

Planning Commission Minutes

Excerpts

May 17, 1995

October 11, 2006

REGULAR MEETING OF THE NOVI PLANNING COMMISSION
WEDNESDAY, MAY 17, 1995 - 7:30 P.M.
COUNCIL CHAMBER - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD
(810) 347-0475

The meeting was called to order at 7:30 P.M. by Chairman Clark.

ROLL CALL:MEMBERS Bonaventura (Present), Capello (Present), Clark (Present), Hoadley (Present), Hodges (Present), Lorenzo (Present), Mutch (Present), Taub (Present)

(9) Present (0) Absent

A quorum being present, the meeting was in session.

ALSO PRESENT:

Brandon Rogers	-	Planning Consultant
David Bluhm	-	Engineering Consultant
Dennis Watson	-	Assistant City Attorney
Rod Arroyo	-	Traffic Consultant
Linda Lemke	-	Landscape Architect
Sue Tepatti	-	Wetlands Consultant
James R. Wahl	-	Planning Director
Greg Capote	-	Staff Planner
Steve Cohen	-	Planning Clerk

2. Hampton Woods Office and Residential Care Facility, SP95-12B - Property Located West of Novi Road, between Nine Mile Road and Ten Mile Road for Possible Preliminary Site Plan, Woodlands Permit and Wetlands Permit Approval.

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Chairman Clark asked Member Bonaventura if he had asked earlier about the adequacy of the notice and Member Bonaventura yes regarding the letter received from David A. Breuch.

Mr. Watson then explained that particular issue was whether there was sufficient notice to the public of the project. He stated what the Statute requires was that a notice be sent by mail or personal delivery to all persons to whom real property was assessed to within 300 feet of the property in question and to occupants of structures within that distance.

Mr. Watson said Mr. Cohen has indicated that that notice was sent out and it was mailed 7 days before today's date, the date of the public hearing. He said the Statute requires that be sent not less than 5 days and not more than 15 days before the date of the hearing so it was correctly sent out.

Mr. Watson said what the notice was suppose to provide was the

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nature of the request, which this notice indicates it was for an office and residential care facility. He said the notice was suppose to indicate the property that was the subject of the request and it does that and a locational map was provided. He said the notice was also suppose to indicate when it was being considered and the notice does that by giving the date and time of the public hearing, and then also the notice is to indicate where and when written comments could be submitted and the notice provides for that.

Mr. Watson said in addition, the Statute on special land use doesn't mandate public hearings and what it mandates was that a notice be sent out and if any interested party wants to request a public hearing, then the notice indicates that they have that ability to make that request since they automatically set all of theirs for public hearings without a request being made so that requirement was superfluous. He said in terms of what the Statute requires for a notice, that has all been complied with.

Mr. Watson also added that the dates were keyed to the sending of a notice and not to the receipt of the notice and he felt the reason the Statute was done that way was because they have no control as to when it was going to be received, particularly when they were sending out a large volume of them. He said to account for that or to deal with that concern, the Statute also requires the newspaper publication within that same time-frame and that was done as well.

Member Bonaventura said there were some reasonable concerns as far as timing and ability to research and receive information third party, which he was assuming means the City and he would save this and find out who to bring that matter up to so it could be discussed further.

Mr. Watson said in terms of other things that they might want to do would be that the notice requirements be beyond what the Statute was.

Member Hodges had a question concerning the same correspondence and Mr. Breuch indicates in his letter in the third paragraph on the first page that, "relevant materials including the Commissioners' packet were not provided." She asked if any Commissioner did not receive their packet.

Mr. Watson said what Mr. Breuch means by that was that what was mailed out to the people within 300 feet was not the packets. Member Hodges said he wants a packet and Mr. Watson said that was what he read into that comment, but that was not required.

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Member Taub indicated there was a packet available in the Library for the public and also a packet available in the Department.

Chairman Clark said now they would proceed with the Hampton Woods project.

Mr. Chawney was present. He indicated this property was 16.59 acres located on the west side of Novi Road just south of Ten Mile Road and about two-thirds of the property was with woodlands and wetlands. He said he proposes to develop two different uses which were both permitted under the current zoning, and one was the office building which was a rather intense use which they have kept in front of the property so that it also provides a buffer for the less intense use, which was for assisted living for the seniors.

