



## Department of Planning and Economic Development

Staff Report to the Planning Commission

April 2, 2015

### Enclaves of Rochester Hills PUD

<b>REQUESTS</b>	Final PUD Agreement Recommendation Tree Removal Permit Approval Wetland Use Permit Recommendation Natural Features Setback Modifications Approval Cul-de-Sac Waiver Approval Site Plan Approval Recommendation
<b>APPLICANT</b>	TJ Realvest, LLC 54153 Deer Ridge Ct. Rochester, MI 48307
<b>AGENT</b>	Mr. Jerry Kisil
<b>LOCATION</b>	East side of Rochester Road, north of Tienken
<b>FILE NO.</b>	03-009
<b>PARCEL NOS.</b>	15-02-177-001 and 15-02-102-023
<b>ZONING</b>	RE, Residential Estate
<b>STAFF</b>	Ed Anzek, AICP, Director Sara Roediger, AICP, Manager of Planning

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## Overview

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The Enclaves of Rochester Hills is a proposed 26-unit, single-family residential development (site condos) on two parcels totaling approximately 30 acres on the east side of Rochester Road north of Tienken (north of the Cross Creek Subdivision). Of the 30 acres, approximately 14 will remain private open space, a portion of which will be subject to a Natural Features Conservation Easement. There will be two entrances from Rochester Road, including one boulevard entrance with a gate house and the existing Tree Top Lane, which is used by offsite residents to the north and east. The applicants are proposing to develop the properties as a Planned Unit Development (PUD) to take advantage of the environmental features of the site. There are existing wetlands, natural features, slopes and trees to be preserved. The applicants state that the spacing, landscape screening of the units and the green belts along Rochester Road will provide for an “up north” feel of a residential community.

The proposed units will be a minimum of 3,000 square feet for a ranch and 4,000 square feet for a colonial or split level, and all units will have at least a three-car garage. The proposed development conforms to the Master Land Use Plan for the area that shows single family development with a density of no more than one unit per acre. The development allows more open areas and the preservation of more natural features, also in keeping with the intent of the Master Land Use Plan. The proposed private road right-of-way is 60 feet. The proposed street has a 26-foot cross section with a four-foot sidewalk adjacent to the curb on one side and around the cul-de-sacs. The concrete walk will be raised above the surface of the pavement for safety of the pedestrians, but will permit emergency vehicles to utilize the full 26-foot width needed. The applicant is requesting a cul-de-sac waiver of 90 feet for Enclave Drive for a total of 690 feet for the cul-de-sac to reach the homes to the east and to have flexibility to connect to the property to the east in the future if necessary. A bike path will be added on Rochester Rd. with benches for pedestrians and bicyclists.

The applicants appeared before the Planning Commission for recommendation of the Conceptual PUD Site Plan on May 20, 2014, and they were approved by City Council on June 2, 2014. The final plan is consistent with the Conceptual Plan regarding road layout, design, landscaping and other proposed improvements. Please refer to the June 20, 2014 Planning Commission minutes for further details.

## Standards for PUD Final Site Plan and Agreement Approval

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*Section 138-7.105(B)* lists the standards of approval for final site plans, while *Section 138-7.107* lists the required information in a PUD contract. The final site plans are consistent with the proposed PUD agreement.

## PUD Contract and Final Site Plan Review Considerations

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1. **PUD Agreement.** The proposed PUD agreement is attached and is consistent with the form and content of PUD agreements approved by the city in the past. The city attorney has reviewed and approved the proposed revised PUD contract.
2. **Final Site Plan.** The proposed final site plan has been reviewed by city staff on several occasions. Those reviews have required adjustments and changes made by the applicant to address issues identified by different departments. The currently submitted final site plan has received recommendations for approval with conditions by all applicable city staff. The final site plan that is revised to address the remaining conditions, as approved by city staff, will be included as exhibits in the PUD agreement.

