

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

**STAFF REPORT TO THE PLANNING COMMISSION
 April 1, 2008**

Clear Creek Subdivision No. 5 Tentative Preliminary Plat	
APPLICANT	Elro Corporation 201 W. Big Beaver, Suite 720 Troy, MI 48084
AGENT	Harry Terbrueggen
LOCATION	East of Sheldon, Between Tienken and Mead
PARCEL NO.	15-02-200-015
FILE NO.	89-156.5
ZONING	R-1 Single Family Residential
STAFF	Ed Anzek, AICP, Director
REQUESTS	Open Space Plan Recommendation Tree Removal Permit Wetland Use Permit Recommendation Natural Features Setback Modifications Cul-de-Sac Length Waiver Tentative Preliminary Plat Recommendation

SUMMARY

Clear Creek Subdivision No. 5 is the fifth phase of the Clear Creek development, located in the northeast corner of the City. The subject phase contains 56 gross acres and is proposed to be platted for 58 home sites, using the City's Open Space provisions, or 1.03 lots per acre. The entire 5-phase development has been designed using the Open Space Plan Option of the Zoning Ordinance, Sec. 138-1112(b). The subdivision will be accessed from Mead and Sheldon Roads, and internal stub streets of phases 3 and 4 will be connected to the new subdivision. The plan includes phasing within Subdivision No. 5 (please refer to Phasing Plan, Sheet 3 of 25). Clear Creek Subdivision Nos. 1-4 were platted for 264 home sites, and the entire development totals approximately 221 acres and 322 lots (1.45 du/a).

Subdivision No. 5 contains 23.35 acres of open space of which the vast majority is wetlands. The wetland area has been monitored by the MDEQ since 2005, and annual reports are submitted to

the DEQ and the City's wetland consultant. The site is surrounded by R-1 zoning and is Master Planned for residential development.

Specific actions requested for consideration by the Planning Commission are recommendation to the City Council for approval of the Wetland Use Permit, Open Space Plan, and Tentative Preliminary Plat. Actions for the Planning Commission approval include Natural Features Setback Modifications, Tree Removal Permit, and a Cul-de-Sac waiver.

The Cul-de-sac waiver is required when it exceeds 600 feet in length. Article III, Subdivisions, Sec. 122-267, (c), (9) vests the approval to extend Cul-de-Sacs with the Planning Commission. With Phase 5 extending Serene Ct. by adding the actual Cul-de-Sac, the new distance is 780 feet. The current street length measures at 600 feet. (*A side note: Cul-de-Sac is French for "bottom of the sack"*)

Open Space Plan Option

The applicant is utilizing the Open Space Plan option permitted by Section 138-1112(b) of the City's Zoning Ordinance. The maximum density in an Open Space subdivision is 1.7 units per acre. This phase proposes a density of 1.03 units per acre. The entire development, all 5 phases, is 1.45du/a. The minimum lot area may be reduced by up to 25 percent in the R-1 district, with a minimum lot width of 85 feet. Setbacks are permitted as follows: 30 feet front, 10 feet single side or 20 feet both sides, 35 feet rear, and 30 feet rear where abutting a minimum 100-foot wide open space area. All lots meet the minimum lot requirements.

In addition, at least one foot of open space must be provided for each square foot of lot area reduction, or 4 acres, which ever is greater. The applicant is proposing 23.3 total acres of open space, mainly in wetlands or wetland mitigation areas. Section 122-1112(b)(4) requires that at least 4 contiguous acres of upland open space suitable for recreation be provided in the development. There is sufficient contiguous upland open space in the overall Clear Creek Subdivision, inclusive of phases 1-5, to meet this requirement.

Tree Removal Permit

The Tree Conservation Ordinance regulates the site; therefore, a minimum of 37% of the regulated trees will need to be preserved. The applicant is showing that 54% of the trees (770 of 1,415) will be saved, and that 645 tree replacement credits will be provided. The many acres of open space will allow a majority of the tree preservation.

- The applicant is proposing to replace the removed regulated trees with the appropriate tree credits. All removals are indicated as replaced on site; no payment into the tree fund is needed.
- The City's Landscape Architect recommends approval of the Landscape and Tree Replacement Plans subject to conditions.

