

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

**STAFF REPORT TO THE PLANNING COMMISSION
October 17, 2006**

Little Winkler Estates Site Condominiums	
APPLICANT	Little Winkler, L.L.C. 38880 Garfield Clinton Township, MI 48038
AGENT	Damian Kassab
LOCATION	West of Dequindre, south of Washington
PARCEL NOS.	15-01-277-015 and 15-01-278-006
FILE NO.	05-042
ZONING	R-1 (One Family Residential) District
STAFF	Derek Delacourt, Deputy Director
REQUESTS	Tree Removal Permit Preliminary Site Condominium Plan Recommendation

SUMMARY

The above referenced project involves a ten-unit, single-family condominium development on 7.3 acres. The proposed Little Winkler Estates is planned south of Carter and west of Dequindre, and all parcels will be developed around a public cul-de-sac that will access Dequindre. Two parcels to the west, developed with homes, will also use this access. There will be approximately .5 acre of private land, including the detention basin and wetland area.

Specific actions requested for consideration by the Planning Commission include a Tree Removal Permit and Preliminary Site Condominium Plan Recommendation to City Council.

DISCUSSION ITEMS

Tree Removal Permit

The Tree Conservation Ordinance regulates this site. The applicant is proposing to preserve 74 (i.e., 40 percent) of the 181 regulated trees on-site. Replacement of the 107 trees to be removed includes the planting of 80 trees (170 replacement tree credits) on-site, which the City's

Little Winkler Estates City File No. 05-042



City of Rochester

City of ShelbyTwp.

Subject Parcels

Legend

SDEPRD,RHC,PHOTOIC2005.DC

RGB

Red: Band_1

Green: Band_2

Blue: Band_3



Aerial photographs as of April 2002
Parcels were obtained on 07-05-06 from Oakland County
Although the information provided by this map is believed to
be reliable, its accuracy is not warranted in any way. The City
of Rochester, MI assumes no liability for any claims arising
from the use of this map.

05/01/05

1"=300'

Landscape Architect has determined exceeds the requirements of the TCO. The developer, in the EIS provided, states that he is “committed to saving as many of the existing trees on site as practical.”

Preliminary Site Condominium Plan

The applicant is utilizing the lot size variations option permitted by Section 138-1112 of the City’s Zoning Ordinance. This option allows lots to have an area and width not greater than 10 percent below that required by the R-1 zoning district. In other words, each lot must be at least 18,000 square feet in area and have a width at the minimum front setback of at least 90 feet for interior lots and 110 feet for corner lots. All proposed lots meet or exceed these minimum requirements.

Further, the average lot size of 22,481 square feet exceeds the minimum requirement of 20,000 square feet for the R-1 district, and the 1.37 lots per acre density is less than the maximum of 1.7 lots per acre permitted by the lot size variations option.

Engineering and Surveying Comments

In addition to the 10 units, a detention basin is proposed on the southeast corner of the development, which will be maintained by the homeowners association. The applicant has written confirmation from Shelby Township that capacity exists in their sewer to allow outletting. Detailed calculations will be provided during construction plan review.

Although recommended by the City’s Engineering consultants, the Oakland County Road Commission has not required a passing lane for this proposal, and the applicants indicate that one was not required for the development across the street in Shelby Township, which is a larger development.

Adjacent Land Uses and Zoning

The parcels to the north and east, in Rochester Hills, are zoned R-1. There is a large parcel owned by Consumers Energy directly to the south in the City of Rochester, and there are homes to the east, across Dequindre, in Shelby Township. The City’s current Master Plan identifies the subject area as residential.

Landscape and Planning Comments

The City’s Landscape Architect recommends approval with three conditions that have been included in the motions below. There are no buffers required and no islands required for the cul-de-sac. According to the Tree Preservation Plan, the majority of existing trees along Dequindre will be preserved, and the new homes will have significantly improved landscaping over what currently exists on the site.

Wetlands and Natural Features

According to the enclosed letter from ASTI, dated December 12, 2005, there are two small, non-regulated wetlands on the site. Therefore, a Wetland Use Permit is not required and no natural features impacts have been shown on the plans. The pond to the north, identified as “man-made and relatively sterile” will be filled. The other wetland, at the southwest corner of the development, provides a scenic feature for existing residents, where many waterfowl have been seen, and ASTI recommends that the applicant develop a stormwater discharge plan that includes discharging pre-treated stormwater runoff into that wetland.

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 attached, staff recommends approval of the following two motions.

MOTION by _____, seconded by _____, in the matter of City File No. 05-042 (Little Winkler Estates), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Department of Planning and Development on September 29, 2006, with the following findings and subject to the following conditions.

Findings:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 40 percent of the regulated trees on-site.
3. The applicant is proposing to replace 74 regulated trees with 80 replacement trees (i.e., 170 tree credits) on-site.

Conditions:

1. Tree protective fencing must be installed, inspected, and approved by the City’s Landscape Architect prior to issuance of a Land Improvement Permit for this development.

2. The applicant post a performance guarantee in the amount of \$75,664.00, as adjusted if necessary by the City, for a period of two growing seasons to ensure the proper installation of replacement trees and landscape plantings. Such guarantee to be provided prior to issuance of a Land Improvement Permit.

MOTION by _____, seconded by _____, in the matter of City File No. 05-042 (Little Winkler Estates), 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 September 29, 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 an existing subdivision to the west with an approved site condominium development to the east.
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 on-site and off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit for this project.
2. Provide warranty deed for 60-foot ½ ROW in Dequindre Road, prior to issuance of a Land Improvement Permit.
3. Change references to 11 units in EIS to 10 units, prior to Final Approval by Staff.
4. Revise Sheet L-2 as follows: Correct number of tree replacement credits to 170; revise credits provided for 12' evergreen trees to 3 per tree and adjust total to 45; revise credits provided for 16' evergreen trees to 5 and adjust the total to 20, to be reviewed by Staff prior to Final Site Condominium Plan Approval.
5. Develop plan to pre-treat stormwater that discharges into the open water wetland at the southwest portion of the site, prior to construction plan approval.

6. That the applicant receives a Soil Erosion Permit from the Oakland County drain Commission prior to issuance of a Land Improvement Permit.
7. Submission of Master Deed and By-Laws prior to Final Site Condominium Plan Review.
8. All road (including offsite) improvements are subject to Engineering verification and approval during construction plan review.
9. That the applicant obtains a Land Improvement Permit prior to performing any work on site.

Reference: Plans dated received by the Department of Planning and Development on September 29, 2006 (Sheets 1 thru 7 prepared by JJ Associates, Inc. and Landscape Sheets L-1 thru L-4 prepared by Calvin Hall & Associates).

Attachments: Tree Removal Permit notice; Assessing Department memo dated 01/04/06; Building Department memo dated 12/08/05; Fire Department memo dated 08/01/06; Parks and Forestry email dated 02/28/06; Planning and Development Department memo dated 10/03/06; HRC letter dated 09/12/06; McKenna Associates Letter dated 04/21/06; ASTI letter dated 12/12/05; Letter from King & MacGregor Environmental Inc. dated 11/21/05; Oakland County Drain Commissioner letter dated 12/05/05; Road Commission for Oakland County letter dated 12/21/05; Environmental Impact Statement dated 11/30/05; Development Application dated 11/21/05, Letter from J. McManus, dated 10/11/06.
