

**City of Rochester Hills
 Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION
 January 20, 2009**

ROCHESTER COLLEGE Health & Life Sciences Center	
APPLICANT	French Associates 1600 Parkdale Rochester Hills, MI 48307
AGENT	Paul Corneliussen
LOCATION	Avon Road, between Livernois and Rochester
PARCEL NO.	15-15-451-008
FILE NO.	94-426.8
ZONING	PUD Planned Unit Development
STAFF	Derek L. Delacourt, Deputy Director
REQUESTS	Tree Removal Permit Wetland Use Permit Recommendation Site Plan Approval

SUMMARY

Rochester College entered into a PUD Agreement with the City in 2006 for future development of the campus in accordance with their Master Plan. The PUD allows flexibility related to zoning requirements and process to allow for the development of the campus in agreed upon and shared vision of both the City and the College. A copy of the recorded PUD is included.

The College is proposing construction of a two-story, 90,673 square-foot Health and Life Sciences building, soccer field, softball diamond, bike path, and associated improvements. The existing historic buildings on site will be relocated, per the PUD Agreement, to the Modified Historic District as described in Exhibit B. The building materials of the Health and Science building will be consistent with those of the other, newer buildings on campus.

Specific actions requested for consideration by the Planning Commission are granting a Tree Removal Permit and Site Plan Approval and Recommendation of a Wetland Use Permit to City Council.

Conditional Land Use Approval

Colleges are normally permitted in the Special Purpose district with a Conditional Land Use Approval by City Council per Section 138-933(3) of the Zoning Ordinance. In this instance, the PUD “grants Conditional land Use Approval for development of the campus for the following uses (Per Section 3, Zoning): Administration, academic, athletic, housing, maintenance, worship or any other purpose related to an institution of higher education, without any other use approval by the City being required.” This eliminates the CLU step in the process if the College is developed in accordance with its Master Plan, which was approved along with the Final PUD. The proposed development is consistent with that shown and described in the PUD.

Tree Removal Permit

The Tree Conservation Ordinance regulates this portion of the site because there was not an approved Site Plan prior to 1988. All regulated trees must be replaced on a one-for-one basis. There are 136 regulated trees on site and 121 will be removed; they will be replaced with 121 trees on site. The proposed landscape plan meets the requirements of the Tree Conservation Ordinance, subject to conditions.

Buffers

A Type C Buffer (10-foot width and sufficient IVO trees) is required across the southern property line (Avon Road) of the project. This requirement has been met.

Parking

There are 272 parking spaces being provided, which requires 4,200 square feet of parking lot island and a minimum of 14 parking lot island trees plus one for each island. The proposed additional parking along with existing and shared parking agreements meets the requirements of the City’s Ordinance and the PUD agreement.

Natural Features Setbacks

As provided in Chapter 13 and shown on Exhibit D of the College’s PUD Agreement, all natural features setbacks surrounding wetland areas on Campus that are not adjacent to the Clinton River shall be deemed waived by the City in compliance with Section 138-1076(d) of the Zoning Ordinances. “All natural feature setbacks adjacent to the Clinton River shall remain, but are hereby deemed waived by the City solely for the purpose of the construction of any building or other improvement by the College generally in accordance with the Master Plan.” The College will be required to restore the natural features setback to substantially the same condition that existed prior to the commencement of construction activities, and all regulations set forth in

Section 138-1076 shall continue to apply following such restoration. According to the ASTI review letter dated January 15, 2009, no wetlands adjacent to the Clinton River are involved with this phase of the Rochester College development. There is no Natural Feature Setback Modification necessary.

Wetland Use Permit

The applicant applied for an MDEQ Permit, which was granted in November 2005 and extended per the MDEQ letter of January 5, 2009 until November 2010. The applicant is requesting a Wetland Use Permit from the City for permanent impacts associated with the construction of a softball diamond, for the grading necessary to place two rip-rap outlet structures into Wetland B, and for 100 square feet of impacts that will result from construction of a rip-rap section placed in a storm water ditch under Avon Road and for the proposed bike path along Avon Road.