Refer to the Planning Department (Landscape Architect) Memo dated March 10, 2008 for complete review comments.

Wetland Use Permit/Natural Features Setback Modifications

The subject site contains approximately 15.3 acres of wetland regulated by the DEQ and the City of Rochester Hills. Several areas of direct and permanent wetland impacts will occur from construction of the site and installation of roads and pathways, which requires a Permit from the City and an MDEQ 303 Permit from the State. The applicant is requesting a Wetland Use Permit and Natural Features Setback Modifications for these activities. Please refer to the ASTI Environmental letter dated February 28, 2008, which outlines proposed wetland and natural features setback impacts below. Approximately one acre of wetlands will be affected and 1.3 acres of onsite mitigation are proposed.

Wetland Impacts:

- 4,000 s.f. from the construction of a proposed asphalt pathway along Mead, east of the northernmost portion of Traceky Road. The applicant proposes a wooden boardwalk across the wetland to minimize impacts.
- 11,400 s.f. from the construction of an asphalt pathway along Sheldon Road southwest of lot 320, north of lot 315 and south of lot 319. ASTI recommends constructing the road outside the wetland limits toward Sheldon Road to avoid wetland impacts, and the applicant proposes to construct a wooden boardwalk over all wetland areas along this walkway.
- 20,945 s.f. to extend Traceky Road to Mead Road. ASTI feels that since the City and County require this intersection, it is not an unreasonable wetland impact and no practical alternatives exist.
- 13,220 s.f. for the construction of Traceky Road near lots 290, 291, and 292. ASTI feels there is no apparent alternative to wetland impacts for constructing this area of Traceky Road.
- 3,813 s.f. to construct lot 295. ASTI feels this impact is small and the wetland is of low quality with little ecological value.
- 1,293 s.f. and 4,845 s.f. in the area of lot 314 and the northern portion of Glacial Court. ASTI feels these wetland impacts are of low quality and quantity.

Natural Features Setback:

- 200 lineal feet for the construction of an asphalt pathway along Mead Road, east of the most northern part of Traceky Road.

- 670 lineal feet for the construction of an asphalt pathway along Sheldon Road, southwest of lot 320, north of lot 315 and south of lot 319.
- 200 lineal feet for the construction of a wetland mitigation area west of lot 190 (existing).
- 233 lineal feet for the construction of the southeast portion of lot 295 and the southwest corner of lot 296.
- 700 lineal feet for the construction of lot 293, the wetland mitigation west of lot 293, the northwest corner of lot 281, and the wetland mitigation area north of lot 281.
- 473 lineal feet for the construction of the southwest portion of lot 292, the portion of Traceky Road southeast of lot 292 and east of lots 290 and 291 and the construction of the southwest corner of lot 282.
- 460 lineal feet for the construction of the northeast corner of lot 285, the portion of Traceky Road east of lot 286, and the northeast corner of lot 284.
- 50 lineal feet for the construction of the northwest corner of lot 290.
- 291 lineal feet for the construction of the northern most portion of Glacial Court, the northwest corner of lot 313 and the northwest corner of lot 314.
- 90 lineal feet for the construction of the wetland mitigation area north of lot 314.
- 300 lineal feet for the construction of the wetland mitigation area to the west of lots 308 and 309.
- A Modification to maintain the Natural Features Setback areas as lawn, prohibiting buildings, decks, patios, play-sets, dog runs, or other physical structures for lots 281, 282, 284, 285, 290, 292,293, 295, 296, 313 and 314. Mowing and planting of native Michigan plants can be allowed. A note regarding this has been added to the plans.

ASTI has recommended approval of the plans showing the mitigation, wetland and natural features setback areas with conditions, which are included in the motions. Staff, the City's Wetland Consultant, and the DEQ have reviewed natural feature and wetland impacts to insure that they are the minimum required to accomplish the proposed development of the site.

Steep Slopes Application

Shortly after the Steep Slope Ordinance was adopted, the City Engineer, City Surveyor, and staff met with the applicant and their engineers to review the slopes on site. There is one "bump" that falls about 800 feet south of Mead on the proposed Traceky Road. This hill was determined to be

man-made and residual from the previous quarry operations. Man-made slopes are exempt from regulation in the Steep Slope Ordinance. In addition, the City Surveyor pointed out that flattening this “bump” for the roadway would be better for the wetland area that is adjacent. Apparently, accelerated stormwater run-off from hillsides can have a detrimental affect on wetlands.

