



Department of Planning and Economic Development

Staff Report to the Planning Commission

December 28, 2011

Request for Final Preliminary Plat Recommendation	
REQUEST	Final Preliminary Plat Recommendation
APPLICANT	Elro Corporation 201 W. Big Beaver, Suite 720 Troy, MI 48084
LOCATION	East of Sheldon, Between Tienken and Mead
FILE NO.	89-156.5
PARCEL NO.	15-02-200-015
ZONING	R-1, One-Family Residential
STAFF	Ed Anzek, AICP, Director

Summary

Clear Creek Subdivision No. 5 is the fifth phase of the Clear Creek development, located north of Tienken, east of Sheldon in the northeast corner of the City. The subject phase contains 56 acres and is proposed to be platted for 58 home sites, using the City's Open Space provisions, or 1.03 lots per acre. The entire 5-phase development has been designed using the Open Space Plan Option of the Zoning Ordinance. The subdivision will be accessed from Mead and Sheldon Roads, and internal stub streets of phases 3 and 4 will be connected to the new subdivision. Clear Creek Subdivision Nos. 1-4 were platted for 264 home sites, and the entire development totals approximately 221 acres and 322 lots (1.45 du/a).

The site is surrounded by R-1 and R-E zoning and is Master Planned for residential development. Clear Creek No. 5 contains 23.53 acres of open space of which the majority is wetlands. The wetland area has been monitored by the MDEQ since 2005, and annual reports are submitted to the DEQ and the City's wetland consultant.

The City Council approved the Tentative Preliminary Plat, Wetland Use Permit and Open Space Plan on June 16, 2008. The Planning Commission Recommended Approval of the above and also approved a Tree Removal Permit, Natural Features Setback Modifications

and a Cul-de-sac Waiver on April 1, 2008. Minutes from the Planning Commission meeting are included.

Unique History

In May, 2009 the developer inquired if the city had any interest in part or in whole of this final Phase of the Clear Creek development. The request, in staff's opinion, was due to the economic recession and housing bust and uncertainty of any future market. The developer submitted an application requesting that the City's Greenspace Committee evaluate their lands for their environmental value and to determine if the lands were worth pursuing.

This effort took over two years, as it was deemed of value, and the City set out on their course of due diligence. The sale of the land was tied to the City's success in obtaining a grant from the Michigan Department of Natural Resources. We were successful in that regard, but the amount was much lower than what was requested. To complete this transaction, the City would have had to use a much higher amount from the Greenspace Millage Fund than what was desired. The City notified the developer around June of this year that they were not purchasing a portion of the 5th Phase. The developer, having experienced a full 180 degree turnaround in the market for their lots, immediately pushed forward to get the 5th Phase approved to meet the housing demand.

During this entire two-year period, Elro Corporation had continued processing their 5th Phase, submitted drawings for their Final Preliminary Plat approval; had developed and submitted alternatives should the City purchase a portion; and sought the outside agency approvals. Time lags since June can be attributed to MDEQ permitting and encouraging off-site mitigation.

In addition, the City Council re-designated the Planning Commission as the City's Planning Commission (yes that's right!). The 2008 Planning Enabling Act also required that Plat approval considerations be done with a Public Hearing and notification to adjacent property owners. That has been done for the January 3, 2012 meeting.

There is no change from the Tentative Preliminary Plat to the Final Preliminary Plat except for the following:

- MDEQ has asked that wetland mitigation occur at an off-site land bank wetland instead of on-site. It is staff's opinion that the offsite mitigation is preferred, since the parcels that will abut the upland areas that were proposed to be mitigation areas will now remain intact with no disturbance. All trees and most brush will be preserved furthering a protection of the existing wetlands.
- The developer is also proposing to dedicate the wetlands jointly to the Clear Creek Homeowner's Association AND the City of Rochester Hills. This addition in the City provides public purpose of the wetland areas as well.

Specific action requested for consideration by the Planning Commission is recommendation to the City Council for Approval of the Final Preliminary Plat.

Open Space Plan Option

The applicant is utilizing the Open Space Plan option permitted by Section 138-5.201 of the City's Zoning Ordinance. The maximum density in an Open Space subdivision in an R-1 district is 1.7 units per acre. This phase proposes a density of 1.03 units per acre. The entire development, all five phases, is 1.45du/a. The minimum lot area may be reduced by up to 25 percent in the R-1 district, with a minimum lot width of 85 feet. Setbacks are permitted as follows: 30-foot front, 10-foot single side or 20 feet both sides; 35-foot rear, and 30-foot rear where abutting a minimum 100-foot wide open space area. All lots meet the minimum lot requirements.

