

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

**STAFF REPORT TO THE PLANNING COMMISSION
April 4, 2006**

| The Legacy Site Condominiums | |
|-------------------------------------|---|
| APPLICANT | Mr. Joseph Novitsky 30100 Telegraph Rd., Suite #350 Bingham Farms, MI 48025 |
| LOCATION | North side of Hamlin, between Livernois and Rochester Roads |
| PARCEL NO. | 15-22-351-004 |
| FILE NO. | 05-031 |
| ZONING | R-3 (One Family Residential) District |
| STAFF | Derek Delacourt, Deputy Director |
| REQUESTS | Tree Removal Permit Preliminary Site Condominium Plan Recommendation |

SUMMARY

The above referenced project involves an 11-unit single-family development on approximately five acres. The site is surrounded by R-3 residential zoning to the east, west and south and R-4 zoning to the north. To the east is a 2.66 acre subdivision around a cul-de-sac and to the west is a church. The proposed Legacy Site Condominiums will be accessed from Hamlin and end in a cul-de-sac road that conforms in length according to the Ordinance requirements. All units will front on the proposed internal street. Staff discussed the addition of a road stub to the west property line for a possible future connection. However, as indicated on the enclosed letter of intent from the Pastor of The Covenant Christian Church, the church plans to expand. In light of that, Staff felt a cul-de-sac would be appropriate.

In addition to the 11 units, there will be approximately .5 acre of open space, including two basins for storm water detention. There are no wetlands or natural features impacts, and a thorough geotechnical investigation of the soils was provided and reviewed by the City's Engineering Department.

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 Conservation

The Tree Conservation regulates the site, and the applicant is proposing to preserve 22 (38.8%) of the 36 regulated trees on-site. Replacement of the regulated trees to be removed is being provided onsite. There will be 7 transplanted trees, which are included in the number of trees to be preserved. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance and a 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 units to have an area and width not greater than 10 percent below that required by the R-3 zoning district. Each unit must be at least 10,800 square feet in area and have a width at the minimum front setback of at least 81 feet for internal lots and 101 feet for corner lots. All proposed units meet or exceed these minimum requirements.

The average unit size of 12,973 square feet exceeds the minimum requirement of 12,000 square feet, and the 2.2 units per acre density is less than the maximum of 2.9 units per acre permitted by the lot size variations option. Therefore, the proposed development complies with the density requirements for lot size averaging in an R-3 zoning district.

Landscape & Planning Comments

The City's Landscape Architect recommends approval with three conditions that have been included in the second preprinted motion. Additional plantings will be provided by the applicant along Hamlin Road, and adjacent to the northerly detention pond, to buffer the homes.

The City's Engineer has determined that a left turn lane into the development is not necessary due to the proposed widening of Hamlin.

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

As part of the technical review for this development, the Preliminary Site Condominium Plan and supplemental documentation have been reviewed by all applicable City departments and consultants. 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. 05-031 (The Legacy Site Condominiums).

Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 05-031 (The Legacy Site Condominiums), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning and Development Department on March 8, 2006, with the following findings and subject to the following conditions.

Findings:

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 38.8 percent of regulated trees on-site.
2. The applicant is proposing to replace as many as 22 regulated trees with replacement tree credits on-site.

Conditions:

1. Install tree protective fencing, as reviewed and approved by the City's Landscape Architect, prior to issuance of the Land Improvement Permit.
2. Provide a performance guarantee in the amount of \$14,012.00, as adjusted if necessary by the City's Landscape Architect, to ensure the proper installation of replacement trees and other landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
3. Submit a letter of Warranty to the City of Rochester Hill's Landscape Architect for the 7 regulated trees being transplanted on site. The letter must state that the transplanted trees are to be warranted for a period of 2 years, and if after that time the trees are dead or showing signs of decline, they will be replaced on an inch for inch basis. The tag numbers of the trees must be listed in the letter (#127, 153, 156, 157, 160, 161 and 164). The letter must also state that the City's Landscape Architect has the final approval for inspection, approval rights and location for the type and size of any replacement trees required.

Preliminary Site Condominium Plan

MOTION by _____, seconded by _____, in the matter of City File No. 05-031 (The Legacy Site Condominiums), 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 March 8, 2006, 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 Livernois Road and Hazelton Avenue.
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 landscaping island in the cul-de-sac, if feasible, as approved by the City's Landscaping Architect.
2. All required easement agreements and exhibits in recordable form, including Warranty Deed for the north ½ of Hamlin Road, shall be provided by the applicant and approved by the City prior to City Council consideration of the Final Plan.
3. Submit all condominium documents prior to final approval.
4. Provide proposed street name for the development, as approved by Staff, prior to Final Plan approval.
5. Change various pages of EIS to reflect eleven units rather than twelve.

Reference: Plans dated received by the Department of Planning and Development on March 8, 2006 (Sheets CE-1 thru CE-4, prepared by Richmond Engineering, Inc, and Sheets L-1 thru L-5, prepared by James C. Scott & Associates.).

Attachments: Assessing Department memo dated 01/04/06; Building Department memo dated 10/10/05; HRC letter dated 03/22/06; Mc Kenna Associates, Inc. letter dated 03/29/06; Fire Department memo dated 02/15/06; Parks and Forestry memos dated 02/16/06 and 03/22/06; Planning and Development Department memo dated 03/23/06; Oakland County Drain Commissioner letter dated 10/05/05; Environmental Impact Statement received 10/03/05; Letter from Covenant Christian Church dated 02/03/06; Notice of Tree Removal Permit; Development Application signed by Property Owner dated received 09/19/05.