Sheldon Road

The Transportation Engineer for the City has recommended that a portion of Sheldon Road be paved from where it currently stops (at north limits of high school) to a point 350 feet north of Clear Creek Drive. A total distance estimated at 780 feet. Please see the memo from Paul Shumejko, P.E.

We have not included this recommendation in any motion as it is not required by ordinance and this section of Sheldon Road is not part of this Plat.

Site Plan

- Staff recommends approval of the submitted Tentative Preliminary Plat and Open Space Plan subject to conditions.

As part of the technical review for this project, all applicable City departments and consultants have reviewed the plans and supplemental documentation. All review comments are contained within the enclosed information. Since the reviewers have recommended approval or had no comments relative to the submittal, Staff recommends approval of the following motions relative to City File No. 89-156.5.

THANK YOU

Reference: Tentative Preliminary Plat dated received by the Planning Department 02/25/08; Sheets 1 thru 21 prepared by JJ Associates, Inc.; Landscape Plans, Sheets 22 thru 25, prepared by Calvin Hall & Associates.

Attachments: Assessing Department memo dated 08/16/06; Applied Science & Technology, Inc. letter dated 02/28/08; HRC letter dated 01/02/08; Building Department memo dated 07/27/06; Fire Department memo dated 11/07/07; Landscape Architect’s memo dated 03/10/08; Road Commission for Oakland County letter dated 09/06/06; Oakland County Health Division letter dated 08/09/06; Tree Removal Notice; Environmental Impact Statement dated 07/12/06, Development Application dated received 07/25/06.

Open Space Plan Recommendation

MOTION by _____, seconded by _____, in the matter of File No.89-156.5, (Clear Creek Subdivision No. 5) the Planning Commission **recommends** that City Council **approve** the **Open Space Plan**, based on plans dated received by the Planning Department on February 25, 2008, with the following findings and subject to the following condition.

Findings:

1. The proposed open land identified on the plans dated received February 25, 2008 are appropriate and suitable for open space purposes.
2. The need to utilize the Open Space Plan provisions is established by the desire to protect and preserve wetlands.
3. The location and layout of the open spaces have a beneficial relation to the lots within and adjacent to the proposed subdivision
4. The proposed plan can be suitably provided with all supporting and necessary utilities as proposed.
5. The plan can be developed without injuring the abutting lands as to capacity available in existing utility services.
6. The sum of all lots with land area below the required 20,000 square feet (4.1 acres) does not exceed the total amount of land area to be dedicated to private open space, which is 23 acres.

Conditions:

1. That an Open Space Agreement be submitted to and approved by the City Council prior to Final Plat Approval.

Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 89-156.5 (Clear Creek Subdivision No. 5), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on February 25, 2008, 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, as 54% of the trees will be saved.

2. The applicant is removing 645 regulated trees from the site.
3. The applicant is proposing to locate 645 replacement credits on-site.
4. No payment into the City's tree Fund is required.

Conditions:

1. Address all comments per memo from the City's Landscape Architect dated March 10, 2008, prior to Final Approval of the Tentative Preliminary Plat by Staff.
2. All tree protective fencing must be installed, inspected and approved by the City's Landscape Architect, prior to issuance of a Land Improvement Permit.

Wetland Use Permit Recommendation

MOTION by _____, seconded by _____, in the matter of City File No. 89-156.5 (Clear Creek Subdivision No. 5), the Planning Commission **recommends** City Council **approve a Wetland Use Permit** to impact approximately 59,116 square feet for the construction of streets, lots and pathways, based on plans dated received by the Planning Department on February 25, 2008, with the following findings and subject to the following conditions.

Findings:

1. Of the approximately 15 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately 1 acre.
2. No prudent alternatives exist for constructing the streets for the development, due to the City and County traffic requirements.
3. The Wetland/Watercourse impacts caused by the road crossings appear to be unavoidable.
4. The applicant is proposing to construct 1.3 acres of replacement wetlands in order to mitigate the loss of 1.0 acre of regulated wetlands.
5. Most mitigation will occur in the same wetland as the impact and is designed to improve the same functions as the wetland to be impacted, as well as all wetlands on the site.

