



Department of Planning and Economic Development

Staff Report to the Planning Commission

July 18, 2014

Cumberland Pointe Site Condominiums

REQUEST	Preliminary One-Family Residential Site Condominium Plan Approval Tree Removal Permit
APPLICANT	Greg Windingland Lombardo Homes 51237 Danview Technology Ct. Shelby Twp., MI 48315
LOCATION	East side of Livernois, north of M-59
FILE NO.	14-001
PARCEL NO.	15-27-151-003
ZONING	R-3 One Family Residential
STAFF	Ed Anzek, AICP, Director

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Summary

The Cumberland Pointe one-family detached site condominium project is a proposed 18-unit development on 9.25 acres located on the east side of Livernois, north of M-59. Access to the site will be from Livernois and an internal street called Corbin Road from the Cumberland Hills subdivision to the east. The site is zoned R-3, One-Family Residential with a Mixed Residential Overlay, and is surrounded by R-3 zoning. The site is master planned residential.

Development Layout

The proposed development is using lot size averaging, with the average lot being 16,225 square feet. The minimum lot size in the R-3 district is 12,000 square feet, and the smallest in this development is 11,435 square feet. There is another internal street for five homes (Carlisle Drive), which is a stub street to the south property. Storm drainage will flow to an onsite detention pond.

Review Considerations

1. **Engineering/DPS.** The plans have received a conditional recommendation of approval from the City's engineering department subject to several conditions which will not impact the site layout, and which may be handled prior to final site condo and site plan approval. As noted in the applicant's response letter received July 9, 2014, several items from Engineering's memo of June 17, 2014 were addressed, but the remaining items will be generally handled during construction plan review.
2. **Tree Removal.** The Tree Conservation Ordinance applies to this development, since the land is unplatted. There are 621 regulated trees on-site, and the applicant wishes to remove and replace as many as 389, resulting in a preservation percentage of 37.4% (232 trees to be saved).
3. **Landscaping/Tree Replacement.** A landscape plan has been provided for review. Applicable requirements include the detention pond landscaping requirement and tree replacement.
 - a. A type A landscape buffer is required around detention ponds (see Section 138-12.300).
 - b. The landscape plans must include all information required by Section 138-12.103 and also must comply with the requirements of Article 12 of the Zoning Ordinance.
 - c. A proposed tree planting list along with cost estimates for proposed plant materials must be provided on the landscape plan.
 - d. Provision of an Irrigation Plan and its cost must be provided for and bonded.
 - e. Posting of landscaping bonds prior to issuance of a land improvement permit based on the landscape cost estimate.
 - f. Deposit \$3,600 with the City's Tree Fund to plant one street tree per lot.

Site Plan Summary

Section 122-367(b) requires that approval of a preliminary one-family detached site condominium plan be based upon compliance with the applicable sections and regulations of the Land Division article of the Code of Ordinances, availability and adequacy of utilities, an acceptable comprehensive development plan, a reasonable street and lot layout and orientation, and an environmental plan showing no substantially harmful effects. The plans are technically compliant and Staff therefore recommends that the Planning Commission grant a recommendation of approval to City Council, subject to conditions.

Site Plan Issue

The City and many council members have received calls and emails from residents that reside on Kentucky Drive opposing the connection of the proposed Corbin Drive to Corbin Court. Kentucky Drive is the westernmost street running north/south in the Cumberland Hills Subdivision. The residents would prefer to not have the stubbed Corbin Ct. connected in order to keep the status quo.

The issue becomes centered on the fact that we have an ordinance in place that requires the stub street to be connected. Staff cannot find one example of where the connection has not been made when Plats and/or Single Family Site Condos have been adjacent.

The specific requirement can be found in the Rochester Hills Codified Ordinances:

Article III, Subdivisions, Division 5, Design Standards, Sec. 122-267. Streets. (b)Location and arrangement.

- (2) The street layout shall provide for continuation of streets in the adjoining subdivisions and of the proper projections of streets when adjoining property is not subdivided.

It is this ordinance section that also requires the proposed street to the south to be a stub street ("proper projection of streets") since the 3 parcels south of the Cumberland Point are unplatted, zoned R-3, and are of sufficient width (400 feet+/-) to enable the design of this street being continued and turned west connecting to Livernois.

Article III also contains provisions for variances from the standards when undue hardship may result from strict compliance. Staff would offer that the party entitled to seek relief from a hardship would be the applicant and it is incumbent on the applicant to establish the hardship.

Motion to Approve a Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 14-001 (Cumberland Pointe Site Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on July 9, 2014, with the following findings and subject to the following condition.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. Of the 621 regulated trees onsite, 272 will be saved, resulting in a 37% preservation rate
3. The applicant is proposing to replace 389 regulated trees with 184 tree replacement credits, as required by the Tree Conservation Ordinance.

Condition

1. Tree protective and silt fencing, as reviewed and approved by the City's Landscape Architect, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City tree Fund.

Motion to Recommend Preliminary Condominium Plan Approval

MOTION by _____, seconded by _____, in the matter of City File No. 14-001 (Cumberland Pointe Site Condominiums), the Planning Commission recommends that City Council approves the Preliminary One-Family Residential Detached Condominium plan based on plans dated received by the Planning Department on July 9, 2014, with the following findings and subject to the following conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.

Conditions

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.

2. Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans, and landscape bond in an amount equal to the cost estimates for each, prior to issuance of a Land Improvement Permit.
3. Payment of \$3,600 into the tree fund for street trees prior to issuance of a Land Improvement Permit.
4. Approval of all required permits and approvals from outside agencies.
5. Compliance with the Engineering Department memo dated June 17, 2014 and Building Department memo dated June 5, 2014, prior to Final Site Condo Plan Approval and Building Permit Approval.
6. Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.

Reference: Plans dated received by the Department of Planning and Development on July 9, 2014 (Sheets 0-6 prepared by Community Civil Engineering & Surveying and Sheets 7-9 prepared by Donald C. Westphal Associates, LLC).

Attachments: Response to Review Comments received 7/9/14; Assessing Department memo dated 3/24/14; Building Department memo dated 6/5/14; Fire Department memo dated 6/3/14; DPS/Engineering Department memos dated 6/17/14 and 3/26/14; Parks & Forestry memo dated 6/4/14; Environmental Impact Statement dated 3/14/14; Tree Inventory dated 5/27/14; Public Hearing Notice; Tree Removal Notice.

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