the current residents. He stated that he is proud that Rochester Hills is home to these two communities, and noted that if the land is developed anyway at some point it will be done in a responsible way to enhance and preserve some of the wetland.

Mr. Hooper asked how many units are in the row house.

Mr. Michaels responded that there are five, and stated that they are neurotypical homes. He explained the multi-unit buildings, noting that the first floor contains the units that will be sold to the IDD individuals and the second floor contains units that will be sold to the neurotypical public. The lower level is where parking will go underneath on one side. Out of the nine single family homes, two of the nine will be IDD.

Mr. Hooper asked how many individuals are potentially driving.

Mr. Mingle responded that while the population may change, at this point it is one confirmed and one likely to be moving in.

Mr. Hooper commented that MDOT owns the road and are in charge of the connection, and the City does not have much say. If MDOT does not allow the connection, the project does not go through. He asked for more information on the farm stand.

Mr. Michaels responded that one of the objectives in developing these properties is not just to create housing for IDD individuals but to provide activity centers so that individuals can do things besides live there. One activity explored is a vertical urban farm with some retail associated with it so they can work there, food can be grown, and it can be sold from there. He explained that they are presently in discussion with Dutton Farm to operate it at this point in time.

Mr. Hooper asked if any individuals who will potentially live there are currently employees at Dutton Farm.

Mr. Mingle responded that they are not employees at Dutton Farm but are participants at the farm and have jobs in the community, and this may be an additional job opportunity for some of them.

Mr. Hooper noted that he reviewed aerial photos since the 1940s and stated that a drainage ditch that runs through the south end of the property has expanded over decades. He commented that they will be doing their land balancing and fill on the existing ground level so that the garages will be above the existing elevations. He noted that after the land balancing, the storm sewer will be lower than the garages and any potential flooding or drainage concerns will be covered by the storm sewer improvements that will be made to the property. He mentioned that buffering looks fairly significant for the adjacent property owners and trees will help shield at some point. He asked what the size of the boulders will be at the boulder wall.

Mr. Michaels responded that after discussions with ASTI and the engineers, they wanted them to do a regular retaining wall constructed with retaining wall blocks. He mentioned that there will be some boulders that are used along with a split rail fence to designate where the 25-foot natural features setback starts.

Chairperson Brnabic asked if some of the units will be designated for 55 and older.

Mr. Michaels responded that they are not doing an age-restricted development. He noted that if that declaration is made, nobody can be under 62 under Federal law. He explained that it is a targeted product, and there are elevators in each one of the multi-unit buildings. He mentioned that they have had about 20 prospects for the houses and they have been a variety of people from their thirties up into retirees.

Chairperson Brnabic asked what the size of the balconies would be and commented that she wanted to verify that they are usable.

Mr. McLeod noted that there is a variety, with five by 10 feet and one is four by 12, depending on what side of the building it is on.

Mr. Michaels responded that they would have room for a couple of chairs. He pointed out that under the zoning, the balconies are allowed to extend into the setbacks, but if they are too big they would need a column to support them. He commented that if he sees a four-foot balcony, he would want it to be five feet, as he would want them to be usable. He pointed out that the covered front porches are usually six feet as they want neighbors to interact with each other.

Mr. Struzik stated that his main concerns were for traffic and flooding. He commented that he thinks the most dangerous thing he did today was turn off of Angara onto Auburn Road, and noted that the hill presented a problem. He noted that adding acceleration and deceleration lanes would help. He added that lengthening the center turn lane will add a lot of safety for some of the existing folks as well as for the development. He stated that although the project adds a lot of impervious surfaces, going from a site without managed storm water to one with managed storm water has the potential to decrease runoff for some

neighbors. He commented that he has seen this happen in the past, and quite a bit of southeast Michigan is swamp land that has been turned into areas with managed water. He suggested the applicant work with MDOT if this moves forward to see if they can get a "hidden drive" sign with an advisory speed that is lower than what the speed limit is; and hopefully if it an unfamiliar area for some they would lower their speed. He commented that he is excited that this is a neuro inclusive proposal and stated that he sees it as a positive for the community as a whole.

Mr. Dettloff stated that Mr. Michaels is always up for a challenge and his vision is incredible. He commented that he can remember when he was first in front of the Commission talking about this concept, and mentioned their Saline development. He asked if the price points are differing from what was originally presented.

Mr. Michaels responded that the condominiums are in the low \$200,000s, the neurotypical condominiums go from \$300,000 to \$375,000. The townhomes will go for the upper \$500,000s and he believes that the single families will start at \$680,000. He commented that Rochester Hills is a very desirable place to live and there are not many homes that are in the \$300,000s.

Ms. Denstaedt stated that she would echo her fellow Commissioners and wanted to point out that she appreciates the aspect that they took time to meet with the neighbors back in 2023, and then went back and met with them again a year later. She commented that the developers are listening and based on the comments tonight, they have addressed those and continue to address them in working with MDOT. She stated that she is excited that they are creating a sense of community with the center court plus the opportunity to work with Dutton Farm. She commented that it is a fantastic addition in Rochester Hills.