Conditions:

1. That the applicant receive all applicable DEQ permits and Oakland County Drain Permits Prior to issuance of a Land Improvement Permit.

2. That the applicant provide a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to Construction Plan Approval.

Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 89-156.5 (Clear Creek Subdivision No. 5), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impact to as much as 3,667 linear feet of natural feature setback associated with the required pathway construction, and for impacts to the streets, lots and mitigation areas as identified on plans dated received by the Planning Department on February 25, 2008, with the following findings and subject to the following conditions.

Findings:

1. Natural Features Setback Modifications are needed to construct lots, streets and mitigation areas.
2. Impacts associated with required pathways appear to be unavoidable.

Conditions:

1. All restoration to natural features areas will utilize native seed and vegetation, to be reviewed and approved by the City's Wetland Consultant prior to Final Approval by Staff.
2. Review proposed pathway locations in an attempt to locate them outside of any natural features setback location prior to submittal for Final Plat.
3. Add a note to the plans indicating how natural features areas will be permanently marked prior to construction, to be reviewed and approved by staff prior to issuance of a Land Improvement Permit.
4. Add a note that states how the lot purchaser will be informed of the setback boundary and restrictions, as approved by the City.
5. Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setback.

Cul-de-Sac Length Waiver

MOTION by _____, seconded by _____, in the matter of City File No. 89-156.5 (Clear Creek Subdivision No. 5), the Planning Commission **Approves a Cul-de-sac Waiver**, based on plans dated received by the Planning Department on February 25, 2008 with the following findings.

Findings:

1. When Clear Creek No. 4 was built, the length and layout of the street Serene had not been determined, and a cul-de-sac was used so the road would not disturb the wetland area.
2. The proposed cul-de-sac length and lot layout have been reviewed and recommended for approval by both the City's Public Services and Fire Departments.
3. The proposed street design incorporates a cul-de-sac bulb that meets City's Standards allowing for easier movement of fire vehicles.

Tentative Preliminary Plat Recommendation

MOTION by _____, seconded by _____, in the matter of City File No. 89-156.5 (Clear Creek Subdivision No. 5), the Planning Commission recommends City Council **grant Tentative Approval** of the **Preliminary Plat**, based on plans dated received by the Planning Department on February 25, 2008, with the following findings and subject to the following conditions.

Findings:

1. The Tentative Preliminary Plat, after conformance with conditions, meets all applicable requirements of the Zoning Ordinance and the Subdivisions Ordinance.
2. The Tentative Preliminary Plat for Clear Creek No. 5 is the fifth phase of Clear Creek Subdivision; Clear Creek No. 4 Final Plat was approved by City Council in May 2005.
3. Adequate utilities are currently available in the Sheldon/Mead Road R.O.W., and sanitary sewer will be extended from the existing stub streets in Clear Creek, to properly service the proposed development.
4. The Tentative Preliminary Plat represents a reasonable and acceptable plan for developing the property.
5. The Tentative Preliminary Plat represents a reasonable street layout, as well as a reasonable lot layout and orientation.
6. The proposed development is compatible with surrounding zoning districts and land uses.
7. Architecture of the new homes will be similar in style to what currently is being built in the other Clear Creek phases. (per Environmental Impact Statement provide by applicant)

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Conditions:

1. That the Open Space Plan is approved by City Council prior to the approval of the Tentative Preliminary Plat.
2. That the Wetland Use Permit is approved by City Council prior to the approval of the Tentative Preliminary Plat.
3. That the applicant receives all appropriate DEQ permits prior to Final Plat approval.
4. That the applicant receives a Land Improvement Permit prior to commencing any work on the site.
5. That the applicant receives all engineering related permits and approved Construction documents required by Public Services prior to Final Plat approval.
6. Change the diameter of the water main proposed on Mead Road to 16" (12" shown), prior to Construction Plan Approval.
7. All proposed street names must be approved by the City's Communication Division prior to Final Approval by Staff.
8. Provision of a performance guarantee in the amount of \$305,375.00, as adjusted if necessary by the City, to ensure the proper installation of trees, for replacement of damaged trees, and for all other landscaping expenses. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.