

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

**STAFF REPORT TO THE PLANNING COMMISSION  
May 13, 2005**

<b>Final Site Condominium Plan Grandview Site Condominiums</b>	
<b>APPLICANT</b>	Grandview Construction, Inc. P. O. Box 81352 Rochester, MI 48308
<b>AGENT</b>	Joe Salome, President
<b>LOCATION</b>	North of Auburn, East of Crooks
<b>PARCEL NO.</b>	15-28-300-033
<b>FILE NO.</b>	02-029
<b>ZONING</b>	R-4 (One Family Residential) District
<b>STAFF</b>	Deborah Millhouse, AICP, Deputy Director
<b>REQUESTS</b>	<b>Waiver of Monuments and Markers Final Site Condominium Plan Recommendation</b>

**SUMMARY**

The above referenced project involves a fifteen-unit single-family condominium development on six acres. The proposed Grandview Site Condominiums development is located on the north side of Auburn Road four parcels east of the "Saddlebrook Orchards" development. It should be noted that both projects have been designed to permit eventual connection and thereby provide a coordinated development pattern for the area.

**Specific actions requested for consideration by the Planning Commission include a Waiver of Monuments and Markers and Final Site Condominium Plan Recommendation to City Council.**

**BRIEF BACKGROUND**

This project was originally presented to the Planning Commission on November 18, 2003 as a fifteen-unit single-family condominium development with a street layout indicating a stub street to both the east and west. As noted in the attached Minutes, the applicant's engineer agreed to postpone action so that he could talk with the owner of the property and also could review some of the issues raised at the meeting.

At the January 20, 2004 Planning Commission meeting, the applicant requested that this item come back to the Planning Commission as originally presented. However, the Planning Commission recommended conditional approval of the Preliminary Plan for Grandview Site Condominiums with one of the four conditions being that the stub street to the east be eliminated, an eyebrow for the western stub be created, lot number 8 be moved to the south, and an additional minimum of 19 regulated trees to be saved. It should be noted that the Final Plan before you this evening reflects these street and unit modifications, while saving 21 additional regulated trees.

A second condition of Preliminary Plan approval was that the applicant develop some type of visual method of denoting the open space as an area for walking, but no other activities. Please be advised that the approved Preliminary Plan included a note stating that signage is to be placed at one designated point adjacent to the sidewalk in the open space area. This sign is to state that the park area is to be used for walking and no other activities. A condition of the second preprinted motion is that this location and note be added to the Final Plan.

At its February 17, 2004 meeting, the Planning Commission granted a Tree Removal Permit for this development with three conditions. City Council subsequently approved the Preliminary Site Condominium Plan with four conditions on March 3, 2004. Staff reviewed the plans dated received March 31, 2004 relative to compliance with the conditions of approval and stamped the plans approved on April 2, 2004. Any outstanding conditions required prior to issuance of a Land Improvement Permit have been included as conditions in the second preprinted motion.

## **WAIVER OF MONUMENTS AND MARKERS**

Section 122-397(a) of the One-Family Residential Detached Condominiums Ordinance states that all one-family residential detached developments shall be marked with monuments acceptable to the City. Section 122-397(b) states that the Planning Commission may waive the requirement for up to one year after final plan approval. Since Section 122-396 of the One-Family Residential Detached Condominiums Ordinance states that improvements may commence only after final approval by the Planning Commission and since monuments and markers cannot be placed until the site is substantially improved, a one-year waiver of the requirement to place monuments and markers is both reasonable and necessary. A preprinted motion granting such a waiver has been included in this report.

## **FORESTRY RECOMMENDATION**

The Forestry Division asks that special effort be taken to preserve tree #58. This tree is an 18.5-inch diameter Black Walnut and is located between the 60-foot right-of-way line and asphalt pathway along Auburn Road. They recommend that the pathway be routed as far south of tree #58 as possible.

This may result in the removal of trees #70 (a 9.5-inch box-elder), #71 (a 11.5-inch box-elder), and possibly tree #53 (a 7.9-inch box-elder). Forestry further notes that tree protection for tree #58 would need to be shown but cannot be shown with the pathway running through the tree protection.

Engineering Services requires that the pathway have at least a 90-foot radius from its centerline, that the pathway edge be located at least three feet from the tree, and that the pathway edge be a minimum of 15 feet from the Auburn Road pavement. The second preprinted motion includes two conditions relative to Forestry's recommendation for your consideration.

### **ORDINANCE COMPLIANCE**

Section 122-368(c)(1) of the One-Family Residential Detached Condominiums Ordinance states that the Planning Commission shall recommend approval of the Final Plan if it conforms with the approved Preliminary Plan and all requirements of this Ordinance, as well as other applicable City Ordinance Codes.