Mr. Chawney said this office building was about 12,000 sq. ft. plus or minus and each of those buildings has 20 beds in each one so the total population would be 80 beds in four buildings and they want to maintain the residential character of those four buildings and they have totally avoided interfering with 98% of the wetlands and the woodlands. He indicated the only place where they do get into the wetlands was on the north side of the existing road, which was connected by a small culvert going under the existing road into the main wetland so when they finish their development, that wetland would be transferred and he pointed that out and said it would become one wetland.

Mr. Chawney said most of the concerns raised by the review letters were very minor and could be easily corrected such as the parking space and the addition of one or two parking spaces required in Mr. Rogers' letter. He said also in Mr. Pargoff's letter, he requires the counting of the trees that they were taking out. He said he has 34 existing trees and he believed they were taking out 29 but they were adding 50 more trees.

Mr. Chawney then asked Mr. Seiber to make some comments on the engineering of the property but first he would also add that all of his buildings were one story. He then referred to a rendering which was the presentation of the residential buildings and another rendering which was the presentation of the office building. He then said he would be happy to answer any questions.

Mr. Seiber said Mr. Bluhm would cover most of the comments regarding the site utilities but one item he wanted to bring to their attention was that the vast majority of this site was a wooded wetland and it was also designated on the City's Storm

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Water Management Master Plan as being a regional storm water detention basin.

Mr. Seiber said they had originally proposed that their storm water be discharged through a series of piping into a storm water sediment basin and then discharged to this wetland area. He said they computed that the result and the effect on the wetlands during a ten year storm event to be only about 3/4 of an inch.

Mr. Seiber said however due to the fact that there were no downstream easements secured for this regional storm water basin, it was necessary for them to provide temporary on-site detention, which they have provided. He said so they have in accordance with the City's standards, provided for on-site storm water detention which would then be released into this wetland area, which hopefully would become one of the City's regional storm water detention basins.

Mr. Rogers indicated this was the third submittal of this project and some, not all, of the comments he had made earlier have been made. He said it was zoned OS-1 and it permits a residential care facility and the two office buildings proposed subject to certain setbacks and building height, etc.

Mr. Rogers said the property for a residential care facility per Ordinance should have 20 acres but this site has 16.56 acres of which he has estimated the two office buildings and related parking occupy more less 3 acres. He said so the net for the RCF facility was 13.56 acres plus or minus. He said relief from this deficiency was of course through the ZBA.

Mr. Rogers said the buildings do comply with the OS-1 District setbacks. He said concerning the off-street parking, looking at the two office buildings and the computed usable floor area, 65 spaces plus 3 handicapped spaces were needed for a total of 68. He found only 64 and have indicated where that could be corrected.

Mr. Rogers said concerning the RCF building usage on page two, based upon 80 beds and 11 employees, he found 43 spaces were needed and were provided on the plan including the three required for handicapped.

Mr. Rogers said they have now shown the off-street loading and unloading for the office uses and they have shown a sidewalk inside the 60 foot set-off from center-line of Novi Road and internal sidewalks on most of the internal driveways and they even have a name for one of those roadways and if they were going to name the internal driveway with a name, that would have to go to

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the Street Naming Committee.

Mr. Rogers felt the basic concept of the plan has some rationality. He said on Novi Road they have small independent office buildings to the north and to the south, 3-4 of them and this building would be set on line. He said it tells him that their Master Plan recommending this area for office development has some meaning and that there was a market for where they could drive up to the front door and have their small office.

Mr. Rogers said seclusion was given to the RCF buildings off the main street back into the wooded wetlands area or near the wooded wetlands area. He said the location of the regulated wetlands and woodlands restrict use of the site and there was no opportunity to expand the site.

Mr. Rogers said the phasing plan has been amended to show an acceptable driveway design and so he recommended Preliminary site plan approval subject to the addition of three parking spaces, and review by the ZBA of the deficient parcel size.

Mr. Bluhm indicated he has also reviewed the Preliminary site plan and the applicant was proposing water and sewer extensions to service the site. He said there was as part of the Chapman Creek, a 100 year flood plain/flood way associated with this development and a good portion of the developed property would be in the flood plain and they would be required to elevate the buildings to keep them out of the flood plain and this was uncommon for this type of development and it could be done through issuance of a flood way or flood plain fill permit through the Building Department which would be closely monitored at Final.

