



Rochester Hills Master Report

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File Number: 2005-0556

File Number: 2005-0556 **File Type:** Project **Status:** To Council
Version: 2 **Reference:** 05-006 **Controlling Body:** City Council
Regular Meeting
Requester: Planning/Development **Cost:** **Introduced:** 08/23/2005
File Name: Hickory Ridge Site Condominiums **Final Action:**

Title: Preliminary Site Condominium Plan Request for Approval - City File No. 05-006 - Hickory Ridge Site Condominiums, a proposed 42-unit development on approximately 21 acres, located east of Livernois and south of Hazelton, zoned R-4, One Family Residential, known as Parcel Nos. 15-34-151-014 and -016; 15-34-176-001; 15-34-301-002, -007, -010 and -012, Bluewood Properties LLC, applicant.

Notes: Joe Damico
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Code Sections: **Agenda Date:** 09/06/2005

Indexes: Site Condominiums **Agenda Number:**

Sponsors: **Enactment Date:**

Attachments: Agenda Summary.pdf, Report Staff 20050802.pdf, Map aerial.pdf, Site Plans.pdf **Enactment Number:**

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	09/06/2005	Recommended for Approval	City Council Regular Meeting			Pass
	Notes: (Reference: Staff Report prepared by Deborah Millhouse, dated August 2, 2005 had been placed on file and by reference became part of the record thereof.)						

Present for the applicant were Joe, John and Dan Damico, Bluewood

Properties, L.L.C., 1717 Stutz, Suite A, Troy, MI 48084 and Carol Thurber, Engineer with Fazal Khan and Associates, 43345 Schoenherr Rd., Sterling Heights, MI 48313.

Mr. John Damico stated that they had worked diligently with the Planning Staff, especially Deborah Millhouse, on their 42-unit site condominium project near Livernois and Auburn. They believed they had developed a plan that would showcase and enhance the amenities and natural features of the site, including the wetlands and the Burr Oak, which they left untouched, and they also added a half-acre park at entrance. They met with the surrounding residents and after careful consideration of the comments, came up with a plan they were proud to show. He believed the final result would be an asset to the City.

Representing the project in Ms. Millhouse's absence, Mr. Anzek disclosed that he was not intimately familiar with it. He noted that there were many suggestions at the beginning regarding access to the site. Engineering required a boulevard entrance to line up with the sub across the street. Ms. Thurber added that they worked with the City and consultants to extend Donaldson for a future connection.

Mr. Hooper suggested that there would be extensive discussion relating to lots six through ten because of the encroachment into the private properties. According to the City's wetland consultant, ASTI, the applicant would add signs in the area so people did not put in play structures. Ms. Thurber suggested that a statement be put into the Master Deed. Mr. Hooper advised that they had to be cautious, because the City had tried that unsuccessfully at other locations.

Mr. Damico (Joe) said it was a forested wetland, and they would save as many trees in that area as they could. They realized the Ordinance stated that no decks, patios or buildings would be allowed, and they were prepared to have the homeowners comply with that. They thought it would be a good idea to obtain the Natural Features Setback Modification so the future homeowners could add lawn in those areas. Mr. Hooper reminded that it would be in a fully forested wetland. Mr. Damico did not mean they wished to go into the wetland area, just into the setback area. Ms. Thurber referred to the tree plan, and the trees to be saved, and Mr. Damico noted that they would be saving 41%, which would exceed the Ordinance, and by which they were not required to abide.

Mr. Hooper clarified that the land was previously platted, so it was not subject to the Tree Conservation Ordinance. Mr. Hooper asked the purpose of disturbing and sodding a forested wetland. Ms. Thurber said they would not disturb the wetland, but would sod the natural features area. Mr. Hooper stated that the setback was defined to protect the wetland, and he wondered why they would put sod there.

Mr. Damico felt people would sod the area anyway, so they thought it would be a good idea up front to ask for the Modification, rather than have each homeowner individually request one at a later date. Their wetland consultant advised that it was a receding, forested wetland and not wet.

Ms. Hill indicated that no matter what type of wetland it was, it had been delineated and regulated by the State and the City. The required natural features setback of 25 feet was in the Ordinance to protect the wetlands, and she was concerned with the plan shown. As a Commissioner and Council member, she had reviewed a number of developments, but she stated that the encroachment shown for the proposed development was one of the more disturbing. She referred to lots 6-13 and 42, which went into the natural features setback and said that in some cases, the setback would be almost up to the building envelope. Ms. Thurber advised that they would not seek a Modification for lot 42, something that had changed from the last submittal. Ms. Hill asked if lot 42 would infringe into the natural features. Ms. Thurber said that the lot would, but there was no proposed sod or modification.

