



Planning and Economic Development
Sara Roediger, AICP, Director

From: Kristen Kapelanski, AICP
Date: 2/27/2019
Re: **Berkshire (fka Rochester Ridge - City File #17-040)**
Final Site Condominium Plan - Planning Review #1

The applicant is proposing to construct a 13-unit, single-family site condominium development on 4.3 acres on the east side of John R Road, just north of Auburn Road. The project was reviewed for conformance with the City of Rochester Hills Zoning Ordinance (*Chapter 138*) and One-Family Residential Detached Condominiums Ordinance (*Chapter 122, Article IV*). The comments below and in other review letters are minor in nature and can be incorporated into a final site plan submittal for review by staff after review by the Planning Commission.

1. **Background.** This project has received Preliminary Site Condominium Plan approval from City Council on September 24, 2018, following a recommendation for approval by the Planning Commission on July 17, 2018 with the following findings and conditions, applicable comments from staff are italicized.

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 proposed project will be access from John R, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Sidewalks have been incorporated to promote safety and convenience of pedestrian traffic.
3. Adequate utilities are available to the site.
4. The preliminary plan represents a reasonable street and lot layout and orientation.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
6. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
7. The City finds that the connection of Berkshire Road and Gravel Ridge is not appropriate in this circumstance because of the potential for cut-through traffic and extra traffic for the existing and proposed residential neighborhood.

Conditions:

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff. *Must be provided before Final Site Condo Plan approval.*
2. Provide a landscape performance bond for replacement trees and landscaping in the amount of \$51,370, plus inspection fees, as adjusted as necessary by staff, prior to issuance of a Land Improvement Permit by Engineering. *Must be provided before LIP.*
3. Provide an irrigation plan plus cost estimate with Final Plan submittal. *Must be provided before LIP.*
4. Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans. *Must be provided before LIP.*
5. At subsequent review, Planning Commission reconsider the necessity of the sidewalk, with the direction from the City Council that is generally the feeling amongst the Council Members that the sidewalk is not necessary. *The Planning Commission should discuss whether the sidewalk along Gravel Ridge is necessary. See the Engineering review date March 4, 2019 for additional information.*

The Planning Commission also approved a Tree Removal Permit on July 17, 2018 with the following findings and conditions, applicable comments from staff are italicized.

Findings:

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove 40 regulated trees and replace with 40 tree credits on the site.

Conditions

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit. *Must be provided before LIP.*
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.

2. **Condominium Review Process** (*Section 122-366-368*). The condominium review process consists of a two step process as follows:
 - a. **Step One: Preliminary Plan.** The preliminary plan is intended to depict existing site conditions, proposed use, layout of streets and lots, location of site improvements, buildings, utilities, and open space including an environmental impact statement to document the information required in the subdivisions ordinance for tentative approval of a preliminary subdivision plat. This step requires a Planning Commission recommendation to City Council followed by review by the City Council.
 - b. **Step Two: Final Plan.** The second step in the process is to develop final site plans based on the approved preliminary plan and to submit the Master Deed and evidence of all state and county agency approvals. This step requires a Planning Commission recommendation to City Council followed by review by the City Council.

Compliance Criteria. *Section 122-155(b)* sets forth the criteria that a preliminary condominium plan must meet. Each of the criterion are listed below, followed by staff comments in italics on the proposed project's compliance with each.

- a. Applicable sections and regulations of this Code. *In compliance, refer to the comments in this and other review letters pertaining to compliance with applicable ordinance requirements.*
- b. Availability and adequacy of utilities. *In compliance, see engineering and fire review letter.*
- c. An acceptable comprehensive development plan. *In compliance, the plan represents an acceptable comprehensive development plan that is consistent with zoning.*
- d. A reasonable street and lot layout and orientation. *In compliance, the plan represents a reasonable street and lot layout.*
- e. An environmental plan showing no substantially harmful effects. *In compliance, an Environmental Impact Statement (EIS) meeting ordinance requirements has been submitted.*

3. **Zoning and Use** (*Section 138-4.300*). The site is zoned R-4 One Family Residential District Residential which permits one-family detached dwellings as permitted uses. Refer to the table below for the zoning and existing and future land use designations for the proposed site and surrounding parcels.