Mr. Bluhm said as Mr. Seiber mentioned, the applicant was proposing on-site detention and they would like to stress that those were temporary basins because the Storm Water Master Plan has designated the Chapman Basin to be constructed in the future which would partially be constructed on this site. He said they would like to make sure the applicant has the provisions in there to remove those basins and that the water was directed to the regional basin when it comes on line.

Mr. Bluhm said regarding the flood plain, the area was fairly dry out there for the most part and it was a strange situation in that area in that the improvements to the regional basin, when that goes on line, would actually help to lower the elevation of the water that was seen out there right now. He said so from that aspect, they really don't have too much of a concern with allowing the developer to go into the areas undeveloped or unrestricted now

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that the easements were not in place, so he was recommending temporary detention from that respect.

Mr. Bluhm said beyond that, the plan demonstrates engineering feasibility.

Mr. Arroyo said he has also reviewed the Preliminary site plan regarding access. He said one point of access was proposed from Novi Road and he has some recommendations regarding that, including some changes to the width to meet City and County standards and also to shift the driveway to the north somewhat so they could improve the separation from the driveway and the office building located to the south.

Mr. Arroyo said there was a time in the past where there was some discussion of possibly having shared access between this property and the property to the south, but the owners of the property at the time were not able to reach an agreement so they were in a situation where they couldn't make any changes now because that time has come and gone and there were efforts certainly made in the past, but he would like to see some additional separation and he felt that was something that could be handled as a minor adjustment as part of Final site plan.

Mr. Arroyo said in terms of access improvements, there was a proposed a deceleration taper and acceleration lane and they also find that the warrants were met for a passing lane, which given the location of this project, would be the extension of a center turn lane that currently exists on Novi Road and that could be addressed at the time of Final site plan.

Mr. Arroyo said he has also recommended that regarding the cul-de-sac bulb that was provided, even though this wasn't a public road, they should attempt to meet the City standards as close as possible to make access by emergency vehicles as reasonable as possible which would involve a minor change to the size of the island within the cul-de-sac bulb and that should not be a significant problem to resolve as part of Final.

Mr. Arroyo said so he was recommending approval subject to their comments being resolved on the Final site plan.

Chairman Clark said the file should reflect that there was a letter from the City of Novi Fire Department under the signature of Daniel W. Roy, Captain, indicating that this plan has been reviewed and approval was recommended with the condition that fire hydrants must be added to conform to the 300 foot maximum spacing for commercial developments.

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Ms. Lemke said this site was almost 100% wooded according to the Woodlands Map, however, it was mostly vegetation not trees which were under 6" in diameter at breast height. She said this was what she has been telling them all along was a pioneer emergent woodlands and it was also a wooded wetland, but it was very new early growth successional type of plant material.

Ms. Lemke said they could all see a portion that was not wooded but the rest of the site was wooded. She indicated the area in the pink hatches was what was proposed to be removed and that was approximately 3 acres that would be impacted. She indicated there were approximately 11.5 acres of woodlands that were being preserved on the site and many openings through there do not have vegetation on them at all.

Ms. Lemke said primarily there were shrubs and small trees of dogwood, hickory, poplar and honeysuckle. She stated the woodlands quality was low based on the criteria in Section 37-29A-H, and primarily the value here was on habitat for wildlife and due to the large percentage that was being saved, the impact of the proposed development on the existing habitat was minimal.

Ms. Lemke said the woodlands also serves as a buffer to Chapman Creek and the proposed facility improvement would remove 29 trees, 8" dbh and greater and there was some question in the letter before them whether or not they were all tagged, and she felt the problem was that there were not very many trees that were 8" dbh and greater and that was what they were regulating by the Ordinance, so all of the existing woodlands trees that were being removed have been tagged on the site.

Ms. Lemke said the cost estimate and general type of replacement trees has been provided, but still needed were the exact location of those plants and species and this could be furnished on the landscape plan.

Ms. Lemke said the drainage, as Mr. Bluhm discussed, was to the Chapman Creek to the west and they were anticipating no negative impacts on the regulated vegetation on the site due to the drainage course. She indicated she still would need to review Final engineering plans to make sure there wouldn't be an over-abundance of water on this site or onto another site further on down.