Ms. Hill said she understood that the City Engineer and the Mayor had signed an exception to go across the drain, for which she did not disapprove, but for lots 6-13, the setback was proposed to keep people from entering the wetland area. It was recommended by ASTI that the area not be used for a park or a place for people to walk. Signage should not be posted announcing a walkable park. She stressed that the idea of a wetland was for nature, not people. Ms. Thurber advised that it had already been removed.

Ms. Hill noted Mr. Hooper asked for signage on the lots at the natural features setback line, indicating that it was a wetland area and people were not allowed to enter it. In the past, the City had required that fencing be installed so owners of the lots would not encroach. It appeared to her that there were too many lots for the available land. If they removed some of the lots from the center (lots 40 and 41) and moved the road in, they still would not affect the Burr Oak or the park. They could also reconfigure the park and move Columbia Drive and they could move lots out of the natural features setback. She did not think they should infringe so heavily on eight lots. She reiterated that adding sod would defeat the purpose of the natural features setback.

Mr. Damico responded that the plan had been changed, and that it was probably the main reason they had an encroachment. They moved the entrance and streets so they could save the Oak and add a park. He was not sure how they could move the radius of the street. He stated that there were a lot of trade-offs throughout the year; they agreed to widen Livernois and add a boulevard at Donaldson and Hazelton and they agreed to give up two lots where the Oak was. In doing that, the economics had become too tight. If they lost any more lots, they would have to adjust the plan and not widen the road or add a boulevard and park. He said they would be willing to prohibit any structures in the setback and would be happy to post signs,

but they could not lose lots without changing something else.

Ms. Hill said it would not necessarily mean deleting. The applicant wanted the Commission to give them relief, so it was not whether they would or would not, it had to do with whether the Commission would allow people to be in the natural features setback. Mr. Damico agreed, but said that if they were not allowed the setback within the lots - and not within the building envelopes - the plan would have to be totally changed. He said that a lot of the trade-offs did not make sense for them any more.

Ms. Thurber said she understood the suggestion to move Columbia, but where it met Monterrey and Sierra the 90-degree angle could just barely be met. Ms. Hill indicated it was because they wanted x number of homes. Ms. Thurber said they would not be able to fit the cul-de-sac, and they would not be able to feature the Oak tree.

Ms. Hardenburg clarified that it was a site condo development and not a subdivision. She asked if people purchased the home, but not the property, in a condo development. Ms. Thurber said they would own the lots, it was just recorded differently, and there would be a Homeowner's Association. Mr. Staran said it involved a technical difference. The owners technically did not buy the lots, and the land would be owned by the Condo Association. However, the homeowners would purchase a limited common element - basically, limited to the extent that the homeowner would be the only one that had rights to use the particular building unit. The property owner owned all the rights to use the land and vertical rights to build within that unit, so for all intents and purposes, they would own the lot, they just technically would not own the dirt. When the development was done, no one would know the difference between a site condominium and a subdivision - they would look exactly the same.

Mr. Hooper asked if there were additional comments regarding the natural features setback. Mr. Reece clarified the request, stating that the owners would be able to sod the back 25 feet of the lot lines if granted. He asked if it would be a deal breaker for the applicant if the Commission voted the modification down, or if the applicant would be able to sell the lots and let the people know what they were getting.

Mr. Hooper said that if the Commission did not allow the modification, the applicant would have to redesign the plan so the lots did not encroach into the 25-foot natural features setback area. Mr. Reece noted that the building would not encroach into that area, but he asked if it would be a deal breaker if the owners were not allowed to sod the back 25 feet. Mr. Damico asked if there would then just be a wetland area people were not allowed to touch, which was confirmed. He said it would not be the end of the world.

Ms. Hill still thought it would be very problematic because the line would almost be at the back doorstep. They would be selling a home with no

backyard. The only way she could possibly approve it would be if the area were fenced. She did not think anyone would be able to enforce staying off the area, and stated that was the reason for the buffer around the wetlands. This was the first time the Commission had been asked to allow a natural features setback area to be sodded. She thought there would be a huge encroachment on the developer's part. In some instances, there was at least ten or fifteen feet of yard before the natural features. Mr. Damico said there would be at least fifteen feet beyond the building envelope, noting that the building would not necessarily cover the entire envelope. Ms. Hill reminded that there had been large buildings put on small lots all over the City. If someone wanted to add a deck, that would be a problem also. She would prefer to not have the area sodded, but if it were, she felt it would be very difficult to enforce.

