

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

**STAFF REPORT TO THE PLANNING COMMISSION
June 5, 2007**

Lorna on the Green Site Condominiums	
APPLICANT	Mondrian Properties Lorna on the Green LLC 50215 Schoenherr Rd. Shelby Township, MI 48315
AGENT	Joe Maniaci
LOCATION	South Boulevard, between Crooks and Adams
PARCEL NOS.	15-32-300-007, -008, -009 and -010
FILE NO.	06-012
ZONING	R-4 (One Family Residential) District
STAFF	Derek Delacourt, Deputy Director
REQUESTS	Natural Features Setback Modifications Preliminary Site Condominium Plan Recommendation

SUMMARY

The above referenced project involves a 48-unit, single-family, ranch-style development on approximately 19.2 net acres, with 3.6 acres of private open space, including a 2.5-acre wetland and detention pond area in the northern portion of the site. The proposed Lorna on the Green Site Condominiums consists of four parcels from the Messmore Farms Subdivision, which was platted in 1955. The site proposes a U-shaped road and small cul-de-sac, with two entrances from South Boulevard, and all units will front on the proposed internal street system.

Along the rear yards of homes on the east and west sides of the property, the applicant proposes a rain garden/infiltration trench for surface drainage and water quality control, which has been reviewed and approved by the engineering and environmental consultants.

Specific actions requested for consideration by the Planning Commission are granting Natural Features Setback Modifications, and Preliminary Site Condominium Plan Recommendation to City Council.

ADJACENT LAND USES AND ZONING

The land to the north and west is zoned R-4 and developed with the Pine Trace Golf Course. The parcels to the east are zoned R-4 and developed with homes, including the Walnut Brook Estates site condominiums. The land to the south, in Troy, is zoned one-family residential and developed with homes. The City's current Master Plan identifies the subject area as residential.

TREE REMOVAL

As mentioned, the site was platted in 1955; therefore the Tree Conservation Ordinance does not apply. However, in her March 13, 2007 memo, the City's Landscape Architect strongly recommends that every effort be made to save existing trees and to replace those removed. The developer is removing 781 of the 952 regulated trees and, although not required, will provide 90 replacement trees, or 230 replacement tree credits. According to the applicant's Environmental Impact Statement, tree replacement will be according to the City's standards and they will work with the City's Landscape Architect.

WETLANDS AND NATURAL FEATURES SETBACK

According to the attached ASTI Environmental letter dated April 25, 2007, the northern portion of the site has designated wetlands, and there are other pockets of wetland along the west property line, for a total of 2.5 acres of land regulated by the DEQ and the City of Rochester Hills (Wetlands A and B) and .2 acres not regulated (Wetland C). There is an extremely small area of Wetland B present on the property, but ASTI recommends that no impact should occur with proper fencing in this area, and that no Wetland Use or DEQ Part 303 Permit will be required for the project. (Please refer to 3a of the attached ASTI letter).

Approximately 220 feet of direct and permanent Natural Features Setback impacts will result from construction at the rear of lots 25, 26, 27 and 28. ASTI states that the Setback in this area is of low quality and recommends a Modification, which has been included in the motion below. In addition, approximately 40 lineal feet of direct and permanent NFS impacts will result from the construction of the storm water energy dissipated to the north of the proposed detention pond. Although ASTI recommends that this action would qualify for an exception to the NFS, Staff recommends that the applicant seek a Modification for this work. The applicant has stated on the plans that "the work will be conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetlands are not impacted," which is to ASTI's satisfaction.

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 units to have an area and width not greater than 10 percent below that required by the R-4 zoning district, i.e., each unit 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 units meet or exceed these minimum requirements, and the average lot size of 11,056 square feet exceeds the minimum requirement of

9,600 square feet. Further, the 2.5 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 48 units, there will be 3.6 acres of private open area.

LANDSCAPING

The City's Landscape Architect recommends approval with two conditions that have been included in the motion below. According to the Environmental Impact Statement, there will be enhanced landscaping along South Boulevard, and the detention facilities will have a landscaped, permanent water feature. A rain garden will be constructed along the east and west property lines for water quality control that they have indicated "will act as a natural buffer to the surrounding properties."

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 attachments, staff recommends approval of the following two motions.

Natural Features Setback Modifications

MOTION by _____, seconded by _____, in the matter of City File No. 06-012 (Lorna on the Green Site Condominiums), the Planning Commission **grants Natural Features Setback Modifications** for 220 lineal feet of direct and permanent impacts as a result of the construction of a proposed rain garden/infiltration trench at the rear of Lots 25, 26, 27 and 28; and for 40 lineal feet of direct and permanent impacts as a result of the construction of the storm water energy dissipater to the north side of the detention pond, with the following findings and conditions.

Findings:

1. The Natural Features Setback area at the rear of lots 25, 26, 27 and 28 is of low quality.
2. The construction of the storm water energy dissipater would qualify for an exemption to the Natural Features Setback according to the City's Wetland Consultant.

Conditions:

1. All temporary natural features setback impacts associated with construction of the storm water dissipater to the north of the detention pond must be restored to original grade with original or equivalent soils and seeded with a City approved seed mix, where possible, prior to Final Approval by Staff.
2. Remove note on Sheet 2 regarding obtaining written consent from the Mayor for impact from construction of energy dissipater.
3. The above restrictions will be included in the Master Deed as part of Final Site Condominium Plan consideration.

Preliminary Site Condominium Plan

MOTION by _____, seconded by _____, in the matter of City File No. 06-012 (Lorna on the Green Site Condominiums), the Planning Commission **recommends** City Council **approves** the **Preliminary Site Condominium Plan**, based on plans dated received by the Department of Planning and Development on April 12, 2007, 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 to South Boulevard.
4. The preliminary plan represents a reasonable street layout and 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. Tree Protection Fencing must be installed, inspected, and approved by the City's s Landscape Architect prior to issuance of the Land Improvement Permit for this development.

1. Provide a landscape bond for replacement trees and landscaping in the amount of \$147,310.00, which includes \$6,000.00 for irrigation, prior to issuance of a Land Improvement Permit for this development.
2. Submit Master Deed and By-Laws for review prior to Final Plan Approval by City Council.
3. A soil erosion permit must be obtained by the Oakland County Drain Commissioner, prior to the applicant obtaining a Land Improvement Permit.
4. Add a note to the plans that the rain garden/infiltration trench will not drain into the adjacent property in the northeast corner of the site.
5. Add silt fencing along the property line within the area of Wetland B, prior to Final Approval by Staff.
6. Add silt fencing on the construction side of lots 16, 17 and 18 to protect the Natural Features Setback area from erosion and sedimentation, prior to Final Approval by Staff.

Reference: Plans dated received by the Department of Planning and Development on April 12, 2007 (Sheets 1-9 prepared by Fenn & Associates, Inc.; Landscape and Irrigation Plans, Sheets L-1 thru L-6 and IR-1, prepared by James C. Scott & Associates).

Attachments: Assessing Department memo dated 08/16/06; Building Department memo dated 08/05/06; HRC letter dated 03/15/07; Fire Department memo dated 03/13/07; Parks and Forestry memo dated 04/18/07; Planning and Development Department memo dated 04/13/07; ASTI Environmental letter dated 04/25/07; Oakland County Drain Commissioner letter dated 07/31/06; Oakland County Health Department letter dated 08/07/06; Development Application dated received 07/26/06; Environmental Impact Statement revised 01/07.