Ms. Lemke said she has asked the Petitioner to provide additional snow fencing and she pointed out the locations and that could be put on the Final engineering plans and all other requirements have

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been met, therefore, she was recommending approval of the Woodlands Permit with the following six conditions: (1) Submission of Final engineering plans for review and would contain the location of additional woodlands protective fencing. (2) Payment of a Performance Bond or Letter of Credit with the amount to be determined at the time of Final site plan review. (3) No construction can begin until the protective fencing has been approved by this office and payment of inspection fee. (4) That the remaining regulated woodlands which are not platted are placed into a Preservation easement and that was traditionally done prior to the permit being issued but after the approval process. (5) Preservation signage is erected as directed by Mr. Pargoff. (6) Review of replacement tree locations and species on the landscape plan. She then stated she would be happy to answer any questions.

Mr. Pargoff said regarding Hampton Woods Office and RCF project, he has no objection to the approval of the Preliminary site plan, but he could not recommend approval of the woodlands permit application at this time. He said this recommendation was based on Item 1 in JCK's letter, which indicates a key listing of all trees 8" dbh and larger with common names conditioned as to which ones are to be removed and the elevations of each tree on the site and this item has not been met.

Mr. Pargoff said the location of the trees to be removed should also be shown on the woodlands plan. He said in addition, the woodlands bond amount was not correct and the correct amount should be based on \$225 per tree. He said this amount was recently reconfirmed in the February 6, 1995 City Council resolution on tree planting.

Mr. Pargoff said in regards to the landscape plan which has yet to be submitted, the applicant should delineate which trees were replacement and which were required landscape trees. He said right-of-way trees every 50 feet as per Section 2509.6.c. of the Zoning Ordinance should also be included on the landscape plan. He said those should be small deciduous trees because of the proximity of the Detroit Edison overhead utility lines.

Mr. Pargoff said the Consultants have recommended approval of this project, but his office could not concur with their opinion based on the aforementioned information and incomplete woodlands plan.

Ms. Tepatti said she has also reviewed the Hampton Woods office plan and the wetlands on this site were quite an extensive system which extends to the north, south and west, and it was primarily a forested wetland system and that area was shown on the City's official map.

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Ms. Tepatti said as Mr. Chawney has stated, there was a small piece of wetland that was separated from the larger wetland system and this area was shown in pink. She said there was an existing home on the property that has been abandoned and an existing driveway splits a small portion of the wetland from the main body in the center of the site.

Ms. Tepatti said the applicant has proposed to fill a portion of the wetland for the construction of the drive and in her review of the plans, it does not appear that they would actually need to fill the entire wetland and they would be able to tell that with future engineering drawings. She said the edge of their road was actually in the northern half of the pink area so there may be additional wetlands down in the southern portion of the pink area that might be able to be preserved.

Ms. Tepatti said the applicant has offered mitigation and they have offered to remove the existing driveway, which would basically re-establish the connection between the wetlands and would actually be quite a good location for some mitigation since the driveway was currently several feet higher than the forested wetland so basically by removing that area and doing some plantings in there, they would have a high success rate with the mitigation.

Ms. Tepatti indicated additional mitigation was also proposed adjacent to the existing wetland in the northwest corner of the property as well.

Ms. Tepatti said the applicant was also proposing as was mentioned, the construction of the two detention basins to discharge the storm water to those wetlands and the mitigation was proposed at a 1 1/2 to 1 ratio of the eventual determined wetland fill.

Ms. Tepatti said she has recommended approval of the wetland permit and the applicant would also be required to get a DNR permit and the actual issuance of the permit would not occur until that does happen.

Ms. Tepatti said they also do not have a problem with the detention and the discharge to the wetlands and the wetlands were quite extensive and were a slightly drier wetland and there were pockets of standing water throughout and as Ms. Lemke stated, the trees were relatively young and there was a good mix of wetland vegetation that was in there that was quite able to handle any additional water, which in talking with Mr. Bluhm, there wasn't

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expected to be a lot because this area does currently drain the topography down to that area.

Ms. Tepatti said there were some portions of the buffer zone that would be impacted either temporarily or reduced in width throughout the site and most of those areas again would be able to be restored once construction or grading was completed. She said she also recommended that prior to discharge to the wetland, oil and grease separators be installed in the last catch basin and if it was determined to be feasible, that those detention basins also function as temporary sediment basins during construction and she would be reviewing the future engineering drawings as well to determine the effects of the detention and she would also be requesting some additional cross sections through some of the critical areas to determine the exact impact on the wetlands.