	Zoning	Existing Land Use	Future Land Use
Proposed Site	R-4 One Family Residential	Single family home	Residential 3
North	R-4 One Family Residential	Church	Residential 3
South	R-4 One Family Residential	Single family homes	Residential 3
East	R-4 One Family Residential	Single family homes	Residential 3
West	R-4 One Family Residential	Single family homes	Residential 3

4. **Site Layout and Access** (*Section 138-5.100-101 and 138-5.200*). Refer to the table below as it relates to the area, setback, and building requirements of the R-4 district.

Requirement	Proposed	Staff Comments
Avg. Min. Lot Width 80 ft.	Avg. 80 ft. (Min. 75.72 ft. – Max. 94.28 ft.)	In compliance - Lot size variation provisions outlined in Section 138-5.200 allow for a reduced minimum lot width provided the average of all lots meets the minimum requirement of the district (in this case, 80 ft.).
Avg. Min. Lot Area 9,600 sq. ft.	10,009 sq. ft. (Min. 9,038 sq. ft. – Max. 11,361 sq. ft.)	In compliance - Lot size variation provisions outlined in Section 138-5.200 allow for a reduced minimum lot area provided the average of all lots meets the minimum requirement of the district (in this case, 9,600 sq. ft.).
Max. Height 2.5 stories/30 ft.	Information to be provided	Max. bldg. height should be added to the elevations
Min. Front Setback 25 ft.	25 ft.	In compliance
Min. Side Setback (each/total) 10 ft./20 ft., 25 ft. side lot abutting corner	10 ft./20 ft.	In compliance
Min. Rear Setback 35 ft.	35 ft.	In compliance
Min. Floor Area 912 sq. ft.	Min. 2,200 sq. ft.	In compliance
Max. Lot Coverage 30%	22%	In compliance

5. **Natural Features.** In addition to the comments below, refer to the review letters from the Engineering and Forestry Departments that pertain to natural features protection.
 - a. **Environmental Impact Statement (EIS)** (Section 138-2.204.G) An EIS that meets ordinance requirements has been submitted.
 - b. **Natural Features Setback** (Section 138-9 Chapter 1). The site does not contain any regulated wetlands.
 - c. **Steep Slopes** (Section 138-9 Chapter 2). The site does not contain any regulated steep slopes.
 - d. **Tree Removal** (Section 126 Natural Resources, Article III Tree Conservation). The site is subject to the city's tree conservation ordinance, and so any healthy tree greater than 6" in caliper that will be removed must be replaced with one tree credit. Trees that are dead or in poor condition need not be replaced. A tree preservation plan has been included. The removal of any regulated tree requires the approval of a tree removal permit and associated tree replacement credits, in the form of additional plantings as regulated in the Tree Conservation Ordinance or a payment of \$216.75 per credit into the City's tree fund. 81 trees have been identified on-site. The tree preservation plan indicates 41 will be saved. 40 trees to be removed and replaced on site per ordinance standards. **Per the Forestry review letter, the required replacement number must include unsound and poor trees as well. A note indicating 'Trees along the southern border will be trimmed and pruned per conversations with adjacent property owners' should be added to the Tree Survey sheet.**
 - e. **Wetlands** (Section 126 Natural Resources, Article IV Wetland and Watercourse Protection). The site does not contain any regulated wetland areas.

6. **Landscaping** (Section 138-12.100-308 and Section 122-304(7)). Refer to the table below as it relates to the landscape requirements for this project.

Requirement	Proposed	Staff Comments
Street Trees Min. 1 deciduous per lot = 13 deciduous	0 deciduous	A note has been included on the plans indicating the city shall plant street trees in the ROW after construction of the project is complete, the applicant shall pay \$200 per lot to account for this planting.
Right of Way (John R: 270 ft.)	18 deciduous	In compliance

1 deciduous per 35 ft. + 1 ornamental per 60 ft. = 8 deciduous + 5 ornamental	5 ornamental	
Right of Way (Gravel Ridge: 135 ft.) 1 deciduous per 35 ft. + 1 ornamental per 60 ft. = 4 deciduous + 3 ornamental	4 deciduous 3 ornamental	In compliance
Stormwater (323 ft.) 6 ft. width + 1.5 deciduous + 1 evergreen + 4 shrubs per 100 ft. = 5 deciduous + 3 evergreen + 13 shrubs	5 deciduous 3 evergreen 17 shrubs	In compliance