The ditch is regulated by the DEQ and the City because of its hydrological connection to the Clinton River. Temporary impacts (100 square feet) will result from the construction of a catch basin and placement of 45 lineal feet of storm water pipe associated with the bike path on Avon. Also, 20 square feet of temporary wetland impact will result from tapping an existing sanitary sewer line north of the existing baseball diamond.

These actions have all been approved by the MDEQ, as the applicant has submitted a stream enhancement construction and planting plan in the mitigation plans. ASTI agrees that these steps satisfy the requirements for a Wetland Use Permit, and the College has agreed to the conditions of approval.

The proposed mitigation plans are extensive and deal with improvements to the Clinton River to allow for the permanent and temporary impacts to the regulated wetlands on site. The proposed mitigation is a direct benefit to the Clinton River and an improvement for the entire watershed. The applicant has also agreed to work with the City on improvements to its storm water retention systems during the construction review process. This includes investigating best practice options and improvement to existing systems.

Please refer to ASTI letter dated January 15, 2009 for complete review comments.

Steep Slope Review

The PUD exempts the Campus from the application of any slope construction regulations that would have the effect of prohibiting construction on slopes as proposed in its Master Plan.

Site Plan

- The City's Planning Staff recommends approval of the Site Plan, subject to conditions.
- The City's Landscape Architect recommends approval of the Landscape 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 and conditionally recommended approval. All review comments are attached. Staff recommends approval of the following motions with relative to City File No. 94-426.8 (Rochester College Health & Life Sciences Center):

Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 94-426.8 (Rochester College Health and Life Science Center), the Planning Commission **grants** a **Tree Removal Permit**, based on plans dated received by the Planning and Development Department on December 4, 2008, with the following findings and subject to the following condition.

Findings:

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace 121 regulated trees with 121 tree replacement credits (61 trees) on site, as required by the Tree Conservation Ordinance.

Condition:

1. Tree protective fencing, as reviewed and approved by the City's Landscape Architect, shall be installed prior to issuance of the Land Improvement Permit.

Wetland Use Permit Recommendation Motion

MOTION by _____, seconded by _____, in the matter of City File No. 94-426.8 (Rochester College Health and Life Sciences Center), the Planning Commission **recommends to City Council a Wetland Use Permit** for 20,000 square-feet of permanent wetland impacts to Wetland B from the construction of a softball diamond and associated grading in its northern portion and from the placement of two rip-rap outlet structures in Wetland B; for 100 square-feet of permanent wetland impacts from the construction of a rip-rap end section in a storm water ditch beneath Avon Road and the proposed bike path along Avon Road; for approximately 100 square feet of temporary impacts from the construction of a catch basin and the placement of 45 lineal feet of storm water pipe associated with the bike path and for 20 square-feet of temporary impacts from the tapping of an existing sanitary sewer line north of the existing baseball, based on plans dated received by the Planning Department on December 4 2008, with the following findings and subject to the following conditions.

Findings:

1. The Wetland and Watercourse Protection Ordinance is applicable to the subject site because it is not included within a site plan or preliminary subdivision plat which has received final approval prior to January 17, 1990.
2. Of the approximately three acres of City-regulated wetlands on the project site, the applicant is proposing to impact approximately .5 acre.
3. The applicant will use best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted and that impacts to the aquatic environment are minimized.
4. The storm water ditch beneath Avon Road appears to be hydrologically connected to the Clinton River, making it City regulated.
5. The temporary wetland impacts associated with the catch basin and storm sewer appear to be unavoidable.
6. Development of long-term measures planned to enhance and improve the Clinton River banks, such as vegetating slopes, stabilizing the banks and cleaning up debris can be considered as sufficient out-of-kind mitigation for the wetland losses connected with the development of the Health and Life Science Center.

Conditions:

1. Impacted areas must be shown on revised plans in square footage and approved by the City's Wetland Consultant, prior to Final Approval by Staff.
2. All temporarily impacted areas must be seeded with a seed mix, and be noted on the revised plans, as approved by the City's Wetland Consultant prior to Final Approval by Staff.
3. Note on plans the application of best management practices, including appropriate plant ground cover, to the soils around Wetland D and areas as detailed in ASTI's letter dated January 15, 2009, to minimize soil erosion and avoid poor water quality, prior to Final Approval by Staff.
4. Submit plan to remedy situation caused by building downspouts located near and around Wetland D that discharge into the wetland, prior to Final Approval by Staff.
5. Remove landscaping waste around the area of Wetland B and near the weir structure and consider replacing the structure because of its poor condition, prior to Final Approval by Staff.