Ms. Tepatti said in summary, she recommended approval of the permit.

Mr. Rogers then indicated there was a point of clarification to be made. He indicated he has reviewed the Zoning Map for this property and it appears substantial portions of the wetlands were zoned R-4. He said they may recall the boundary that was established between Orchard Ridge was left R-4 and shouldn't change the site plan, but it would reduce the amount of area of the site that was qualifiable for RCF, which he called out as being 16.65 acres and he couldn't give them the exact acreage but it could reduce that by a third or a half. He felt what should be done was a correct measurement of the property that was zoned OS-1 so that they know the exact acreage that it was short and it was short now and it would be more short when it was reduced.

AUDIENCE PARTICIPATION

Mr. Terry Thornton of Arrowon Pines was present. He said he had one concern which was the flood water. He said he backed right up to the area of the woodlands/wetlands. He said since Arrowon Pines has completed that, it has changed the amount of water that was going into the plains.

Mr. Thornton said the first year it was relatively dry but last year it was wet and it was still wet and if they get rain of half an inch, they then have a couple of inches of water back there and he thought Mr. Bluhm had indicated it was dry back there but it wasn't and it was very wet.

Mr. Thornton said he has lived in Novi some 20 years and he has seen things come before Council and before the Commission with

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approved engineering and then the nice dry property becomes 2-3 feet under water and he didn't want a pool in his family room.

Mr. Thornton said he was real concerned that the flood plain was that close to him and Mr. Rogers talked about the parking lot and the building and maybe it was too large for that piece of property and obviously the more parking lots and the more building structures they have, the more runoff they have. He said he couldn't emphasize enough that he had no problem with the building but he just wanted to make sure that the water was retained. He said if the engineers were saying it was going to be retained in those retention ponds so it could be a slow run-off, that would be fine.

Mr. Thornton said they talked a bit about an easement there and if he goes back away, the River Oaks and Arrowon Pines driveways were put in directly across from each other as recommended by the City somewhere along the line and it was almost impossible to get out there now, and now they were told they could not put a light up there because it was two private drives. He said they have some 400-500 units he believed in River Oaks, and Novi was becoming extremely busy and whether the light was put at his driveway or somewhere along there, something needs to be done.

Mr. Thornton said he has talked to Oakland County and he doesn't seem to be getting anywhere and they were wanting to put in more office space and they were talking about elderly residents trying to get out of here and maybe some thought should be considered towards putting in a traffic light and breaking that traffic between 9 Mile and 10 Mile to help this project, as well as the other projects that have been approved.

There was no further Audience Participation and Chairman Clark then closed the Public Hearing.

COMMISSION DISCUSSION

Member Hodges said she had two areas of concern on this project and the first one was the aforementioned deficit of acreage and the second one of course was the City Forester's report and recommendation.

Member Hodges said she would like to get a feel from Mr. Rogers as to what was a suitable deficit in this type of project, and Mr. Rogers then referred to the Zoning Ordinance and read from the section of Principal Uses Permitted for OS-1 on Page 3202.1 which states, "Facilities for human care such as hospitals, sanitariums, rest and convalescent homes subject to the following requirements,

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(a) such shall be developed only on sites consisting of not less than 20 acres." Mr. Rogers also indicated there were certain setback requirements.

Mr. Rogers said it would seem that the framers of this Ordinance were thinking of hospitals and large sanitariums and not one-story senior housing. He said he couldn't tell them how much it must be but the Ordinance calls out 20 acres and anything that was determined to be less than 20 acres has to be a variance. He said there were four buildings here and they were all detached and there were four communities with each one really standing on its own.

Mr. Rogers said they don't need 20 acres to accommodate those four buildings so reading the Ordinance it states 20 acres and it would be nice to have 20 acres but they don't have 20 acres. He stated the Ordinance goes on to say here that if they have a general hospital in an OS-1 District, it could be up to five stories in height and they do have a petition for a rezoning for a hospital to OS-1 District that has been received at 12 Mile and Meadowbrook and they have 40-50 acres.

Member Hodges then asked Mr. Chawney if this was to be a residence or a convalescent facility and Mr. Chawney said those were going to be what was known as residential care and very little medical help would be there and it was primarily for people who were in excess of 75 years of age. He said people in this category were alert and there was nothing wrong with them medically but they need assistance for their daily living for housekeeping, food, etc., but very little to do with medical.