- a. A landscape planting schedule has been provided including the size of all proposed landscaping, along with a unit cost estimate and total landscaping cost summary, including irrigation costs, for landscape bond purposes.
 - b. If required trees cannot fit be planted due to infrastructure conflicts, a payment in lieu of may be made to the City's tree fund at a rate of \$216.75 per tree. Existing healthy vegetation on the site may be used to satisfy the landscape requirements and must be identified on the plans.
 - c. All landscape areas must be irrigated. This has been noted on the landscape plan. A note specifying that watering will only occur between the hours of 12am and 5am has been included on the plans.
 - d. Site maintenance notes listed in *Section 138-12.109* have been included on the plans.
 - e. A note stating "Prior to the release of the performance bond, the City of Rochester Hills must inspect all landscape plantings." has been included on the plans.
7. **Architectural Design** (*Architectural Design Standards*). Proposed building elevations have been provided as part of a previous submittal but specific materials shown on the elevations have not been identified. **Materials must be specifically noted and elevations should be provided prior to Planning Commission consideration.** Individual homes must be designed to meet the intent of the Architectural Design Standards and will be reviewed under a separate permit issued by the Building Department.
8. **Entranceway Landscaping and Signs.** (*Section 138-12.306 and Chapter 134*). Entryway signage and landscaping is indicated on the plans and a sign detail is provided. **A note must be included on the plans that states that all signs must meet the requirements of the City and be approved under separate permits issued by the Building Department.**



ASSESSING DEPARTMENT
Laurie A Taylor, Director

From: Nancy McLaughlin
To: Sara Roediger
Date: 2/13/19
Re: Project: Berkshire Site Condominiums Review #1
Parcel No: 70-15-25-351-045
File No.: 17-040 BESC 18-0070
Applicant: Francesco A. Bartolotta

No comment.



BUILDING DEPARTMENT
Scott Cope

From: Mark Artinian, Building Inspector/Plan Reviewer
To: Kristen Kapelanski, Planning Department
Date: February 27, 2019
Re: Berkshire Site Condominiums – Review #1
John R Rd and Auburn Rd
Sidwell: 15-25-351-045
City File: 17-040

The Building Department has reviewed the site plan approval documents received February 7, 2019 for the above referenced project. Our review was based on the City of Rochester Hills Zoning Ordinance, and the 2015 Michigan Residential Code unless otherwise noted. Approval is **recommended** based on the following being addressed on the next submittal or on the building permit documents:

1. Provide individual residence plot plans for code compliant site drainage at the time of individual building permit applications.
 - a. Lots shall be graded to fall away from foundation walls a minimum of 6 inches within the first 10 feet.

Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building. Section R-401.3
 - b. Driveway slopes shall meet the following requirements:
 - i. Approach and driveway: 2% minimum – 10% maximum.
 - ii. Sidewalk cross-slope (including portion in the driveway approach): 1% minimum, 2% maximum is allowed but a design slope of 1.5% will allow for construction inaccuracies.

Should the applicant have any questions or require addition information they can call the Building Department at 248-656-4615.



PARKS & NATURAL RESOURCES DEPARTMENT

Ken Elwert, CPRE, Director

To: Kristen Kapelanski, Planning Manager
From: Matt Einheuser, Natural Resources Manager
Date: February 22, 2019
Re: Berkshire Site Condos - Review #1
File #17-040

Tree Survey Sheet

Show Tree protection on all preserved trees including tree #943, #4933.

Proper tree protection outside of the dripline needs to be stressed for the 5 existing trees to remain south of proposed detention pond. Impacts to their roots within the dripline, as shown in section B-B of the detention pond plan (sheet 10), will be significant and these trees should be considered removed and require replacement. Additionally, Root damage to these trees could cause future issues and create unsound trees along the site boundary, adjacent to other landowners.

General Planting Plan, Sheet LS-1 of 2

One multi-stem Autumn Brilliance Serviceberry is shown as planted less than 10' from the proposed pedestrian walk on John R. on the south side of the drive. Please adjust the locations to be at least 10' away.

Tams Juniper that is proposed within 25' corner clearance at both John R Road and Gravel Ridge Road entrances will need to be removed as it grows above 30". Additionally, proposed grasses will need to be maintained below 30" where planted within 25' corner clearance.

Tams Junipers proposed to be planted in the Berkshire Rd. ROW near the intersection with Gravel Ridge will need to be 5' from proposed pathway on both sides of the road (if Berkshire Rd is to be a Public rd.).

The tree replacement calculations need to be revised to provide tree replacement to all unsound and poor condition trees as well.

Show preservation percentage calculation.

