

**City of Rochester Hills  
Department of Planning**

**REVISED STAFF REPORT TO THE PLANNING COMMISSION  
March 6, 2007**

<b>Oakville Estates Final PUD Review</b>	
<b>APPLICANT</b>	Oakville Estates L.L.C. 42850 Schoenherr Road Sterling Heights, MI 48313
<b>AGENT</b>	Greg Cueter
<b>LOCATION</b>	John R Road and School Road
<b>SIDWELL NOS.</b>	15-24-100-019; 15-24-100-018; 15-24-100-029; 15-24-100-028; 15-24-100-040; 15-24-100-037; 15-24-100-038; 15-24-100-009 and 15-24-100-010
<b>FILE NO.</b>	04-037
<b>ZONING</b>	R-3, One Family Residential
<b>STAFF</b>	Derek Delacourt, Deputy Director
<b>REQUESTS</b>	Rezoning Recommendation Final PUD Recommendation Tree Removal Permit Wetland Use Permit Recommendation Final Site Plan Recommendation

**SUMMARY**

The applicant was represented by his attorney, Mr. John Gaber, at the February 20, 2007 Planning Commission meeting. After a lengthy discussion, with input and recommendations by the Commission, the meeting was postponed. The applicant met with Staff and incorporated changes, as outlined in Mr. Gaber's letter to Mr. Boswell dated February 28, 2007. In addition, a revised PUD Agreement has been submitted for review. New conditions have been added to the Site Plan motion and one to the PUD Agreement, but the balance of the Staff Report is mainly for reference. The draft Minutes from the February 20 meeting are also attached.

The applicant is requesting Final approval of the Planned Unit Development (PUD) process to develop the subject site with a single-family attached ranch condominium development. The proposed development consists of 49 buildings totaling 122 units on approximately 25.7 acres of assembled property. There will be a 2.7-acre park for the residents of this community, and there will be overall open space of approximately ten acres. The site will be accessed from John R Road with an emergency access proposed

for School Road. The School Road Access would become permanent in the future when School Road is paved. The proposed PUD Agreement limits the units to ranch style, minimum two-bedroom, two-garage structures. Site plans and elevations are attached to the PUD Agreement.

The applicant received approval of the Preliminary PUD Agreement and exhibits from City Council on July 19, 2006, with conditions to be addressed prior to Final submittal. Please refer to June 20, 2006 Planning Commission minutes for recommendation.

**The specific actions requested for consideration by the Planning Commission are recommendations of PUD Rezoning, Final PUD Approval, Final Site Plan Approval, and Wetland Use Permit to City Council, and approval of a Tree Removal Permit.**

### **FINAL PUD PROCESS**

The plans and Final PUD Agreement have been reviewed by all applicable staff and departments and, subject to conditions, recommended for approval.

Included in the Final PUD Agreement are details of the proposed development, including any language regarding agreements between the City and the applicant. The language regarding timeframes for development, as identified in the PUD Ordinance, has been revised as indicated in Mr. Gaber's letter.

### **PROPOSED USE**

The applicant is proposing attached single-family condominium units. The existing, and Master Planned, zoning district (Single-Family) does not expressly permit the proposed use. However, the PUD Ordinance authorizes the Commission and City Council to allow uses not normally allowed within a zoning district, based on defined criteria within the Ordinance if the proposed uses are consistent with the intent of the Master Plan. The proposed PUD restricts those units to ranch style homes for individual families, and no apartment or townhouse-style building will be allowed. The updated Master Plan discusses the need of the City to offer diversified housing.

### **FINAL SITE PLANS**

To date, the proposed Final Site Plans have been submitted and 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 Final Site Plans for the proposed PUD have been recommended for approval by all applicable City Staff. The Final Site Plans are attached as Exhibit B of the Final PUD Agreement.

## **TREE REMOVAL PERMIT**

The Tree Conservation Ordinance regulates the site in that all regulated trees removed must be replaced on a one for one basis. There are 1,317 regulated trees. The applicant is removing 1,112 trees and replacing them with 1,129 tree credits on site. The City's Landscape Architect has reviewed the landscape plans and recommends approval with conditions, which have been included in her memo of January 30, 2007.

The email from Parks & Forestry, dated February 13, 2007, indicates that the applicant met with Staff to discuss several issues, which Mr. Lee determined would be corrected. He did not feel new plans had to be submitted prior to this review, and two conditions listed in the memo regarding right-of-way plantings were added to the Site Plan motion for consideration.

