



Planning and Economic Development

Sara Roediger, AICP, Director

From: Kristen Kapelanski, AICP
Date: 7/9/2019
Re: **Cumberland Village (City File #17-019)**
Final Site Condominium Plan - Planning Review #2

The applicant is proposing to construct a 57-unit, single-family site condominium development on 23.107 acres on the east side of Livernois Road, just south of Hamlin 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.** The Planning Commission most recently considered the Final Site Condominium for Cumberland Village at their June 5, 2019 meeting where the discussion centered on the northern access drive, which was presented as an emergency access only drive. The applicant has presented two options: a right-in/right-out only drive or an emergency access drive. The emergency access only option has been updated to include stone pillars and a decorative white fence that would continue along a portion of the pedestrian path. Refer to the Engineering review letter dated July 12, 2019 and the Fire review letter dated July 8, 2019 for additional information.

This project has received Preliminary Site Condominium Plan approval from City Council on June 4, 2018, following a recommendation for approval by the Planning Commission on May 15, 2018 with the following findings and conditions, applicable comments from staff are italicized.

Findings:

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium ordinance.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. The proposed project will be accessed from two entrances from Livernois, thereby promoting the safe flow of vehicular traffic both within the site and on the adjoining street. Paths have been incorporated to promote the safety and convenience of pedestrian traffic.
6. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.

Conditions:

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit. *Must be provided before LIP.*
2. Provide landscape bond for landscaping, replacement trees and irrigation in the amount of \$74,261.00, prior to issuance of a Land Improvement Permit. *Must be provided before LIP.*
3. Payment of \$11,400 into the tree fund for street trees prior to issuance of a Land Improvement Permit. *Must be provided before LIP.*
4. Approval of all required permits and approvals from outside agencies. *Must be provided before LIP.*
5. 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.*

6. 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.*
7. Provide modified plans showing the center left turn lane at the northern entrance along with Final Site Condo Plan submittal. *In conjunction with the recommendations of Engineering/DPS, the northerly access point has been changed to emergency access only, negating the need for a center left turn lane. See the engineering review letter dated May 15, 2019.*
8. Add trees/shrubs along the eastern property line of the adjacent subdivision(s) along with Final Site Condo submittal. *Shrubs, evergreen trees and deciduous trees have been included along the eastern property line.*

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 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 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 other review letters pertaining to compliance with applicable ordinance requirements.*
- b. Availability and adequacy of utilities. *In compliance, refer to the comments in the review letter dated May 15, 2019 from the DPS/Engineering Department and the May 14, 2019 letter from the Fire Department.*
- c. An acceptable comprehensive development plan. *In compliance, the plan appears to represent 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-3 One Family Residential District Residential with MR Mixed Residential Overlay 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-3 One Family Residential w/ MR Mixed Residential Overlay	Single family homes & vacant	Residential 3/Mixed Residential
North	R-3 One Family Residential w/ MR Mixed Residential Overlay	Single family homes & vacant	Residential 3/Mixed Residential
South	R-3 One Family Residential & R-3 w/ MR Mixed Residential Overlay	Single family home and Cumberland Hills	Residential 3 and Residential 3/Mixed Residential
East	R-3 One Family Residential	Hamlin Estates	Residential 3
West	R-3 One Family Residential & R-3 w/ MR Mixed Residential Overlay	Single family homes, Whispering Willows and Covington Place	Residential 3 and Residential 3/Mixed Residential

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-3 district.

Requirement	Proposed	Staff Comments
Avg. Min. Lot Width	Average width - 85.32 feet	