Member Hodges asked if they were mobile and Mr. Chawney said yes but 99% of them do not have cars and in all probability, he would have a van which would be for shopping trips, etc.

Member Hodges said the other question was regarding the Forester's recommendation to deny and Mr. Chawney has stated he has reviewed the recommendations of the Consultants and feels he could comply.

She asked Mr. Chawney if he could comply with the request of the City Forester and Mr. Chawney said he could because his recommendation for the site plan itself was that it should be approved and has no objection. He said what Mr. Pargoff was saying was regarding the woodlands permit and that there were 9 trees that have to be tagged and which he has to indicate which species they were and he planned on taking care of them in the Final site plan approval.

Mr. Chawney said the other comment was regarding the landscape

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plan and for Preliminary site plan approval, the landscape plan was not required and it was required for the Final site plan approval and on that plan, he would illustrate which trees he was holding back, which trees were new and which trees were being proposed to be replaced that they were taking out. He indicated all the details would be in the Final site plan and it was difficult to write all that information on this plan.

Member Lorenzo said her first question was to Mr. Bluhm. She said she believed Mr. Seiber mentioned that it was calculated that 3/4 of an inch of additional storm water would have been conveyed to the wetlands if it was undetained during a 10 year storm event. Mr. Bluhm said that was correct and she asked was it calculated what would happen under high intensity storms such as a 50 year or 100 year storm and how much additional storm water in inches would they see under those circumstances.

Mr. Bluhm said he didn't believe that was looked at and he thought they only looked at what the requirements were for the detention required storm, a 10 year storm event and everything else beyond a 10 year event would automatically be allowed to flow into the Chapman Creek area.

Member Lorenzo asked do they know what was going to happen to the wetland and trees and upstream and downstream in terms of water impact from the higher intensity storms. She said part of the flood plain was being filled for construction of buildings and driveways, etc., and Mr. Bluhm said that was correct and she asked how much more water could that wetland system expect to see during the higher intensity storms.

Mr. Bluhm said it wasn't required because the storage component was only required for a ten year storm but what they find was that the greatest impact was in the lower level storms and once they get up to a certain storm event, the impact of all the other portions of the watershed negates what one smaller portion of it would have. He said even though it was a very severe impact, incrementally for it beyond a 10 year storm, they don't get a significant impact of any certain development and the total watershed becomes more critical when they get beyond that.

Member Lorenzo said they don't know exactly how much water that was going to see and Mr. Bluhm said no it was not a requirement of the Ordinances and it was just required that they have an overland flow route to an established drain, which in this case they would have.

Member Lorenzo said to Ms. Lemke that she had indicated she didn't

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believe the vegetation and the trees in the area would be disturbed from the conveyance of the storm water and she asked would she be concerned about the higher intensity storms in terms of the water flowing through there, particularly the two detention basins were described as temporary not permanent, so what happens when they were off-line and how much water were they going to actually be seeing going through there.

Ms. Lemke said that was why they wanted to look at Final engineering to make sure where the grades were and how it was draining. She said usually when they have a larger storm and the temporary basins back up and depending upon how the site drains, it would back up and then it would go back as they become unfilled and go into the wetlands and it would go to them or it would filter over. She said the grading on this site was such that it would disperse it over a large area and then take it into the major wetland down the drainage area.

Ms. Lemke said again there might be certain pockets in there that it would effect for a short period of time, but usually with a larger storm system, they have a lot of water at one time and then it stops and it doesn't continue and continue and hopefully there would not be a 100 year flood and then the next year a 10 year storm on top of it.

Mr. Bluhm said to add on to what Ms. Lemke has stated, when they have an event that goes beyond a 10 year storm, that was what the floodways and the floodplains were identified for because the water was dispersed over a greater area and it was a much less frequent storm and it would be very intense. He said just generally speaking, it was detrimental to the area and critically they want to get the buildings above it because the rest of the areas were going to flood but it was going to recede.

Member Lorenzo asked if Arrowon Pines was part of a floodplain and Mr. Bluhm said he believed the northern fringe was, although he didn't know if Arrowon directly abuts this, but he did believe that the northern part of their development was the southern end of the Chapman Creek range. He said he didn't believe it was a flood plain, but he believed it was the wetland area beyond the Chapman Creek and he didn't believe it directly abuts this development but it was on the other side of the creek so to speak.