## **BUFFER REQUIREMENTS**

Based on the PUD requirements, buffers are not a requirement of this development. According to the City's Landscape Architect, the developer is providing buffering sufficient to meet the intent of the type B and C Buffers, and will increase shrub groupings spanning openings where deciduous trees are being planted within the buffers. As addressed by the Planning Commission, a section was added to the PUD Agreement to require perimeter landscaping around the detention pond and most of the School Road frontage to be completed with phase one.

## **WETLAND USE PERMIT**

There are two regulated wetlands depicted on the plans, and verified by the City's Wetland Consultant, ASTI – Wetland A and Wetland B, totaling approximately .85 acres. The applicant has obtained a permit from the MDEQ for temporary impacts to construct a six-foot by 12-foot elevated boardwalk in the northeast corner of the site. Per ASTI's letter of February 14, 2007, the structure would allow Wetland A to be crossed and would keep pedestrian impacts to a minimum, thereby preserving wetland functions and allowing access to the open space areas to the east of Wetland A. Along with the DEQ Part 303 Permit to construct the boardwalk, the development also requires a Wetland Use Permit from the City.

## **NATURAL FEATURES SETBACK**

In addition to constructing the boardwalk across Wetland A, the developer has agreed to install a landscape buffer to segregate the low quality wetland from the detention basin (Wetland B) at the southwest corner of the property. According to ASTI's letter of February 14, 2007, these activities would provide substantial enhancement to both wetlands and their associated Natural Features Setback areas. If accepted, the PUD allows the on-site Natural Features Setback regulations to be waived as allowed in 138-1076(d) of the Zoning Ordinance. The PUD Agreement stipulates the enhancements of the property, and a note on the plans indicates that any impacts will be restored to

“substantially” the same natural conditions with plant materials, which is to ASTI’s satisfaction.

## RECOMMENDATION

Staff recommends that the proposed Agreement and Plans meet the requirements for Final PUD approval. The proposed Final PUD is consistent with the development agreed to by the City for utilization of the process. 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. 04-037:

### Rezoning and Final PUD

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 04-037 (Oakville Estates), the Planning Commission **recommends** that City Council **approve** an Ordinance to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills to rezone the subject Parcel Nos. 15-24-100-019; 15-24-100-018; 15-24-100-029; 15-24-100-028; 15-24-100-040; 15-24-100-037; 15-24-100-038; 15-24-100-009 and 15-24-100-010 to a **PUD overlay** district.

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 04-037 (Oakville Estates PUD), the Planning Commission **recommends** that City Council **approve** the Final PUD agreement (dated revised 02/28/07) with the following findings and conditions.

### Findings:

1. The proposed Final PUD is consistent with the proposed intent and criteria for utilization of the PUD Process.
2. The proposed Final PUD is consistent with the Preliminary Approval for utilization of the process and the Preliminary PUD plan.
3. The proposed plan has not been utilized to avoid applicable requirements of the City’s Ordinance.
4. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
5. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
6. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

7. That utilization of the PUD process allows the City additional controls to ensure quality building design and site development.

Condition:

1. The appropriate sheets from the approved plan set shall be attached to the PUD Agreement as exhibits, including the color elevation of the buildings previously provided by the Applicant to the Planning Commission, as approved by Staff prior to submittal to City Council for final action.

Tree Removal Permit

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 04-037 (Oakville Estates), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on December 1, 2006, 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 1,112 regulated trees from the site.
3. The applicant is proposing to locate 1,129 replacement credits on-site.
4. No payment into the City's tree Fund is required.

Conditions:

1. Provision of a performance guarantee in the amount of \$457,536.85, 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. That all tree protective fencing must be installed, inspected and approved by the City's Landscape Architect, prior to issuance of a Land Improvement Permit.
3. Add noted to Sheet LA-1.0 that of the 9 right of way trees on School Road, two will be removed and replaced in locations approved by Parks and Forestry, prior to Final Approval by Staff.
4. That the tree calculations shall be adjusted to conform with the corrections identified in the City Landscape Architect's Memo dated January 30, 2007.

Wetland Use Permit

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 04-037 (Oakville Estates), the Planning Commission **recommends to City Council a Wetland Use Permit** for the installation of an elevated pedestrian bridge at the northeast corner of the property over Wetland A to the natural open space area, based on plans dated received by the Planning Department on December 1, 2006, with the following findings and subject to the following conditions.