The City Attorney has reviewed the Master Deed and has no comments or objections. Additionally, staff has conducted a technical review of the Final Site Condominium Plan and Exhibit B to the Master Deed (i.e., survey) relative to compliance with the requirements of Section 122-368 of the One-Family Residential Detached Condominiums Ordinance. Any conditions recommended by staff for approval of the Final Plan have been included in the second preprinted motion.

### **RECOMMENDATION**

Since the Final Plan conforms to the Preliminary Plan stamped approved April 2, 2004 and has been reviewed for technical compliance, staff recommends approval of the following two motions.

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Reference: Final Site Condominium Plan (Sheets Nos. 1 thru 8) prepared by Fazal Khan and Associates, Inc. dated received by the Department of Planning and Development on April 22, 2005.

Attachments: City Council Minutes of 03/03/04; Planning Commission Minutes of 02/17/04, 01/20/04, & 11/18/03; Assessing Department memorandum dated 05/11/05; Building Department memorandum dated 03/11/05; City Attorney e-mail dated 04/05/05; Communications Division memorandum dated 04/01/05; Fire Department memorandum dated 03/22/05; Parks and Forestry memorandum dated 05/05/05; Planning Department memorandum dated 05/03/05; Public Service memoranda dated 05/03/05 & 05/12/05 (2); Oakland County Drain Commissioner letter dated 11/04/04; Soil Erosion & Sediment Control Permit issued 09/07/04; Chicago Title Insurance Company information dated received 02/14/05.

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. 02-029 (Grandview Site Condominiums), the Planning Commission **grants** a one-year **Waiver of Monuments and Markers** in accordance with Section 122-397 (b) of the One-Family Residential Detached Condominiums Ordinance, based on plans dated received by the Department of Planning and Development on April 22, 2005, with the following finding and subject to the following condition.

**FINDING:**

1. Since improvements may commence only after final approval and since monuments and markers cannot be placed until the site is substantially improved, a one-year waiver of the requirement to place monuments and markers is both reasonable and necessary.

**CONDITION:**

1. The applicant shall provide a performance guarantee in an amount determined by Engineering Services prior to issuance of a Land Improvement Permit to ensure the placement of monuments and markers.

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. 02-029 (Grandview Site Condominium), the recommends Planning Commission **approves** the **Final Site Condominium Plan** to City Council, based on plans dated received by the Department of Planning and Development on April 22, 2005, 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. Only one roadway from Auburn Road is being proposed, with all lots having access to an interior local street.
5. The eventual connection with Saddlebrook Orchards to the west will provide a second access point for both developments.

6. The final plan is in conformance with the preliminary plan approved by City Council on March 3, 2004.

CONDITIONS:

1. The status of trees #58, #70, #71, and #342 be changed from “preserved” to “removed” on Sheet 3.
2. The proposed pathway be relocated to the south so as to have at least a 90-foot radius from its centerline and be located as far as possible but no less than three feet from the Black Walnut tree and be a minimum of 15 feet from the Auburn Road pavement, as approved by Engineering Services.
3. Tree protection fencing for tree #58 be shown as close as possible to the proposed pathway, as approved by Engineering Services.
4. The applicant submit a Performance Bond for replacement trees in the amount of \$18,900.00, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
5. The applicant pay \$7,600.00, as adjusted if necessary by the City, into the City’s Tree Fund prior to issuance of the Land Improvement Permit.
6. 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.
7. Coriander Drive and Sage Lane be designated as public rights of ways not general common elements on Sheet 3 of Exhibit B.
8. Remove “D = Driveway” from legend on Sheet 3 of Exhibit B as it serves no purpose.
9. Storm maintenance and sedimentation basin agreements be provided by the applicant in recordable form and approved by the City prior to City Council consideration of the Final Site Condominium Plan.
10. All required easement agreements and exhibits in recordable form be provided by the applicant and approved by the City prior to City Council consideration of the Final Site Condominium Plan.
11. A warranty deed for the 60-foot half right-of-way for Auburn Road, along with the legal description and exhibit, be provided by the applicant and approved by the City prior to City Council consideration of the Final Site Condominium Plan.

12. Approval of the construction plans prior to City Council consideration of the Final Site Condominium Plan.
13. The applicant pay \$3,000, as adjusted if necessary by the City, to the Forestry Division for street trees prior to issuance of the Land Improvement Permit.
14. A location adjacent to the sidewalk in the open space area be designated on Sheet 4 for a sign indicating that the park area is to be used for walking and no other activities.