Requirement	Proposed	Staff Comments
90 ft.	Minimum width – 81 feet	Lot size variation provisions outlined in Section 138-5.200 allow for reduced lot widths provided certain conditions are met. The plan meets all required conditions to allow for reduced width up to 81 feet and reduced lot area.
Avg. Min. Lot Area 12,000 sq. ft.	Average area – 12,426 sq. ft. Minimum area – 10,935 sq. ft.	
Max. Height 2.5 stories/30 ft.	2 stories	Height of individual structures evaluated at time of building permit submittal
Min. Front Setback 30 ft.	30 ft.	In compliance
Min. Side Setback (each/total) 10 ft./20 ft., 25 ft. side lot abutting corner	10 ft./20 ft. and 25 ft. on corner lots	In compliance
Min. Rear Setback 35 ft.	35 ft.	In compliance
Min. Floor Area 1,200 sq. ft.	1,200 sq. ft.	In compliance
Max. Lot Coverage 30%	30%	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 has been submitted that meets ordinance requirements.
 - 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 not subject to the city's tree conservation ordinance.
 - 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 = 57 deciduous	0 deciduous	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 (Livernois: 1,348 ft.) 1 deciduous per 35 ft. + 1 ornamental per 60 ft. = 39 deciduous + 23 ornamental	39 deciduous 23 ornamental	In compliance
Stormwater (826 ft.) 6 ft. width + 1.5 deciduous + 1 evergreen + 4 shrubs per 100 ft. = 13 deciduous + 9 evergreen + 33 shrubs Basins shall be designed to avoid the need to perimeter fencing.	13 deciduous 9 evergreen 33 shrubs	In compliance
TOTAL 52 deciduous 9 evergreen 23 ornamental 33 shrubs	52 deciduous 9 evergreen 23 ornamental 33 shrubs	The City plants 1 street tree per unit after the homes are constructed.

- a. A landscape planting schedule has been provided that includes 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.
 - c. All landscape areas must be irrigated. This should 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*). Renderings of the proposed building elevations have been provided as part of the application. 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 is 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.



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

From: Paul G. Shumejko, P.E., PTOE Transportation Engineering Manager
To: Kristen Kapelanski, AICP, Manager of Planning
Date: July 12, 2019
Re: Cumberland Village, City File #17-019, Section 27
Revised Final Site Condominium Plan Review #1

PGS

Engineering Services has reviewed the site plan received by the Department of Public Services on July 1, 2019. As follow up to the May 31, 2019 MEMO, Engineering Services does recommend site plan with the following comments.

Two Livernois Rd Road Access Options were considered for this review. Option 1 is the preferred option from a traffic and safety perspective, however, option 2 is also acceptable.

Option 1 – Gated Emergency Access

- Promotes traffic safety by reducing the number of potential traffic crash conflict points at Livernois Rd from two down to one.
- The proposed site is calling for 57 homes and requires a secondary access point per the adopted fire prevention ordinance. Developments with more than 30 one or two family dwellings units shall be provided with separate and approved fire apparatus access roads. The purpose of the secondary access point is to comply with the international fire codes and is not a traffic engineering requirement.
- The secondary access for this site is not required from a traffic engineering perspective.
- For comparison purposes, Foxboro subdivision, located off Walton Blvd in CITY section 8, is an existing similar sized subdivision with a boulevard entrance that has never experienced internal traffic related issues. Foxboro has 54 existing homes compared to the 57 proposed with the Cumberland Village site (see attached map).
- The proposed entrance columns/bollards should be offset 3 feet from the edge of path to allow for lateral clearance from bicycle pedals/handlebars and other obstructions.

Option 2 – Right-in/Right-out Only (RI/RO)