Plant Material and Planting Details, Sheet LS-2 of 2

Please add the following note under 'City of Rochester Hills Notes' - "These requirements are incorporated into the plan"

Copy: Maureen Gentry, Economic Development Assistant

ME/ms



FIRE DEPARTMENT

Sean Canto

Chief of Fire and Emergency Services

From: William A. Cooke, Assistant Chief / Fire Marshal
To: Planning Department
Date: February 27, 2019
Re: Berkshire Site Condominiums

SITE PLAN REVIEW

FILE NO: 17-040

REVIEW NO: 1

APPROVED X

DISAPPROVED _____

The Fire Department recommends approval of the above reference site plan contingent upon the following conditions being met:

1. Provide documentation, including calculations that a flow of 1000 GPM can be provided. *IFC 2006 508.4*
 - Fire flow data can be obtained by contacting Rochester Hills Engineering Department at (248) 656-4640.
2. Include note under heading "Fire Department Notes" on sheet 1 and 5: "Provide a Knox padlock at the proposed gate at the east end of the development. Knox padlock ordering information can be obtained by visiting www.knoxbox.com."
3. Revise note on sheet LS-1 to indicate a Knox padlock rather than a Knox box.

William A. Cooke
Assistant Chief / Fire Marshal



DPS/Engineering
Allan E. Schneck, P.E., Director

From: Jason Boughton, AC, Engineering Utilities Specialist
To: Kristen Kapelanski, AICP, Manager of Planning
Date: March 4, 2019
Re: Berkshire Condominium, City File #17-040, Section #25
Final Site Plan Review #1_Revised

Approved

Engineering Services has reviewed the site plan received by the Department of Public Services on February 7, 2019, for the above referenced project. Engineering Services recommends site plan approval since all comments from previous reviews have been addressed.

A question was posed at the September 24, 2019 City Council meeting as to whether or not the proposed sidewalk along the west side of Gravel Ridge Dr was recommended/necessary. The construction of this segment of sidewalk would provide the following benefits:

- Coincides with CITY policy to promote and enhance pedestrian walkability as new developments occur.
- Provides sidewalk connectivity to the Holy Family Regional School and Regal Estates Subdivision.
- Allows for the future extension of the sidewalk along Demar to connect to the existing sidewalk along Jewell Dr.

JB/

c: Allan E. Schneck, P.E., Director; DPS
Tracey Balint, P.E., Public Utilities Engineering Mgr.; DPS
DPS Nick Costanzo, Engineering Aide; DPS
File

Paul Davis, P.E. City Engineer/Deputy Director; DPS
Paul G. Shumejko, MBA, M.S., P.E., PTOE, Transportation Eng. Mgr.;
Keith Depp, Project Engineer; DPS

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Maureen Gentry <gentrym@rochesterhills.org>

Fwd: Berkshire Site Condominiums #17-040 Master Deed review

1 message

Adele Swann <swanna@rochesterhills.org>
To: Maureen Gentry <gentrym@rochesterhills.org>

Wed, Feb 6, 2019 at 3:24 PM

Hi:

See approval below. I will try and remember in the future to copy you on these!!

Adele Swann

DPS Technician-Utilities

DPS/Engineering Dept

248 841-2498

swanna@rochesterhills.org

www.rochesterhills.org

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----- Forwarded message -----

From: **Adele Swann** <swanna@rochesterhills.org>

Date: Fri, Dec 14, 2018 at 1:42 PM

Subject: Re: Berkshire Site Condominiums #17-040 Master Deed review

To: John D. Staran <jstaran@hsc-law.com>

Hi John:

I don't think you did. Thanks!

Adele Swann

DPS/Engineering Dept

248 841-2498

swanna@rochesterhills.org

www.rochesterhills.org

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On Fri, Dec 14, 2018 at 1:40 PM John D. Staran <jstaran@hsc-law.com> wrote:

Adele: Have I already responded to you about this? I don't see where I did.

Anyway, reviewed and approved as to form



John D. Staran

2055 Orchard Lake Road

Sylvan Lake, MI 48320

(248) 731-3080 Fax (248) 731-3088

Direct (248) 731-3088

jstaran@hsc-law.com

www.hsc-law.com

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From: Adele Swann [<mailto:swanna@rochesterhills.org>]
Sent: Monday, November 19, 2018 2:17 PM
To: John D. Staran
Subject: Berkshire Site Condominiums #17-040 Master Deed review

Hi John:

Attached is the Master Deed and Exhibit A-By Laws for your review

Thanks!

Adele Swann

DPS/Engineering Dept

248 841-2498

swanna@rochesterhills.org

www.rochesterhills.org

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