Mr. Reece confirmed that the homes would be between 2,200 and 3,200 square feet, and he asked the averages of the buildable areas on lots six through ten. Ms. Thurber replied that it was about 40 x 50 feet. Mr. Damico noted that lots 12 and 13 would be able to have a deck or some area before the setback area, and have a nice view. Ms. Thurber added that there was quite a drop-off in the back, and Mr. Damico felt lots 6-13 would be some of the most desirable in the subdivision.

Ms. Hill said they had reviewed some condos without backyards - she mentioned Mill Stream - and they discussed having signage at the backs of the decks to inform people it was a natural features area and they could not go into it. She was not sure how they could guarantee the lots would stay natural. She emphasized that the applicants were trying to put too much into too small an area.

Mr. Schroeder stated that if the buffer were sodded, the buffer would be eliminated. The City could not control it, and people would move in and landscape and go into the buffer. The Association and the City would not be able to control it. Mr. Damico said there was already a lot of trespassing on the property.

Mr. Damico indicated that they would agree to no sodding. He felt it would be difficult for people to encroach because of the topography, and they would be willing to add signage and put something into the By-Laws. Mr. Schroeder said he could guarantee that within the first year the signs would be removed. Mr. Damico thought there was an Ordinance against that. Mr. Schroeder asked why the City should be forced to have those types of problems, which were impractical anyway.

Mr. Hooper asked about having another type of physical barrier. Mr. Schroeder said it would have to be physical, because if a little wooden fence was put up, it would be gone within a year. Mr. Hooper said Mr. Anzek had suggested a brick retaining wall. Mr. Damico suggested a more natural wall, perhaps with boulders. Ms. Thurber agreed that would be an attractive

alternative.

Ms. Hill questioned the drainage and building a wall. There had been instances where split rail fencing was installed. She noted that the boulders would have to be in front of the natural features setback area, or in the yards, and that the whole thing would just be creating a problem for the City. The applicant needed to create a design that did not give the City a problem.

Mr. Damico said that since the drainage would fall from the house to the backyard and to the natural features area, it should not be a problem. Ms. Thurber advised that the Engineering Department required a rear yard storm drainage system. Mr. Reece agreed that boulders would create a more natural barrier. Ms. Hill said she would have less of a problem if the wall did not go across so much property. She reiterated that the Commission had not done this for an applicant in the past.

Mr. Dettloff asked if the building footprint would be the same on lots 6-11. Ms. Thurber said it would not be the same on every lot. Mr. Dettloff asked if they thought not having the modification would deter people from buying the units. Mr. Thurber said that they were agreeing to put a wall in so they would not need the modification. Mr. Hooper clarified that if they put the wall at the natural features setback line they would not encroach and therefore not need a modification.

Mr. Hooper determined that the Commission wanted to require the wall at the natural features setback line and not move it toward the wetlands. He asked if there were other Site Plan related issues.

Mr. Hooper addressed that a Sidewalk Waiver would be requested from City Council. Mr. Schroeder said that Sidewalk Waivers should be accompanied by a recordable legal agreement that ran with the land and an owner would be required to put in the sidewalk if requested by the City. It would not become a City expense that way.

Ms. Hardenburg said she realized it was a sidewalk that would go nowhere, but as a homeowner, she wished her subdivision had sidewalks. She advised the applicant that if they wanted to attract families, they should add sidewalks. Ms. Thurber clarified that for lot 42, there was no sidewalk at all on Shortridge, and on Donaldson, they were including the sidewalk on the west side, not the east. She mentioned another development coming before the Commission soon that will extend Donaldson. Mr. Damico said there were a number of trees on Donaldson they would try to save. Ms. Hardenburg relayed that the more she talked with citizens of the City, the more she found that sidewalks did make a difference. She suggested that the applicants listen to the citizens.

Ms. Hill said she disagreed in this case, from the standpoint that lot 42 was at a dead end because Shortridge would not be extended. There were no

other sidewalks in that area. Most of the people there expressed that they did not want them. They were not required for several parcels on Hazelton because there were none on Hazelton and the residents wanted to keep it more natural. She felt that because Donaldson had a sidewalk on one side, and it was the side that would enter into most of the homes, she did not see the need for one on the other side. If Donaldson were extended in the future, the sidewalk could be added at that time. Mr. Hooper asked if the sidewalk would stop at Monterrey Lane. Ms. Thurber said it would continue to the property line.

Ms. Hill asked what the applicants planned for Livernois and if they were adding a center turn lane. Ms. Thurber said they were requested by the Traffic Department to add that and Ms. Hill said it was because there were two large subs across from each other. She appreciated that they were adding it.