3. **Tree Removal.** The Tree Conservation Ordinance states that all regulated trees removed must be replaced on a one for one basis. There are 2,055 regulated trees, 1,101 of which are proposed to be removed and replaced on site. There is no minimum preservation requirement applicable to the development, so the removed trees must be replaced on a one-to-one basis. Replacement tree credits exceeding requirements are proposed to replace the trees to be removed.
4. **Landscaping.** The applicant is proposing extensive landscaping for the entire development, including planting a large number of street trees, and to use those street trees as replacement trees. As such, a PUD modification could eliminate the \$200 deposit per lot for the City to plant street trees. The applicant is proposing so many street trees that there would be no available space for the City to plant the additional one tree per lot.
5. **Wetland Use Permit.** There are regulated wetlands on site, which have been verified by ASTI, the City's Wetland Consultant. Approximately 0.19 acres of the existing 6.29 acres of MDEQ and City-regulated wetlands will be impacted. The applicant must secure a DEQ wetland use permit prior to construction plans being approved.
6. **Natural Features Setback (NFS) Modifications.** The plans show approximately 2,242 square feet of NFS to be impacted from the construction of units. As part of a PUD, the Planning Commission can waive the Natural Features Setbacks, to which ASTI has no objection. Substantial natural boulder retaining walls are proposed, but ASTI recommends constructing additional permanent barriers to prohibit future development within other areas of NFS and associated wetland areas.
7. **Steep Slopes.** The applicant has identified areas of steep slopes over 20°, however the horizontal area covered is less than 5,000 square feet, therefore a permit is not required. Staff has determined that the slopes are exempt from the provisions of Article 9, Chapter 2 of the Steep Slopes Ordinance.

## Summary

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The proposed PUD Agreement and Final Site Plan meet the requirements for Final PUD approval. The proposed Plan and Agreement are consistent with the PUD Concept Plan, and the proposed Final PUD has been reviewed by all applicable departments within the City and is recommended for approval or approval with conditions. Subject to any changes or conditions recommended by the Planning Commission, staff recommends approval of the following motions in reference to City File No. 03-009:

## PUD Agreement Recommendation Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the PUD Agreement dated received March 4, 2015 with the following findings and conditions.

### *Findings*

1. The proposed Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Final PUD is consistent with the approved PUD Concept Plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to preserving natural features, the environment and open space.

### *Conditions*

1. The appropriate sheets from the approved final site plan set shall be attached to the PUD Agreement as exhibits, including the building elevations.
2. All other conditions specifically listed in the agreement shall be met prior to final approval by city staff.

## **Tree Removal Permit Motion**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on March 2, 2015, 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 removing up to 1,101 regulated trees from the site.
3. The applicant is proposing to provide at least 1,116 replacement credits.

### *Conditions*

1. All tree protective fencing must be installed, inspected and approved by city staff, prior to issuance of a Land Improvement Permit.

## **Natural Features Setback Modifications**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **grants Natural Features Setback Modifications** for permanent and temporary impacts to as much as 2,242 square feet of natural features setbacks associated with the construction and grading of units, a proposed road, utility installation and associated utility easement and proposed storm water sewer line, based on plans dated received by the Planning Department on March 2, 2015, with the following findings and subject to the following conditions.

### *Findings*

1. Natural Features Setback Modifications are needed to construct several units, a portion of the road, utility installation and associated utility easement and a storm water sewer line.
2. ASTI, the city's wetland consultant has no objection to the requested modifications.
3. Natural boulder retaining walls are proposed to preserve the natural features setbacks.

### *Conditions*

1. Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.
2. Construction of a 12 to 18 inch boulder wall to prohibit future development within other areas of Natural Features Setback and associated wetland areas, other than areas where the retaining walls are proposed, to be approved by city staff prior to final approval as recommended by ASTI.

## Wetland Use Permit Recommendation

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** City Council **approves** a **Wetland Use Permit** to impact approximately 12,321 square feet for the construction and grading of units, the road, retaining wall and utility installation and utility easement and the placement of a culvert, based on plans dated received by the Planning Department on March 2, 2015, with the following findings and subject to the following conditions.