6. Show plan to stabilize bluff and banks of the Clinton River northeast of the northern portion of Wetland D, as shown on the Mitigation Plans and approved by ASTI, prior to Final Approval by Staff.
7. Revise plans to show no wetland impact associated with the sanitary sewer tap, prior to Final Approval by Staff.
8. Devise long-term measures to enhance and improve the areas along the banks of the Clinton River, such as vegetating slopes, stabilizing the banks and cleaning up debris, which can be considered as sufficient out-of-kind mitigation for the wetland losses to develop the Health and Life Sciences Center.

Site Plan Motion

MOTION by _____, seconded by _____, in the matter of City File No. 94-426.8 (Rochester College Health & Life Sciences Center), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on December 4, 2008 with the following findings and subject to the following conditions.

Findings:

1. All requirements of the Zoning Ordinance, other City ordinances, standards, and requirements can be met.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site, and on access and adjoining streets.
3. Automobile parking areas are designed to avoid common traffic problems and promote safety.
4. There can be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
5. The proposed development will not have an unreasonably detrimental, nor an injurious effect upon the natural characteristics and features of the parcel being developed and the larger area of which the parcel is a part.

Conditions:

1. That all remaining engineering issues, including appropriate permits and requirements of the revised Engineering Stormwater Management Standards, be addressed and approved by the City's Engineering Services Department prior to approval of Construction Plans.

2. Address comments from the Building Department memo dated December 16, 2008, prior to issuance of Building Permits.
3. Deposit of \$18,483.00 for previous tree removal must be made into the City's Tree Fund, prior to issuance of a Land Improvement Permit
4. Tree protective fencing, as reviewed and approved by the City's Landscape Architect, shall be installed prior to issuance of the Land Improvement Permit.
5. Provide a landscape bond for replacement trees, buffer trees and landscaping in the amount of \$152,062.50, as adjusted if necessary by the City's Landscape Architect, prior to issuance of a Land Improvement Permit for this development.
6. Submit complete irrigation system design documents, as approved by the City's Landscape Architect, prior to Final Approval by Staff.
7. That the applicant receives appropriate sanitary sewer and soil erosion permits from the Oakland County Drain Commissioner prior to issuance of a Land Improvement Permit.
8. That the applicant receives a Permit for all work in the right-of-way for Avon from the Road Commission for Oakland County, prior to issuance of a Land Improvement Permit.
9. Address comments from the Parks and Forestry memo dated November 10, 2008, prior to Final Approval by Staff.
10. City Council approval of the Wetland Use Permit, prior to Final Approval by Staff.

THANK YOU

Reference: Site Plan dated received by the Planning Department December 4, 2008 (Cover Sheet, Sheets P-1.1, P-1.2, P-1.3, P-2.1, P-2.2, P-3.0, P-3.1, P-3.2, P-4.1, P-4.2, P-5.1, P-5.2, P-6.1, P-6.2, P-7.1, P-7.2, P-7.3, P-7.4, P-8.1, P-8.2, L-1.1, L-1.2, prepared by Professional Engineering Associates; A2.01, A2.02, A4.01, prepared by French Associates; E0.1, E0.2, E0.3, E0.4, E0.5, E0.6, prepared by Peter Basso Associates, Inc.

Attachments: Assessing Department memo dated 11/11/08; Building Department memorandum dated 12/16/08; Public Services memorandum dated 11/06/08; Fire Department memorandum dated 01/15/09; Parks and Forestry memorandum dated 11/10/08; Planning and Development Department memo dated 12/15/08; ASTI letter dated 01/15/09; Oakland County Drain Commissioner letter dated 04/11/05; Road Commission for Oakland County letter dated 05/10/05; Letter from MDEQ dated 01/05/09; TRP Notice and Rochester College PUD dated 01/30/06.