Findings:

1. The Wetland and Watercourse Protection Ordinance is applicable to the subject site because it is not included within a site plan or preliminary subdivision plat which has received final approval prior to January 17, 1990.
2. Approximately 160 square feet of temporary wetland impacts to Wetland A will result from construction of an elevated boardwalk. Such boardwalk would allow Wetland A to be crossed and would keep pedestrian impacts to a minimum, thereby preserving wetland functions and allowing access to open space east of Wetland A.
3. An elevated walk across Wetland A would allow the natural drainage patterns to remain unimpeded and pedestrian access is preferable.

Conditions:

1. Impacted areas must be shown on revised plans in square footage and approved by the City's Wetland Consultant, prior to Final Approval by Staff.
2. All temporarily impacted areas must be seeded with a seed mix, and be noted on the revised plans, as approved by the City's Wetland Consultant prior to Final Approval by Staff.

Site Plan Approval

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 04-037 (Oakville Estates), the Planning Commission **recommends** that City Council **approve the Final Site Plans**, dated received December 1, 2006 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. Automobile parking areas have been designed to avoid common traffic problems and promote safety. Further, deferred parking spaces have been identified on-site for future consideration.
4. 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.
5. 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.
6. The proposed Final Plan promotes the goals and objectives of the Master Plan that the City provides a variety of housing.
7. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. That any remaining engineering issues identified in the HRC letter dated January 4, 2007 be addressed prior to issuance of a Land Improvement Permit.
2. That all proposed landscaping, material and tree protective fencing be reviewed and recommended for approval by the city's Landscape Architect prior to Final Approval by Staff.
3. Submit irrigation system design for approval by the City's Landscape Architect, prior to Final Approval by Staff and prior to issuance of a Land Improvement Permit.
4. The Natural Features Setback Area shall be shown on revised plans, to be reviewed and approved by Staff prior to Final approval.
5. Remove note on Sheet LA-4.0 regarding stone bed in the John R right of way (at the western tip of entrance island) and show other material approved by Staff, prior to Final Approval.
6. Plantings associated with the buffer must be native Michigan plantings only (i.e., no cultivars), to be approved by the City's Wetland Consultant prior to obtaining a Land Improvement Permit.

7. Revise corner clearance measurements in accordance with City standards, prior to Final Approval by Staff.
8. Divide cost estimate into trees, shrubs, island trees and replacement trees categories, per the January 30, 2007 memo from the City's Landscape Architect, to be approved by same prior to Final Approval.
9. Revise Sheets LA-1.0 through LA-4.0 where appropriate to relocate shrubs shown on plans to increase shrub groups located between the adjacent residential properties and the proposed development; spaced no greater than 3'6" on center, as approved by the City's Landscape Architect prior to Final Approval by Staff.
10. Add a note to revised plan that proposed boardwalk will be approved by City Engineer prior to applicant obtaining a Land Improvement Permit.
11. Revise Sheet SP-3.0 to add one additional bench near the detention pond, to be approved by Staff, prior to Final Approval.
12. Revise Sheet C-5 (Utility Layout) to provide for 22 parking stalls, to be approved by Staff prior to Final Approval.
13. Revise Sheets A1 and A2 to accurately label the elevations, to be approved by Staff prior to Final Approval.
14. Revise Sheet LA-4.0 to show the location of the lamppost in the island, to be approved by Staff prior to Final Approval.

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Attachments: Letter from John Gaber, dated 02/28/07; PUD Agreement revised 02/28/07; Site Plans dated received 12/01/06: Cover Sheet and Site Plan Sheets SP 1.0 through 6.0, prepared by Design Team; Landscape Plans Sheets LA-1.0 through 5.0 prepared by Design Team; Boundary Survey, Topo and Utility Plans, Sheets C-1 through C-8 prepared by JJ Associates; Tree Preservation Plan, Sheets C-9 through C-12 and Tree Listing, Sheets C-13 and C-14, prepared by JJ Associates, Inc.; Elevations, Sheets A1 and A2, prepared by CBi; Boardwalk Detail, Sheet WE 1.0, prepared by Books Williamson & Associates, Inc. Assessing Department memo dated 10/23/06; Building Department memo dated 10/19/06; Planning and Development Department memo dated 01/30/07; Parks and Forestry email dated 02/13/07; HRC letter dated 01/04/07; Fire Department memo dated 12/11/06; ASTI letter dated 02/14/07; Letter from ITC accepted 01/22/07; Environmental Impact Statement dated received 10/05/06; MDEQ Permit issued 01/11/07; Notice of Public Hearings (2); email from K. Williams dated 02/14/07; and Planning Commission Minutes dated 02/20/07.