



Rochester Hills Agenda Report

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File Number: 2006-0406

File Number: 2006-0406 **File Type:** Project **Status:** To Council Liaison
Version: 2 **Reference:** 02-009 **Controlling Body:** City Council
Regular Meeting
Requester: Planning/Development **Cost:** **Introduced:** 05/31/2006
File Name: Grace Oaks **Final Action:**

Title: Request for Approval of Preliminary Site Condominium Plan - City File No. 02-009 - Grace Oaks - a two-unit site condominium on 1.1 acres. located on the north side of Hazelton, east of Livernois, zoned R-4, One Family Residential, Parcel No. 15-34-101-039, Joseph Lombardo, applicant.

Notes: Joseph Lombardo
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Code Sections: **Agenda Date:**
Indexes: Preliminary-Final Plan **Agenda Number:**
Sponsors: **Enactment Date:**
Attachments: Agenda Summary PSCP .pdf, Map aerial.pdf, Report **Enactment Number:**
Staff 06-06-06.pdf, Timber Wall.pdf, Site Plans.pdf

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
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| 1 | Planning Commission | 06/06/2006 | Recommended for Approval | City Council Regular Meeting | | | Pass |
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Notes: *(Reference: Staff Report prepared by Ed Anzek, dated June 6, 2006, had been placed on file and by reference became part of the record thereof.)*

Present for the applicant was Joseph Lombardo, 3377 Hazelton, Rochester Hills, MI 48307.

Mr. Anzek stated that the area along Hazelton was an older subdivision dating back to 1939, and that the typical practice of splitting lots was not available to Mr. Lombardo. He noted that some of the Commissioners had seen lot splits at least four times in the last five years. Unfortunately, the owner had to go through a Preliminary Site Condominium Plan process, through engineering documentation, and then through a Final Site Condominium Plan process in order to split one parcel into two. He noted

that the subject property was zoned R-4 and that the proposed lot configurations met the Ordinance requirements. There were questions about a wetland to the rear of the property, but that had been resolved with an MDEQ Permit and there were revised floodplain calculations by Engineering. The Tree Conservation did not apply to the site, but the applicant pledged to save as many trees as possible. Mr. Anzek believed it would be the last split between Grand Park and Livernois.

Mr. Lombardo advised that he did not have any immediate plans to build or to sell. It was his understanding that there would be a lot of development surrounding him and he wanted to "get his ducks in a row," noting that it was a long process, and that way he could possibly beat the market. He advised that he had built a three-bedroom home on the western parcel, and that they loved the area, but his family was growing. They might possibly sell the home down the road and build a new one on the second half.

Ms. Hardenburg noted the 25-foot natural features area, and said that the Commission had been asking applicants to put in a fence or wall and signs to demarcate the setback lines. She asked if the applicant had a problem doing that.

Mr. Anzek said he had not discussed that with Mr. Lombardo. He explained that Hickory Ridge, across the street, had a similar situation, with units backing to a high quality wetland area. The Commission wanted new occupants to be aware of the area and suggested the use of a boulder wall at the 25-foot setback, which told the owner not to maintain beyond that point because it would be encroaching into the buffer setback, which was intended to be preserved.

Mr. Lombardo stated that it was very natural currently, and if he moved boulders in the area he would tear up the grass and yard. He would rather not touch it and address it when there was a future building plan. Mr. Anzek said that the Building Department would review the building plans and they would be familiar with the 25-foot setback, but unless there was something imposed on the Plan or as part of the Master Deed, there would be no controls in place to require something. Mr. Lombardo asked if there was a time frame, stating that he did not want to tear up his grass. Mr. Anzek said it could be done when the home was built. He suggested that if he dug a basement, he could possibly find rocks to do the wall. Mr. Lombardo asked if he had an example he could look at, and Mr. Anzek said he would provide him with drawings from a previous approval, which showed an 18-24" wall with boulders. He recommended that if the Commission supported, it could be done at Final approval and be contained within the Master Deed. Mr. Lombardo said he would like to look at it with his engineer and perhaps they could come up with another suitable solution. Mr. Anzek asked if that answered the Commission's concerns.

Ms. Hardenburg said it did not. She definitely wanted to see something

there, because she noted that the current house might already be encroaching. She did not mean something had to be put there today; but when the unit was developed, the applicant needed something other than a sign. Mr. Lombardo said he only wanted some time to educate himself before he committed to something like a boulder wall.

Mr. Boswell read a suggested condition: Prior to Final Site Condominium Plan approval, a satisfactory means of marking the natural features should be presented. The applicant agreed to that condition. Ms. Hardenburg said she was not entirely satisfied because she indicated that currently, the City just required a sign. Mr. Anzek corrected that currently, nothing was required. He went over the process, noting that from Preliminary at Planning Commission, the Plan would go before Council for review. If approved, the applicant would work on engineering construction documents, for which there would be minimal work because there were already water and sewer leads. The applicant would work on a Master Deed to govern units one and two. Once the City Attorney signed off, the applicant could request Final Site Condo recommendation and approval. He indicated that there was time to look at options. Mr. Lombardo advised that there was not a creek or stream, just a drainage ditch that was wet when it rained.

Ms. Hardenburg noted that there was a wetland across the street that was dry most of the time, but it was still designated. She asked about grading the property, and who would be responsible if the neighbor started complaining about a lot of water. Mr. Schroeder advised that it would be part of the home's Building Department review of the plan.