Member Lorenzo said her personal feeling would be that she would certainly be more comfortable with those two detention basins remaining permanent, particularly if they could get them to have a dual combination of detention and also sedimentation. She said she would just have a more comfort level at that point with water,

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as long as the wetland was still receiving amounts of water to continue it functioning as a wetland, so that would be her preference in terms of that.

Member Lorenzo said she didn't have any other questions and she would like to make a motion just to get things rolling.

It was,

Moved by Member Lorenzo
Seconded by Member Hoadley

To grant Preliminary Site Plan Approval and Wetlands Permit Approval to Hampton Woods Office and Residential Care Facility, SP95-12B subject to the following conditions:

1. Consultants' recommendations, both verbal and written.
2. Deficient calculations being recalculated. (Mr. Rogers said the applicant should delineate the line between the OS-1 property that he is developing and the R-4 zoned property which is all a part of the wetlands. Mr. Rogers said he wanted to make absolutely certain that the parking lots, driveways, and setbacks are measured from the perimeter of the OS-1 District. He said it would cause another number to be derived on a deficiency on the 20 acre rule and he couldn't give that number now, but he felt he could have that quite soon.
3. That the two detention basins be permanent in nature.
4. Preservation easements be provided for the wetlands.
5. That it come back to the Commission for Final Approval.

FURTHER DISCUSSION BY PLANNING COMMISSION

Member Mutch said Mr. Bluhm that doesn't pose any particular problems if something was originally proposed as temporary and then they say to make it permanent in terms of a detention basin and Mr. Bluhm said from the site, it wasn't going to make any difference and the only thing that it would do was if a commercial site like this puts a detention basin in, they were not required to pay the tap fees that were used to develop the regional basins.

Mr. Bluhm said if they make those permanent basins when the regional basin was proposed for construction and they had been considered for removal, the developer or the owner of the property would be required to pay the fees and in this case, if they made them permanent, those fees may not be able to be recouped by the

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City or paid to the City. He asked Mr. Watson if he had any comments on that issue.

Mr. Watson said he wasn't sure what it says in terms of fees, but he felt making them permanent, when there is an available drainageway, may even be contrary to the Ordinance and require a variance and without going through the storm water provisions, he wasn't sure about that and it was something they should explore before it comes back for Final.

Mr. Watson said the second issue was the reason that the overall plan was devised that way with trying to avoid on-site basins and doing it through the overall system, was to avoid the problem of maintenance and if they don't maintain them, they were not going to perform that function and then they were going to have a worse problem than they would have had otherwise.

Mr. Bluhm said the DNR likes to see those basins kept for water quality reasons too and that may be a reason and not so much for the detention component of it, but for the water quality component of it, and it was a separate issue but it still related to the basins.

Member Lorenzo said so they would know by the time this comes back for Final exactly and Mr. Bluhm said yes that would be explored and determined.

Member Mutch said Member Lorenzo's motion was to make those permanent and then the discussion was to explore whether or not they should be permanent and Member Lorenzo said she could alter her motion to say to explore the matter. She then said her Item #3 would read:

3. That the two detention basins be explored to determine whether or not they should be permanent.

Member Hoadley asked if Member Lorenzo would accept an amendment to include gas and oil separator and Member Lorenzo said that was part of Ms. Tepatti's recommendations and a vote was then taken.

ROLL CALL VOTE: Taub (Yes), Weddington (Yes), Bonaventura (Yes),
Capello (Yes), Clark (Yes), Hoadley (Yes),
Hodges (Yes), Lorenzo (Yes), Mutch (Yes)

MOTION CARRIED UNANIMOUSLY

Member Lorenzo asked if they needed to act on the woodlands permit

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as she had kept that separate because of Mr. Pargoff's lack of information and it was stated a motion was needed.

It was,

Moved by Member Lorenzo
Seconded by Member Hodges

To approve the Woodlands Permit for Hampton Woods Office and Residential Care Facility, SP95-12B subject to the Consultants' recommendations and that Mr. Pargoff receives the information that he has requested.

ROLL CALL VOTE:Weddington (Yes), Bonaventura (Yes), Capello (Yes),
Clark (Yes), Hoadley (Yes), Hodges (Yes),
Lorenzo (Yes), Mutch (Yes), Taub (Yes)

MOTION CARRIED UNANIMOUSLY