In addition, at least one foot of open space must be provided for each square foot of lot area reduction, or 4 acres, which ever is greater. The applicant is proposing 23.5 total acres of open space, mainly in wetlands or wetland mitigation areas. Section 138-5.201 G 2. requires that at least 4 contiguous acres of upland open space suitable for recreation be provided in the development. There is sufficient contiguous upland open space in the overall Clear Creek Subdivision, inclusive of phases 1-5, to meet this requirement. The Open Space Plan was approved by City Council at Tentative Preliminary Plat Approval.

Tree Removal Permit

The Tree Conservation Ordinance regulates the site; therefore, a minimum of 37% of the regulated trees will need to be preserved. The applicant is showing that 55% of the trees will be saved, and that 645 tree replacement credits will be provided. The many acres of open space will allow a majority of the tree preservation. The applicant is proposing to replace the removed regulated trees with the appropriate tree credits. All removals are indicated as replaced on site; no payment into the tree fund is needed. The Planning Commission approved a Tree Removal Permit at Tentative Preliminary Plat Recommendation in 2008.

Wetland Use Permit/Natural Features Setback Modifications

The subject site contains approximately 15.3 acres of wetland regulated by the DEQ and the City of Rochester Hills. Several areas of direct and permanent wetland impacts will occur from construction of the site and installation of roads and pathways, which requires a Permit from the City and an MDEQ 303 Permit from the State. Approximately one acre of wetlands will be affected and 1.3 acres of offsite mitigation are proposed. A Wetland Use Permit was approved by City Council at Tentative Preliminary Plat Approval and Natural Features Setback Modifications were approved by the Planning Commission at the time of Recommendation. An MDEQ Permit has been issued for the off-site mitigation which is preferred.

Steep Slopes Application

Shortly after the Steep Slope Ordinance was adopted, the City Engineer, City Surveyor, and staff met with the applicant and their engineers to review the slopes on site. There is one “bump” that falls about 800 feet south of Mead on the proposed Traceky Road. This hill was determined to be man-made and residual from the previous quarry operations. Man-made slopes are exempt from regulation in the Steep Slope Ordinance. In addition, the City Surveyor pointed out that flattening this “bump” for the roadway would be better for the wetland area that is adjacent. According to the consultant, accelerated stormwater run-off from hillsides can have a detrimental affect on wetlands.

As part of the technical review for this project, all applicable City departments and consultants have reviewed the plans and supplemental documentation. All review comments are contained within the enclosed information. Since the reviewers have recommended approval or had no comments relative to the submittal, Staff recommends approval of the following motion relative to City File No. 89-156.5.

Reference: Final Preliminary Plat dated received by the Planning Department 10/24/11: Sheets 1 thru 21 prepared by JJ Associates, Inc.; Landscape Plans, Sheets 22 thru 25, prepared by Calvin Hall & Associates.

Attachments: Assessing Department memo dated 11/08/11; Building Department memo dated 11/15/11; Fire Department memo dated 11/17/11; Public Services Department memo dated 11/30/11

MOTION by _____, seconded by _____, in the matter of City File No. 89-156.5 (Clear Creek Subdivision No. 5), the Planning Commission recommends that City Council **grant Final Approval** of the **Preliminary Plat**, based on plans dated received by the Planning Department on October 24, 2011, with the following findings and subject to the following conditions.

Findings:

1. The Final Preliminary Plat is consistent with the street and lot layout of the previously approved Tentative Preliminary Plat.
2. The Final Preliminary Plat conforms to all applicable City ordinances, standards, regulations, and requirements.

Conditions:

1. That the applicant receives all appropriate MDEQ permits prior to Final Plat approval.
2. That the applicant receives a Land Improvement Permit.
3. That the applicant receives all engineering related permits and approved Construction documents required by Public Services prior to Final Plat approval.
4. Address comments in the Fire Department memo dated November 17, 2011, prior to Final Approval by Staff.
5. All proposed street names must be approved by the City's Communication Division prior to Final Approval by Staff.
6. Address comments in the Building Department memo dated November 15, 2011, prior to construction Plan Approval.
7. Provision of a performance guarantee in the amount of \$275,600.00, as adjusted if necessary by the City, to ensure the proper installation of trees, for replacement of damaged trees, and for all other landscaping expenses. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.