### *Findings*

1. Of the approximately .6.29 acres of city-regulated wetlands on site, the applicant is proposing to impact approximately 0.2 acres.
2. The city's wetland consultant believes that revisions to the plan preserve regulated wetland and the Natural Features Setback and are exemplary of the objective of a PUD by minimizing impacts to a Priority One Natural Feature Area of the city.

### *Conditions*

1. City Council approval of the Wetland Use Permit.
2. The applicant shall obtain applicable DEQ permits prior to issuance of a Land Improvement Permit.
3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
4. That wetland impacts on Sheets 2 and 3 must be also shown on the final grading plan for the project.

## Cul-de-Sac Waiver

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **approves** a **Cul-de-Sac Waiver** of up to 90 feet for proposed Enclave Drive/Court, based on plans dated received March 2, 2015 by the Planning and Development Department, with the following findings.

### *Findings*

1. A Cul-de-Sac Waiver is requested for the length and layout of the street Enclave Drive. to be able to get to the lots at the east end of the development and to have the flexibility to extend the road and connect with the property to the east in the future if necessary.
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.

## Site Plan Recommendation Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-009 (Enclaves of Rochester Hills PUD), the Planning Commission **recommends** that City Council **approves** the **Final Site Plans**, dated received March 2, 2015 by the Planning and Development Department, with the following findings and conditions.

### Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other city ordinances, standards and requirements can be met subject to the conditions noted below.
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 adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed final plan promotes the goals and objectives of the Master Plan.

### Conditions

1. Provision of a performance guarantee in the amount of \$508,935, as adjusted if necessary by the city, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
2. Address all applicable comments from city departments and outside agency review letters, prior to final approval by staff.

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**Attachments:** *Site Plans dated received 3/2/15: Cover Sheet, Sheet SP 1.0; Overall Site Plan, Sheet SP 1.1; Natural Features Plan, Sheet SP 1.2; Tree Credit Summary, Sheet LA 1.0; Overall Landscape Plan, Sheet LA 1.1; Landscape Buffer Plan, Sheet LA 1.2; Southern Entrance Landscape Plan, Sheet LA 1.3; Entrance Elevation Details, Sheet LA 1.4; Unit Planting Details, Sheet LA 1.5; Detention Pond Landscape Plan, Sheet LA 1.6; Rochester Rd. Landscape Plan, Sheet LA 1.7; Northern Entrance Landscape Plan, Sheet LA 1.8; Specifications & Details, Sheet LA 2.0; Specifications & Details: Plant List, Sheet LA 2.1; Tree Survey, Sheet LA 3.0; Tree List, Sheet LA 3.1; Tree List Sheet LA 3.2; Tree List, Sheet LA 3.3; Landscape Bid Sheet, Sheet BD 1.0, prepared by Design Team Plus; Irrigation Plan, Sheet IR 1; Irrigation Plan, Sheet IR 2, prepared by John Deere Landscape; Architectural Drawings, Sheet A-1; Architectural Drawings, Sheet A-2, prepared by Design Team Plus; Engineering: Cover Sheet, Sheet 1; Preliminary Site Plan Sheet 2; Preliminary Utility Layout and Grading Plan, Sheet 3; Wetland Detail Plan, Sheet 3A; Boundary and Topographic Survey, Sheet 4; Rochester Road Topographic Survey, Sheet 5; Tree Survey, Sheet 6, prepared by JJ Associates.*

PUD Agreement dated received 3/4/15; Assessing memo dated 11/17/14; Building Dept. memo dated 11/12/14; Parks & Forestry memo dated 3/10/15; DPS/Engineering memo dated 3/31/15; Fire Department memo dated 3/9/15; ASTI Environmental letter dated 3/18/15; Planning Department memo dated 3/31/15; Street Committee memo dated 3/4/15; Planning Commission Minutes dated 05/20/14; Wetland Use Permit Notice; and Tree Removal Notice.