

**City of Rochester Hills
Department of Planning and Development**

**STAFF REPORT TO THE PLANNING COMMISSION
June 2, 2005**

Northbrooke East Site Condominium	
APPLICANT	Northbrooke East Development, L.L.C. 1361 East Square Lake Road Troy, MI 48085
AGENT	Reid Orr
LOCATION	South of Auburn Road between Crooks & Livernois Roads
PARCEL NOS.	15-33-128-009
FILE NO.	00-037
ZONING	R-4 (One Family Residential) District
STAFF	Deborah Millhouse, AICP, Deputy Director
REQUESTS	Tree Removal Permit Preliminary Site Condominium Plan Recommendation

SUMMARY

The above referenced project involves a twelve-unit single-family site condominium development on 3.736 acres. The proposed Northbrooke East condominiums are located east of the Northbrooke Subdivision and west of the recently approved Meadowcreek II site condominium project (fka Northbrooke Meadows). The development connects these two residential developments, with all units fronting on the proposed internal street system.

Specific actions requested for consideration by the Planning Commission are a tree removal permit and a preliminary site condominium plan recommendation to City Council.

TREE REMOVAL PERMIT

The development is proposing to preserve five (41.7 percent) of the 12 regulated trees on-site. Replacement of the seven regulated trees to be removed involves the planting of four replacement trees (i.e., all of the required tree credits) on-site. Since the proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance, the first preprinted motion is included for your consideration.

PRELIMINARY PLAN

The applicant is utilizing the lot size variations option permitted by Section 138-1112 of the City's Zoning Ordinance. This option allows lots to have an area and width not greater than 10 percent below that required by the R-4 zoning district. In other words, each lot must be at least 8,640 square feet in area and have a width at the minimum front setback of at least 72 feet for internal lots and 92 feet for corner lots. All proposed lots meet or exceed these minimum requirements.

Further, the average lot size of 10,364.67 square feet exceeds the minimum requirement of 9,600 square feet, and the 3.2 lots per acre density is less than the maximum of 3.4 lots per acre permitted by the lot size variations option. In addition to the 12 units, a detention basin is proposed on the church property to the north and will be maintained by the homeowners association.

It should be noted that the Avondale Faith Tabernacle has provided written permission to locate the proposed detention basin on their property (letter attached). Although noted on Sheet C-3, staff is recommending as a condition of approval that all off-site easements (including the pond, outlet, and maintenance road) and agreements be provided by the applicant and approved by the City prior to issuance of a Land Improvement Permit for this project.

Engineering and Surveying Comments

In the Public Services memorandum dated May 18, 2005, Engineering Services recommended approval with the condition that the plans address four issues prior to construction plan approval. Four conditions of approval have been included in the second preprinted motion relative to these issues. It should be noted that the first item deals with the willingness of the Avondale Faith Tabernacle to dedicate the 60-foot future right-of-way line for Auburn Road. Although the church is permitting the proposed detention basin to be located on the southern portion of its property, the church property per se is not part of this proposed development.

Since it is unclear from the plans, the City's Survey Technician notes that public utility easements (phone, cable etc.) must be separate (i.e. no overlaps) from easements to the City for sewer and water. This information is provided for the benefit of the applicant and will need to be addressed later in the process.

Landscape and Planning Comments

The City's Landscape Architect recommends approval with two conditions that have been included in the first preprinted motion. Three conditions relating to the City's Forestry Division have been included in the second preprinted motion, as have a couple minor conditions recommended by the Department of Planning and Development.

Compliance Criteria

According to Section 122-367(b) of the City's One-Family Residential Detached Condominiums Ordinance, approval of a preliminary site condominium plan needs to be based upon compliance with the following:

1. Applicable sections and regulations of this Code.
2. Availability and adequacy of utilities.
3. An acceptable comprehensive development plan.
4. A reasonable street and lot layout and orientation.
5. An environmental plan showing no substantially harmful effects.

RECOMMENDATION

Based on the review comments and information included in this report or contained within the attached, staff recommends approval of the following two motions.

MOTION by _____, seconded by _____, in the matter of City File No. 00-037 (Northbrooke East Site Condominium), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Department of Planning and Development on April 21, 2005, with the following findings and subject to the following conditions.

FINDINGS:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 41.7 percent of the regulated trees on-site.
3. The applicant is proposing to replace seven regulated trees with four replacement trees (i.e., eight replacement tree credits) on-site.

CONDITIONS:

1. Tree protective fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit for this development.
2. The applicant post a performance guarantee in the amount of \$2,826.00, as adjusted if necessary by the City, to ensure the proper installation of replacement trees and landscape plantings. Such guarantee to be provided prior to issuance of a Land Improvement Permit.

MOTION by _____, seconded by _____, in the matter of City File No. 00-037 (Northbrooke East Site Condominium), the Planning Commission **recommends** City Council **approve** the **preliminary site condominium plan**, based on plans dated received by the Department of Planning and Development on April 21, 2005, with the following findings and subject to the following conditions.

FINDINGS:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The preliminary plan represents an acceptable comprehensive development plan that connects an existing subdivision to the west with an approved site condominium development to the east.
4. The preliminary plan represents the only possible street layout and a reasonable lot orientation.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

CONDITIONS:

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit for this project.
2. Note on the plans whether or not the Avondale Faith Tabernacle is willing to dedicate the 60-foot future right-of-way line for Auburn Road.
3. Keep the plans consistent relative to depicting a 100-year overflow manhole or utilizing a 100-year overflow weir.
4. Clearly indicate that the post construction device (County SO-2 structure) will be permanent.
5. Show the restrictor on the downstream end of the standpipe structure on Sheets C-5 and C-7.
6. Correct Note #3 on Sheet L-1.0 to read that \$200 per unit is required to plant one street tree.

7. Add the second sentence in Note #3 to the end of Note #5 on Sheet L-1.0.
8. Payment of \$2,400.00, as adjusted if necessary by the City, to the Forestry Division for street trees prior to issuance of the Land Improvement Permit.
9. Adjust the Sequence of Construction schedule on Sheet C-2.
10. Reinstate the "Minimum Lot Area = 8,640 SFT" under Lot Averaging Requirements on Sheet C-3.

Reference: Plans dated received by the Department of Planning and Development on April 21, 2005 (Sheets C1 thru C8 prepared by Stellar Consulting Services, Inc. and Sheet L-1.0 prepared by Design Team Limited).

Attachments: Avondale Faith Tabernacle letter dated 03/12/05; Tree Removal Permit notice; Assessing Department memorandum dated 05/19/05; Building Department memorandum dated 04/30/03; Fire Department memorandum dated 01/03/05; Parks and Forestry memorandum dated 05/05/05; Planning Department memoranda dated 05/02/05, 04/25/05; Public Services memoranda dated 05/18/05, 04/26/05; J & L Consulting Services letter dated 04/07/00; Oakland County Drain Commissioner letter dated 05/22/03; MDOT Letter of Transmittal dated 04/30/03; Detroit Edison letter dated 10/27/00; Oakland County Health Division letter dated 10/26/00; Development Application dated 10/17/00; Environmental Impact Statement dated 12/04; and, Title Owner's Policy dated 06/30/00.