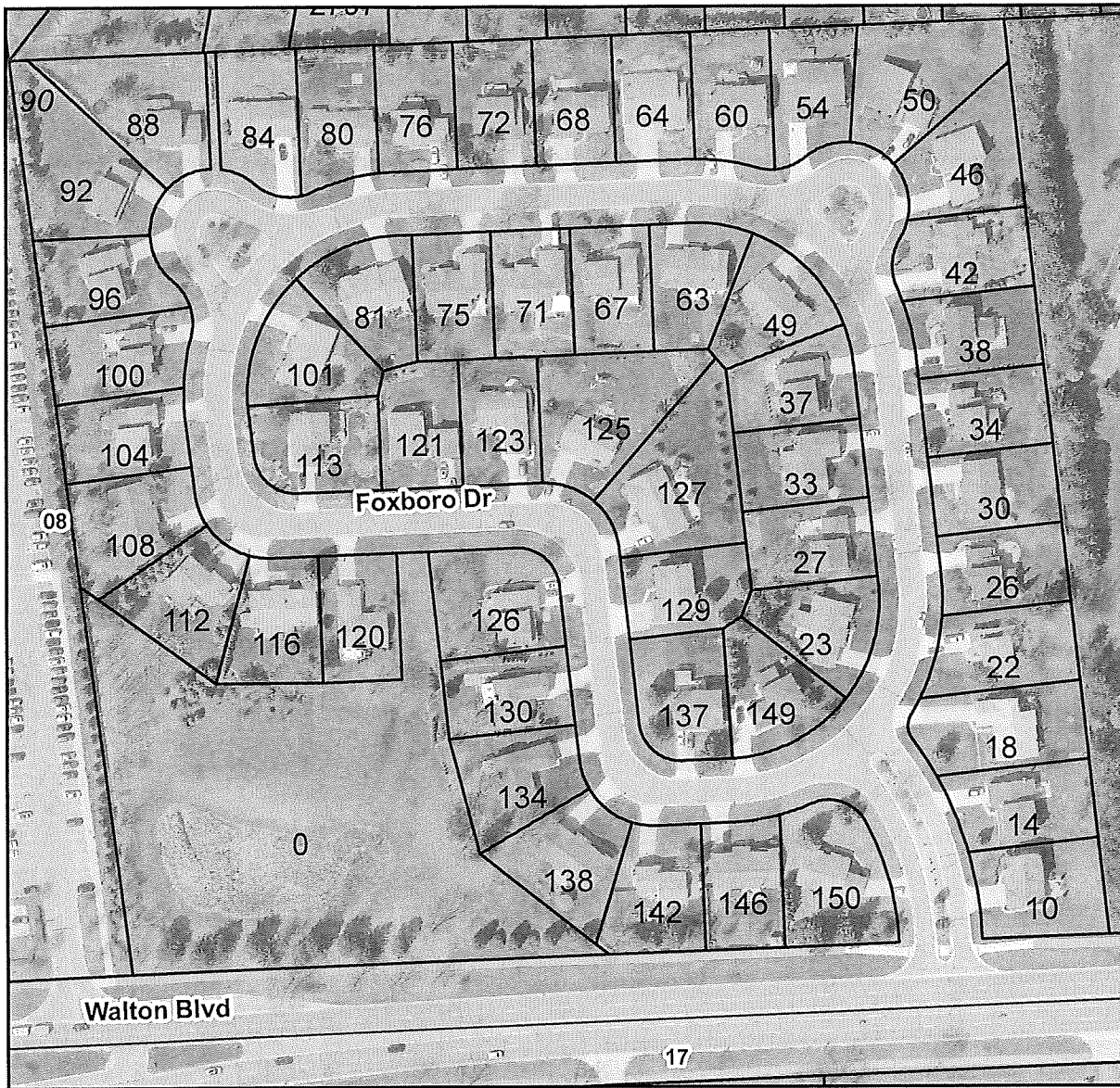
- When warranted, RI/RO entrance configurations are typically constructed at commercial type driveway approaches and generally not at public or private street entrances.
- Non-compliance rates for RI/RO drive approaches can be high. At commercial site developments, motorists often disregard the RI/RO traffic control devices.
- Typically requires additional enforcement by the Oakland County Sherriff Office (OCSO) to garner compliance, which can be an issue with limited resources available.

PGS/md

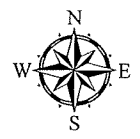
c: Allan E. Schneck, P.E., Director; DPS
Paul Davis, P.E. City Engineer/Deputy Director; DPS
Tracey Balint, P.E., Public Utilities Engineering Mgr.; DPS
File

Keith Depp, Project Engineer; DPS
Jason Boughton, Engineering Utilities Specialist, AC
Nick Costanzo, Engineering Aide; DPS

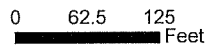
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FoxBoro Subdivision
Section 8



1 inch = 125 feet



Homes within Foxboro: 54

Legend

- Parcels
- Section Number

Drawn By: Seth Bucholz



PARKS & NATURAL RESOURCES DEPARTMENT

Ken Elwert, CPRE, Director

To: Kristen Kapelanski
From: Matt Einheuser
Date: April 26, 2019
Re: Cumberland Village – Review #1 FSCP
File #17-019

Relocate 2 Rubin Witch Hazels that are less than 10' from the sidewalk/pathway that runs adjacent to Livernois on North Planting Plan – Sheet 9. These multi-stem ornamentals should be at least 10' from sidewalk/pathway.

Confirm and make note that all Annuals and Perennials planted with the 25' corner clearance (landscape plan north – sheet 9) will be maintained below 30" in height.

Confirm and make note that all Annuals and Perennials planted with the 25' corner clearance (Entrance landscape plan – sheet 10) will be maintained below 30" in height. Consider replacing or relocating proposed Reed Grass within 25' corner clearance as it can commonly grow to 36".

Show tree protection for any existing trees to be preserved.

Removal of all trees located on the County ROW adjacent to Livernois Rd. will need a permit from the Road Commission of Oakland County (RCOC).