Mr. Anzek said they should not be altering the natural stream, and advised that it would be reviewed by the Engineering Department. It would ultimately get picked up by the storm drainage system built as part of the Hazelwood subdivision, and continue eastward. Ms. Hardenburg referred to property north of the applicant's, which had a drainage problem, and she wanted to make sure it did not continue. Mr. Anzek said that the developer of Pine Woods would fix the problem by piping water underground. Mr. Anzek said he would rather leave the drainage open on the subject site as a natural setting.

Mr. Schroeder asked if Hazelton was a variable width, assuming it was right of way, and if the 60-foot right-of-way was shown in front of the property. Mr. Anzek was unsure and said he would check, noting that the City had secured the right-of-ways with other applicants. The engineers reviewed the plan for the sidewalk, which was in the right-of-way, and he assumed they would be placing that in the right-of-way for the appropriate width for Hazelton.

Mr. Lombardo said that the most recent lot split did not have to have sidewalks because there were no sidewalks on either side. That was the case with his property, and he said he would prefer not to put in a sidewalk for 95 feet with no sidewalks on either side of it. Mr. Anzek said the

applicant could request a Sidewalk Waiver from Council.

Mr. Delacourt stated that a Sidewalk Waiver was usually a condition of approval. It did not require a Public Hearing, but it would be a recommendation by Planning Commission to City Council. The recommendation was usually done at Preliminary and the Waiver was done at Final. Mr. Schroeder requested a recordable document that ran with the land and if a sidewalk were ever put in, the property owner would be responsible for the cost.

MOTION *by Schroeder, seconded by Reece, in the matter of City File No. 02-009 - (Grace Oaks Site Condominiums), the Planning Commission **Recommends Approval of the Preliminary Site Condominium Plan to City Council, based on plans dated received by the Planning Department on May 9, 2006, with the following five (5) findings and subject to the following seven (7) conditions.***

Findings

- 1. The proposed preliminary plan conforms to all applicable Ordinance Code provisions and regulations.*
- 2. The proposed preliminary plan has demonstrated availability and adequacy of utilities.*
- 3. The proposed preliminary plan presents a reasonable lot layout and orientation.*
- 4. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*
- 5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.*

Conditions

- 1. That prior to issuance of a Land Improvement Permit, any additional issues be addressed during construction review by the City's Engineering Services Department.*
- 2. The applicant shall show all survey markers and easements in accordance with City Ordinance on revised preliminary site plans, to be verified by the City's Public Service Department prior to Final Plan submittal.*
- 3. That the note "not to be used as construction drawings" and the City*

File No. 02-009 be added to the site plan, prior to Final Plan approval.

4. *Soil Erosion Permit must be obtained from Oakland County Drain Commissioner prior to Final Plan approval.*
5. *Tree Protective Fencing must be installed around the perimeter of the property to protect offsite trees, and inspected and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit.*
6. *Prior to Final Site Condominium Plan approval, present a means of marking and protecting the natural features setback that is satisfactory to the Planning Commission.*
7. *That the applicant obtains a Sidewalk Waiver from City Council, prior to Final Plan approval, to be recorded and to state that if a sidewalk was ever built, the property owner would be responsible for the cost.*

Aye: Boswell, Brnabic, Dettloff, Hooper, Reece and Schroeder
Nay: Hardenburg
Absent: Kaltsounis

Text of Legislative File 2006-0406

..Title

Request for Approval of Preliminary Site Condominium Plan - City File No. 02-009 - Grace Oaks - a two-unit site condominium on 1.1 acres. located on the north side of Hazelton, east of Livernois, zoned R-4, One Family Residential, Parcel No. 15-34-101-039, Joseph Lombardo, applicant.

..Body

Resolved, that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Grace Oaks Site Condominiums (City File No. 02-009), a two-unit development on 1.1 acres located north of Hazelton, east of Livernois, zoned R-4, One Family Residential, Parcel No. 15-34-101-039, based on plans dated received by the Planning and Development Department on May 9, 2006, with the following five (5) findings and subject to the following seven (7) conditions.

Findings

1. The proposed preliminary plan conforms to all applicable Ordinance Code provisions and regulations.
2. The proposed preliminary plan has demonstrated availability and adequacy of utilities.
3. The proposed preliminary plan presents a reasonable lot layout and orientation.
4. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
5. The Environmental Impact Statement shows that this development will have no substantially

harmful effects on the environment.

Conditions

1. That prior to issuance of a Land Improvement Permit, any additional issues be addressed during construction review by the City's Engineering Services Department.
2. The applicant shall show all survey markers and easements in accordance with City Ordinance on revised preliminary site plans, to be verified by the City's Public Service Department prior to Final Plan submittal.
3. That the note "not to be used as construction drawings" and the City File No. 02-009 be added to the site plan, prior to Final Plan approval.
4. Soil Erosion Permit must be obtained from Oakland County Drain Commissioner prior to Final Plan approval.
5. Tree Protective Fencing must be installed around the perimeter of the property to protect offsite trees, and inspected and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit.
6. Show note on the plan that a timber wall, as discussed at the August 1, 2006 Planning Commission meeting, and as shown on the sketch included in the City Council packet, will be constructed as a means of protecting the natural features area, as approved by Staff.
7. The applicant shall provide all Condominium Plan documents prior to Final Site Condominium Plan approval, which will include the means of marking the natural features setback area, to be approved by City Staff.