Mr. Weaver asked if the purchasing of an individual unit is the same as for Walton Oaks.

Mr. Michaels responded that was correct, and stated that there will be a restrictive covenant on each one of the IDD units that they can only be occupied by IDD individuals.

Mr. Gallina moved the motion in the packet for preliminary site plan recommendation. Mr. Hooper seconded the motion.

Following a roll call vote, Chairperson Brnabic noted that the motion passed unanimously.

Mr. Gallina moved the motion in the packet for the Natural Features Setback modification. The motion was seconded by Mr. Hooper.

After calling for a voice vote, Chairperson Brnabic noted that the motion passed unanimously.

Mr. Gallina made the motion in the packet for the Tree Removal permit. The motion was seconded by Mr. Hooper.

After calling for a voice vote, Chairperson Brnabic noted that the motion passed unanimously.

Mr. Gallina made the motion in the packet for the Wetland Use Permit recommendation. The motion was seconded by Mr. Hooper.

After calling for a voice vote, Chairperson Brnabic noted that the motion passed unanimously.

Mr. McLeod noted that the targeted meeting for the recommendations to go on to City Council would be the first meeting in November, on November 11.

A motion was made by Gallina, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 2 - Neubauer and Hetrick

Resolved, in the matter of City File No. PSP2022-0031 Auburn Angara Oaks, the Planning Commission recommends approval of the Site Plan/Preliminary Site Condominium Plan, based on plans dated received by the Planning Department on September 9, 2024, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Auburn Road, thereby promoting safety and convenience of vehicular traffic both within the site and on the adjoining street.
3. Adequate utilities are available to the site.
4. The preliminary plan represents a reasonable street, building and lot layout and orientation.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development onsite as well as existing development in the adjacent vicinity given the split zoning of the property that allows for single family development or development consistent with the FB Flex Business District to the east.
6. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area. The proposed encroachments into Wetland A are situated in portions of the wetland with lower ecological quality and the applicant has proposed a retaining wall to limit impacts; and the proposed encroachments into Wetland B are relatively minor and the applicant has also proposed a retaining wall to limit impacts. Finally, the natural features setback will be defined as part of the development with split rail fencing and large boulders to protect the area for the future.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final site condominium approval.
2. Provide a landscape bond in the amount of \$170,410, plus the cost of inspection fees as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

2024-0475

Request for Natural Features Setback Modification to modify the required natural features setback by approximately 20,897 square feet for the Auburn Angara Oaks Condominium development, a proposed development with 9 single family detached residences, 6 multi-unit condominium buildings and related amenities on approximately 9.7 acres of land located at 2469 & 2489 W. Auburn Rd., 3045 Angara Dr., 3050 Harvey St., Parcel Nos. 15-32-201-001, -002, -003, -004, and -006, located on the south side of W. Auburn Rd. and west of Crooks Rd., zoned R-4 One Family Residential and a portion of the land has the FB Flex Business Overlay, Bruce Michael Auburn Angara Oaks, LLC, Applicant

For Discussion, see Legislative File 2024-0462.

A motion was made by Gallina, seconded by Hooper, that this matter be Granted. The motion carried by the following vote:

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 2 - Neubauer and Hetrick

Resolved, in the matter of City File No. PNFSM2024-0001 Angara Oaks Site Condominium, the Planning Commission grants a natural features setback modification for 20,897 square feet of permanent impacts to two different wetland areas identified on the site plans to construct the proposed private road, to provide the building area for multiple and single family residential units, and associated development infrastructure, based on plans received by the Planning Department on September 9, 2024, with the following findings and conditions:

Findings

1. The impact to the Natural Features Setback area is necessary for construction activities related to the proposed development; further, the applicant has minimized the impacts to the natural features and associated natural features setbacks by modifying the means of construction such as installing retaining walls along the proposed roadway to limit the footprint of the roadbed and finally, the applicant has provided for the future protection of the natural features setback by providing split rail fencing and large boulders to define the area for future residents, workers, etc.

2. ASTI has reviewed the subject plans and proposed impacts to the natural features setbacks associated with Wetland A and Wetland B along with the proposed mitigation efforts to help reduce the impacts to those natural features and has indicated that the plans as proposed are satisfactory.

Conditions

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Site must be graded with onsite soils and seeded with City approved seed mix.

3. Those areas identified as "Temporary Impacts" must be restored to original grade with original soils or equivalent soils and seeded with a City approved seed mix where possible, and the applicant must implement best management practices as detailed in the ASTI review letter dated September 23, 2024 prior to final approval by staff.