MOTION by Reece, seconded by Schroeder, in the matter of City File No. 05-006 (Hickory Ridge Site Condominiums), the Planning Commission **recommends** City Council **approve** the **preliminary site condominium plan**, based on plans dated received by the Department of Planning and Development on September 1, 2005, with the following five (5) findings and subject to the following fourteen (14) conditions.

Findings:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The preliminary plan represents an acceptable comprehensive development plan that connects to Livernois Road and Hazelton Avenue.
4. The preliminary plan represents a reasonable street layout and lot orientation.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

CONDITIONS:

1. Revise the number of trees planted on-site to 96 from 93 on Sheet 7/8 in the "Planting Summary" under the "Planting Schedule. Also adjust the Cost Estimate to total \$43,200.00 from \$41, 850.00.

2. *Tree Protection Fencing must be installed, inspected, and approved by the City's s Landscape Architect prior to issuance of the Land Improvement Permit for this development.*
3. *Provide a landscape bond for replacement trees in the amount o \$43,200.00 prior to issuance of a Land Improvement Permit for this development.*
4. *Shift the three trees south of the crosswalk at Sierra and Columbia to the south two feet or three feet.*
5. *Delete or plant the Norway spruce in the park area a minimum of 10 feet from the sidewalk.*
6. *Since the 10-foot tree lawns between the street and sidewalk are too narrow for the flowering dogwoods proposed along Donaldson, the dogwoods may be used in Sierra Boulevard provided they are kept 20 feet from the west and 10 feet from the east side of the boulevard. The shade trees can be planted in the tree lawns on either side of Sierra Boulevard provided they are kept out of the 25-foot side distance/corner clearance triangles. This triangle needs to be show on both side of Sierra Boulevard and the Columbia intersection.*
7. *A similar scenario could be used off Hazelton, if desired.*
8. *Revise the two notes on Sheet 5B/8 to reference City-approved wetland seed mix.*
9. *Correct Shortridge Drive to read Shortridge Avenue on all applicable preliminary plan sheets.*
10. *Correct the Environmental Impact Statement to reference 42 rather than 41 units.*
11. *Installation of a natural boulder retaining wall (large, unmovable and varied boulders) at the natural features setback line on lots 6-10, 12-13 and 42.*
12. *The Sidewalk Waiver for Shortridge, if successful at City Council, will be a recordable document with the property in question and run with the land, and the owner will be responsible for the cost of replacing the sidewalk if required by the City in the future and as directed by the City.*
13. *Per ASTI's recommendation, the current plans shall eliminate the sign depicting any activity in Open Space A and the applicant shall add three signs, spaced appropriately, delineating the natural features setback and wetland area.*

14. Remove note on Sheet 4 about Fire Lanes.

Aye: Brnabic, Dettloff, Hardenburg, Hill, Hooper, Reece and Schroeder
Excused: Boswell and Kaltsounis

Text of Legislative File 2005-0556

..Title

Preliminary Site Condominium Plan Request for Approval - City File No. 05-006 - Hickory Ridge Site Condominiums, a proposed 42-unit development on approximately 21 acres, located east of Livernois and south of Hazelton, zoned R-4, One Family Residential, known as Parcel Nos. 15-34-151-014 and -016; 15-34-176-001; 15-34-301-002, -007, -010 and -012, Bluewood Properties LLC, applicant.

..Body

Resolved that the Rochester Hills City Council hereby approves the Preliminary Site Condominium Plan for Hickory Ridge Site Condominiums(City File No.05-006), based on the plans dated received by the Department of Planning and Development on September 16, 2005, with the following five findings and subject to the following three conditions. The affected property is zoned R-4, One-Family Residential and identified as Parcel Nos. 15-34-151-014 and -016; 15-34-176-001; 15-34-301-002, -007, -010 and -012 15-33-128-009, Bluewood Properties, LLC, applicant.

Findings:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One- Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The preliminary plan represents an acceptable comprehensive development plan that connects an existing subdivision to the west with an approved site condominium development to the east.
4. The preliminary plan represents the only possible street layout and a reasonable lot orientation.
5. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.

Conditions:

1. Tree Protection Fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.
2. Provide a landscape bond for replacement trees in the amount of \$40,050.00 prior to issuance of a Land Improvement Permit for this development.
3. That City Council agree to the Sidewalk Waiver for Shortridge. It will be a recordable document with the property in question and run with the land, and the owner will be responsible for the cost of replacing the sidewalk if required by the City in the future and as directly by the City.