

**City of Rochester Hills
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION
March 20, 2007**

Preliminary and Final Site Condominium Plan Recommendations Saddlebrook Orchards	
APPLICANT	Brookfield, LLC 70 Grey Road Auburn Hills, MI 48321-5470
AGENT	Bill Church
LOCATION	North of Auburn, East of Crooks
PARCEL NO.	15-28-300-029
FILE NO.	99-031
ZONING	R-4 (One Family Residential) District
STAFF	Ed Anzek, AICP, Director
REQUEST	Tree Removal Permit Preliminary Site Condominium Plan Recommendation Final Site Condominium Plan Recommendation

SUMMARY

The above referenced project involves a ten-unit single-family condominium development on approximately five acres. The proposed Saddlebrook Orchards development is located north of Auburn Road and east of Crooks. The project received Preliminary approval by the Planning Commission and City Council in 2003. All conditions of Preliminary approval were addressed, and the applicant submitted Final Plans, but the timeframe involved for technical compliance for those plans, without receiving an extension, has resulted in expiration of approvals. Since the Preliminary Plan has expired, and because of the length of time the applicant has been working with the City, it was suggested that both the Preliminary and Final approvals be processed concurrently. The suggestion is being made given the fact that no changes have been made to any land development ordinance that would require changes to this plan as previously prepared and approved.

Staff would also like to point out that although a concurrent processing is rare, it has been done in the past, to wit: Avon Lakes #4.

One other major factor has also developed with the expiration of previous approvals was the expiration of the Tree Removal Permit. The previous TRP was done prior to understanding the extent of damage by the Emerald Ash Bore. The Ash trees were counted. Now they are not. The site lost 30 trees, of which 20 were to be preserved. Their preservation percentage dropped to 34%. To meet the TCO requirements they needed to drop a lot or seek Variance relief from the City Council. More of this discussion later.

Specific actions requested of the Planning Commission include:

- **Approval of a Tree Removal Permit,**
- **Preliminary, and**
- **Final Site Condominium Plan Recommendations to City Council.**

BACKGROUND

City Council granted approval of the Preliminary Site Condominium Plan on June 4, 2003 and the Planning and Development Department received the Final Site Condominium Plan on June 11, 2004. During the one-year timeframe until an approval expires, the applicant is required by Ordinance to obtain all necessary State and County permits for utilities, water supply, sewage disposal, drainage, wetlands and roads. Engineering Services approved the Construction drawings on June 29, 2004, but while the Final Plans were in review and being revised, the construction plans expired. The applicant requested, and received, two extensions until November 30, 2007 for construction drawings only. Planning Staff requested revised drawings of the Final Plan on June 13, 2006, which were approved with conditions. Staff was in the process of scheduling the Final Plan on a Planning Commission agenda when it became apparent that approvals from 2003, including the Tree Removal Permit granted on June 4, 2003, had expired, and no request for an extension was received.

DISCUSSION ITEMS

Tree Removal Permit

The applicant initially reduced the number of lots from 15 to 10 to be able to add stub streets and to meet the minimum requirement of the Tree Conservation Ordinance. At the time it was approved, the City was not aware of the ash borer problem and ash trees could be counted as regulated trees. The previous plan was now seven trees short of the 37% TCO requirement. The initial Tree Removal Permit was based on 237 regulated trees, removing 147 and preserving 90 (37.9%). There were 30 ash trees as part of the initial regulated count. Of the 30, 20 were to be preserved and 10 removed. Since the 30 are no longer counted as regulated, there are now 207 regulated trees, and removing 137 (less by 10 ash) and preserving 70 (less by 20 ash) results in a preservation of 33.8% or seven (7) trees short of the required 37%. Please refer to the attached memos from C. Dinkins, Planning and Development, dated January 21, 2007 and March 13, 2007 for further details.

Section 126-296 of the Tree Conservation Ordinances states that an applicant may apply for a variance. The applicant appeared before City Council on February 7 and 14, 2007 and demonstrated that the conditions for granting a variance would be mitigated. Council granted a

Variance with a condition that seven additional trees be planted on site. The applicant is again required to apply for a Tree Removal Permit and the Landscape Plans have been changed accordingly. The development is proposing to save 33.8% of the regulated trees on-site, and the seven additional trees to be planted are acceptable to the City's Landscape Architect.