2024-0464

Request for Tree Removal Permit Approval to remove 246 regulated trees and 33 specimen trees and provide 129 regulated trees and 106 specimen trees, and to pay 206 trees into the City's Tree Fund for Auburn Angara Oaks Condominium development, a proposed development with 9 single family detached residences, 6 multi-unit condominium buildings and related amenities on approximately 9.7 acres of land located at 2469 & 2489 W. Auburn Rd., 3045 Angara Dr., 3050 Harvey St., Parcel Nos. 15-32-201-001, -002, -003, -004, and -006, located on the south side of W. Auburn Rd. and west of Crooks Rd., zoned R-4 One Family Residential and a portion of the land has the FB Flex Business Overlay, Bruce Michael Auburn Angara Oaks, LLC, Applicant

For Discussion, see Legislative File 2024-0462.

**A motion was made by Gallina, seconded by Hooper, that this matter be Granted.
The motion carried by the following vote:**

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 2 - Neubauer and Hetrick

Resolved, in the matter of File No. PTP2024-0005) (Auburn Angara Oaks Condominium Tree Removal Permit) the Planning Commission grants a Tree Removal Permit (PTP2024-0005), based on plans received by the Planning Department on September 9, 2024, with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.
2. The applicant is proposing to remove 246 regulated trees and 33 specimen trees, and provide 129 regulated tree replacement trees and 106 specimen tree replacements onsite.
3. The applicant has increased the size of plantings in certain areas of the site to reduce the number of replacement trees required and to provide additional plantings and screening onsite above and beyond ordinance requirements.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. Provide payment, equal to the current required fee for replacement trees, along with any additional fees associated with such, into the City's Tree Fund for the remaining 206 trees identified on the site plan.

2024-0463

Request for Wetland Use Permit Recommendation to impact approximately 39,404 square feet of wetlands for the Auburn Angara Oaks Condominium development, a proposed development with 9 single family detached residences, 6 multi-unit condominium buildings and related amenities on

approximately 9.7 acres of land located at 2469 & 2489 W. Auburn Rd., 3045 Angara Dr., 3050 Harvey St., Parcel Nos. 15-32-201-001, -002, -003, -004, and -006, located on the south side of W. Auburn Rd. and west of Crooks Rd., zoned R-4 One Family Residential and a portion of the land has the FB Flex Business Overlay, Bruce Michael Auburn Angara Oaks, LLC, Applicant

For Discussion, see Legislative File 2024-0462.

A motion was made by Gallina, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 7 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 2 - Neubauer and Hetrick

Resolved, in the matter of City File PWEP2024-0001 (Auburn Angara Oaks Condominium) the Planning Commission recommends to City Council approval of a Wetland Use Permit to permanently impact approximately 39,204 square feet of wetlands (both Wetland A and Wetland B) to construct the private road, building areas for multiple family and single family units, and associated development infrastructure based on plans received by the Planning Department on September 9, 2024, with the following findings and subject to the following conditions.

Findings

1. Of the 97,484 square feet of wetland area on site, the applicant is proposing to impact approximately 39,404 square feet. Additionally, although Wetland A was determined to be of medium quality overall, the portion that is proposed to be impacted is of poor quality due to its non-native species content and low ecological function. And although Wetland B was determined to be of high quality overall, the impacts are noted to be small and the proposed retaining wall will limit further impacts and have been addressed to ASTI's satisfaction.
2. ASTI has reviewed the subject plans and proposed impacts to Wetland A and Wetland B along with the proposed mitigation efforts to help reduce the impacts to those wetlands (including the installation of a retaining wall to allow for the reduction in the roadbed width for Wetland A; the impacts to Wetland B are relatively small; and a retaining wall is proposed adjacent to Wetland B to limit further impacts) and has indicated that the plans as proposed are satisfactory.

Conditions

1. City Council approval of the Wetland Use Permit.
2. That the applicant receives an EGLE Part 303 Permit (as applicable) prior to issuance of a Land Improvement Permit.
3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
4. 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 where possible, and the applicant must implement best management practices, prior to final approval by staff.

5. The applicant shall abide by all conditions and recommendations as outlined in ASTI's review letter of September 23, 2024.

ANY OTHER BUSINESS

Mr. McLeod noted that the Joint Meeting with City Council is actually going to be at 5:30 p.m. and not 7 p.m. shown on the agenda. He added that the November Regular Meeting will most likely bring forward some Ordinance Amendments and perhaps the rekindling of a discussion on bylaws in terms of housekeeping items. A 5:30 p.m. Worksession will also precede the Regular Meeting.

Ms. Roediger noted that she will be unable to attend those meetings as she will be out of town.

NEXT MEETING DATE

Joint Meeting with City Council - November 18, 2024 - 5:30 p.m.

Work Session - November 19, 2024 - 5:30 p.m.

Regular Meeting - November 19, 2024 - 7:00 p.m.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Denstaedt, seconded by Dettloff, Chairperson Brnabic adjourned the Regular Meeting at 9:00 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Jennifer MacDonald, Recording Secretary