ME/ms

Copy: Maureen Gentry, Economic Development Assistant



FIRE DEPARTMENT

Sean Canto

Chief of Fire and Emergency Services

From: William A. Cooke, Assistant Chief / Fire Marshal
To: Planning Department
Date: July 8, 2019
Re: Cumberland Village

SITE PLAN REVIEW

FILE NO: 17-019

REVIEW NO: 2

APPROVED X

DISAPPROVED _____

The Rochester Hills Fire Department recommends approval of the above noted project as the proposed design meets the fire and life safety requirements of the adopted fire prevention code related to the site only. Thank you for your assistance with this project and if you have any additional questions or comments, please do not hesitate to contact our office.

Note: The surface of the proposed emergency access drive must be capable of supporting the imposed loads of a fire apparatus weighing at least 75,000 lbs. (IFC 2006, Section D102.1)

The Fire Department has no objections to asphalt, concrete or stamped concrete as long as the surface is capable of supporting the load.

William A. Cooke
Assistant Chief / Fire Marshal



BUILDING DEPARTMENT
Scott Cope

From: Mark Artinian, R.A. Building Inspector/Plan Reviewer
To: Kristen Kapelanski, Planning Department
Date: May 8, 2019
Re: Cumberland Village – Site Plan Review #1
Sidwell: 15-27-101-006, -007, -008, -009, -010, -011, -039, -040, -041
City File: 17-019

The Building Department has reviewed the site plan documents received April 22, 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.

The following items shall be addressed 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. **Per Section R401.3, lots shall be graded to fall away from foundation walls a minimum of 6 inches within the first 10 feet.** Although multiple lots do not appear to completely meet this requirement, this was not significant enough for a disapproval at this time for this review. Attention should be directed to this requirement at the time of individual building permit applications.
 - i. Please review the grades on lot 30. The elevations indicated appear to slope grade toward the building.

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.
 - b. Driveway slopes shall meet the following requirements:
 - i. Approach and driveway: 2% minimum – 10% maximum.
 - ii. Side-entry garage: 2% minimum, 4% maximum.
 - iii. 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.
2. Show detectible warnings at sidewalk and pathway ramps located in the road right-of-ways.
 - a. Provide details complying with Americans Disability Act.

If there are any questions, please call the Building Department at 248-656-4615. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday.



Maureen Gentry <gentrym@rochesterhills.org>

Re: Master Deed

1 message

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

Thu, May 9, 2019 at 9:16 AM

I checked it over--they inserted the legal description and did not change anything else, so this is all set!

Adele Swann

DPS Technician-Utilities
DPS/Engineering Dept
248 841-2498
swanna@rochesterhills.org

www.rochesterhills.org

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On Wed, May 8, 2019 at 4:28 PM Maureen Gentry <gentrym@rochesterhills.org> wrote:

Will you send to John? Hope it's ok!!!
Thanks

Maureen Gentry
Planning and Economic Development
City of Rochester Hills
1000 Rochester Hills Dr.
Rochester Hills, MI 48309
(248) 841-2575
gentrym@rochesterhills.org
www.rochesterhills.org

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

From: Cosimo Lombardo <cosimo@lombardohomes.com>
Date: Wed, May 8, 2019 at 4:01 PM
Subject: RE: Master Deed
To: Maureen Gentry <gentrym@rochesterhills.org>

Maureen,

Please see attached.

Thank You

Cosimo Lombardo

5/8/2019

City of Rochester Hills Mail - Fwd: Cumberland Village, #17-019 Master Deed and By Laws for your review



Maureen Gentry <gentrym@rochesterhills.org>

Fwd: Cumberland Village, #17-019 Master Deed and By Laws for your review

1 message

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

Tue, May 7, 2019 at 1:38 PM

Hi Maureen:

John has approved the Master Deed with the "condition" that they submit a revised page 2 with the full Legal Description included under Article II.

Will you please let the developer know, since I do not have any contact info.

Thank you!

Adele Swann

DPS Technician-Utilities
DPS/Engineering Dept
248 841-2498
swanna@rochesterhills.org

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From: John D. Staran <jstaran@hsc-law.com>
Date: Tue, May 7, 2019 at 12:49 PM
Subject: RE: Cumberland Village, #17-019 Master Deed and By Laws for your review
To: Adele Swann <swanna@rochesterhills.org>

Adele: I have reviewed and approve the form of these documents, subject to the developer's insertion of the missing legal description in Article II of the Master Deed.



John D. Staran

2055 Orchard Lake Road