



| The Legacy One-Family Site Condominiums | |
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| REQUESTS | Preliminary and Final One-Family Residential Site Condominium Plan Recommendation Tree Removal Permit |
| APPLICANTS | Paul and Marco Rosati Rosati Mason Contractors, Inc. 1683 W. Hamlin Rochester Hills, MI 48309 |
| LOCATION | North side of Hamlin, between Livernois and Rochester Rd. |
| FILE NO. | 05-031 |
| PARCEL NO. | 15-22-351-013 |
| ZONING | R-3 One Family Residential |
| STAFF | Ed Anzek, AICP, Director of Planning and Economic Development |

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Summary

The above referenced project involves an 11-unit, single-family site condominium development served by a cul-de-sac on approximately 4.5 acres zoned R-3, located on the north side of Hamlin between Livernois and Rochester Road. There is just under 0.5 acre of private open space (Parks A and B, including detention). The site is surrounded by R-3 residential zoning to the east, west and south across Hamlin and R-4 zoning to the north. To the east is a 2.66-acre subdivision served by a cul-de-sac as well, and to the west is a church.

The applicant was granted approval of the Final Site Condo Plan by City Council on June 27, 2007. At the Preliminary Approval, the Planning Commission Recommended Approval of the Preliminary Plan and approved a Tree Removal Permit. Please refer to the attached Minutes for details. The approved plans were never recorded and a Land Improvement Permit was not issued. Had it been the project would have been considered to be vested. The downturn in the economy brought inactivity and extensions were not requested and staff members stated they were not necessary due to the level of approvals reached.

Subsequently, it was determined the plans had expired and revisions to the detention system were required due to the newer standards. There were no changes to the site layout. Staff is requesting a motion recommending both Preliminary and Final Site Condominium Plans at the same meeting. The

Engineering is done, the Master Deed has been approved by John Staran and Engineering, and all outside agency permits have been renewed.

With the approvals having expired and the recent reactivation it was pointed out by the applicant that several changes to the trees on site had occurred. Several trees along the frontage that were not part of public right-of-way with the previous approvals were removed by the Road Commission for the Hamlin/Livernois roundabout improvements. This tree loss by the action of others is not counted against the applicant. It was further determined by staff in a field observation that several other trees on site had died or reached a point of decay that survivability was not likely. These also needed to be taken into account. Staff recommended an updated Tree Survey to enable the city to issue a new Tree Removal Permit and keep the required 37%.

Development Layout

The development uses the lot size averaging option, which allows for a reduction in lot width to 75 feet from 90 feet and an average lot area requirement of 10,800 from 12,000. The layout meets the design standards of the lot size averaging option, with an average lot area of 12,892 square feet and a minimum average lot width of 81 feet.

Review Considerations

1. **Engineering/DPS.** The plans have received a recommendation of approval from the City's engineering department, subject to one condition which can be met at Construction Plan approval.
2. **Tree Removal.** There are 21 regulated trees on site and 9 are proposed to be saved, which is 43%. The original plan had 36 regulated trees, but since then, some have died or been removed by the Road Commission. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance and a motion is included for your consideration. Please refer to the Landscape Plans for replacement credits.
3. **Landscaping/Tree Removal.** The plans comply with the landscaping and tree replacement requirements applicable to the site, subject to the following conditions:
 - a. Posting of landscaping bonds prior to issuance of a Land Improvement permit.
 - b. Depositing \$2,200 with the City's tree fund to plant one street tree per lot.
4. **Condominium Documents.** The applicant submitted the proposed Master Deed and Bylaws with the initial Final Plans, which had prior approval from Staff and the City Attorney.
5. **Fire Review.** The fire flow data calculations and additional notes will be added to the plans prior to Final Approval and are a condition of approval. These do not affect the site layout.
6. **Architecture.** The applicant is not the builder and it is uncertain if the style of home has been determined. The applicant does have an interested home builder but definitive models have not been decided upon.

Site Plan Summary

Section 122-367(b) requires that approval of a One-Family Detached Site Condominium Plan be based upon compliance with the applicable sections and regulations of the Land Division article of the Code of Ordinances, availability and adequacy of utilities, an acceptable comprehensive development plan, a reasonable street and lot layout and orientation, and that the plan shows no

substantially harmful environmental effects. The plans are technically compliant, and Staff therefore recommends that the Planning Commission grant a Recommendation of Approval to City Council, subject to conditions.

Motion for Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 05-031 (The Legacy Site Condominiums), the Planning Commission grants a Tree Removal Permit for an 11-unit site condo development on 4.5 acres, located on Hamlin between Livernois and Rochester, zoned R-3, One Family Residential, Parcel No. 15-22-351-013, based on plans dated received by the Planning and Development Department on October 19, 2012, with the following findings and subject to the following conditions.

Findings:

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 43 percent of regulated trees on-site.
2. The applicant is proposing to replace as many as 6 regulated trees with 12 replacement tree credits on-site.

Conditions:

1. Install tree protective fencing, as reviewed and approved by the City's Landscape Architect, prior to issuance of the Land Improvement Permit.

Motion to Recommend Preliminary and Final Condominium Plan Approval

MOTION by _____, seconded by _____, in the matter of File No. 05-031 (Legacy Site Condominiums), the Planning Commission recommends that City Council approve the Preliminary and Final Site Condominium Plans for an 11-unit development on 4.5 acres, located on Hamlin between Livernois and Rochester, Parcel No. 15-22-351-013, zoned R-3, One Family Residential, based on plans dated received by the Department of Planning and Development on October 19, 2012, with the following findings and subject to the following conditions.

Findings:

1. Upon compliance with the following conditions, all applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Tentative and Final Plan represent a reasonable and acceptable plan for developing the property.

4. The Tentative and Final Plan are in conformance with the Final Plan approved by City Council on June 27, 2007.

Conditions:

1. Provide a performance guarantee in the amount of \$23,510.00, as adjusted if necessary by the City, to ensure the proper installation of replacement trees, irrigation and other landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.
2. The applicant must post a bond for any monuments and irons not set, prior to issuance of the Land Improvement Permit.
3. Compliance with the Engineering Department memo dated October 31, 2012 prior to Construction Plan Approval and compliance with the Fire Department memo dated October 31, 2012, prior to Final Approval by Staff.
4. Deposit \$2,200.00 into the City's Tree Fund for one street tree per lot.
5. Entryway signage shall be approved and permitted by the Building Department.

Reference: Plans dated received by the Department of Planning and Development on October 19, 2012 (Site Plan, Sheet CE-1, prepared by Mickalich Engineering, Inc.; Landscape Plans, Sheets L-1 to L-4, prepared by James C. Scott & Associates).

Attachments: Fire Department memo dated 10/31/12; DPS/Engineering Department memo dated 10/31/12; Public Hearing Notice; TRP Public Notice; and PC Minutes dated 4/4/2006, 5/15/2007; 6/5/2007.