Preliminary and Final Site Condominium Plan

The Preliminary and Final Plan lot layout has not changed from the 2003 approval. With the exception of the tree issue, the plan is substantially the same. Issues raised at the initial Planning Commission meeting in 2003 included the visibility of proposed fencing surrounding the detention pond. The applicant is proposing a black aluminum, decorative fence. Another issue dealt with any impact the development would have on the adjacent regulated wetlands. The letter dated revised March 25, 2003 from the City's Wetland Consultant indicates that there are no regulated wetlands located north of Auburn Road between Alexander and Dearborn Streets. Therefore, the proposed development will have no impact on adjacent regulated wetlands. The recommended condition of approval placed by the Planning Commission was deleted from the City Council resolution.

According to the enclosed Environmental Impact Statement, there will be four private parks, and a note has been added to the plan that the open space areas are designed to remain in their natural treed and otherwise natural state.

As part of the technical review for this project, the plans have been reviewed by all applicable City departments and consultants (as attached). Additionally, the Master Deed and By-Laws have been reviewed by the City Attorney. The submitted plans meet the requirements for Preliminary and Final Plan Approval as listed in Sections 122-367 and 368, provided that all necessary state and county agency approvals be obtained prior to commencing construction. In addition, the City's Landscape Architect recommends approval with two conditions.

RECOMMENDATION

Based on the review comments included in this Report or contained within the attached, staff recommends approval of the following motions relative to City File No. 99-031 (Saddlebrook Orchards Site Condominiums).

Reference: Plans dated received by the Planning Department March 12, 2007 (Sheets 1 thru 7 prepared by Kieft Engineering, Inc and Sheets L-1 thru L-3 prepared by Berryman Designs Inc).

Attachments: Assessing Department memo dated 06/28/04; Fire Department memo dated 07/05/05; Building Department email dated 07/12/04; Public Services memo dated 03/06/07 and letter dated 11/30/06; Parks & Forestry memo dated 06/01/04; Planning & Development Department memos dated 01/21/07 and 03/13/07; ASTI Letter dated revised 03/25/03; Letter Carthew Law Firm, dated 03/07/07; Development Application dated 06/11/04; Environmental Impact Statement revised 03/14/07; Title Owner's Policy dated received 05/28/04; Tree Removal Permit Notice of Public Hearing; Planning Commission Minutes of 02/04/03.

MOTION by _____, seconded by _____, in the matter of City File No. 99-031 (Saddlebrook Orchards Site Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on March 12, 2007, with the following findings and subject to the following conditions.

Findings:

1. City Council granted a variance from the 37 percent requirement of the Tree Conservation Ordinance on February 14, 2007, whereby the applicant was required to plant seven additional trees in the open space areas.
2. In accordance with the aforementioned variance, the applicant is proposing to preserve 33.8 percent of the regulated trees on-site.
3. The proposed removal of regulated trees on-site is in conformance with the remainder of the Tree Conservation Ordinance.
4. The applicant is proposing to replace as many as 137 regulated trees with 164 replacement tree credits on-site.

Conditions:

1. Tree protective fencing be installed, inspected and approved by the City's Landscape Architect prior to the issuance of the Land Improvement Permit for this development.
2. Provision of a performance and maintenance guarantee in the amount of \$44,310.00, as adjusted if necessary by the City, to ensure the proper installation of replacement trees and other landscaping. Such guarantees to be provided by the applicant prior to issuance of a Land Improvement Permit.

MOTION by _____, seconded by _____, in the matter of City File No. 99-031 (Saddlebrook Orchards Site Condominiums), the Planning Commission **recommends** City Council **approve** the **Preliminary Site Condominium Plan**, based on plans dated received by the Planning and Development Department on March 12, 2007, with the following findings.

Findings:

1. The Preliminary Plan meets all applicable requirements of the Zoning Ordinance and the One-Family Residential Detached Condominiums Ordinance.
2. The Preliminary Plan represents a reasonable and acceptable plan for developing the property.

3. Adequate utilities are currently available to properly service the proposed development.
4. The Preliminary Plan represents a reasonable street layout, with connections available for future development to the east and west, as well as a reasonable lot layout and orientation. In addition, all lots have access to the interior local streets.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

MOTION by _____, seconded by _____, in the matter of City File No. 99-031 (Saddlebrook Orchards Site Condominiums), the Planning Commission **recommends** City Council **approve** the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on March 12, 2007, with the following findings and subject to the following conditions.

Findings:

1. All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Final Plan represents a reasonable and acceptable plan for developing the property.
4. The Final Plan is in conformance with the previously approved Preliminary Plan.

Conditions:

1. That the applicant deposit \$2000.00 into the City Tree Fund for one street tree per lot, prior to issuance of a Land Improvement Permit.
2. All outstanding fees and permits must be submitted to Engineering Services prior to the applicant obtaining a Land Improvement Permit.