



Department of Planning and Economic Development

Staff Report to the Planning Commission

April 9, 2025

PSC2023-0001, PTP2025-0005, PWEP2025-0002 and PNFMSM2025-0002

Oak Creek Condominiums

3249 and 3271 Livernois

| | |
|--------------------|---|
| REQUEST | Preliminary One Family Residential Detached Condominium Recommendation, Tree Removal Permit Approval, Wetland Use Permit recommendation, and Natural Features setback Modification approval |
| APPLICANT | Mohammed Bahauddin Enliven Developers 245 Barclay Circle Suite 800 Rochester Hills, MI 48307 |
| LOCATION | 3249 and 3271 Livernois, Parcel Nos. 15-34-101-053 and 15-34-101-055, located on the east side of Livernois, south of Auburn Rd. |
| FILE NO. | PSC2023-0001, PTP2025-0005, PWEP2025-0002, and PNFMSM2025-0002 |
| PARCEL NOS. | 15-34-101-053 and 15-34-101-055 |
| ZONING | R-4 One Family Residential |
| STAFF | Chris McLeod, AICP, Planning Manager |

Summary

The applicant is proposing to develop the two (2) properties noted above with a proposed development of twenty-one (21) detached single family residences on approximately 8.5 acres of land, located on the east side of Livernois, south of Auburn Road. The site is currently zoned R-4 One Family Residential. The site is generally traversed by a regulated wetland and an unnamed watercourse running from north to south through the mid/eastern portion of the site. The proposed development will impact the existing wetland, watercourse and associated natural features setback (discussed later in this report). Additional approvals required for the project include a tree permit, wetland use permit and natural features setback modification.

The road proposed as a part of the overall development will be public and therefore will need to be built to public road standards and ultimately accepted by the City upon demonstrating that as constructed all City requirements have been met. Sidewalks will be installed on both sides of Cordoba Drive, compliant with City requirements. These sidewalks will be connected with the pathway along Livernois and will also connect with the existing sidewalks on Raffler Drive to the east. In addition to the proposed sidewalks along each side of the road, the site plan proposes a "mid-block" crossing just east of the wetland crossing that based on Traffic Engineering comments will also include a median island as a condition of their approval. The final pedestrian connection and amenity will include the connection being provided to access the play area/structure within the common park area on the south side of Cordoba Drive.

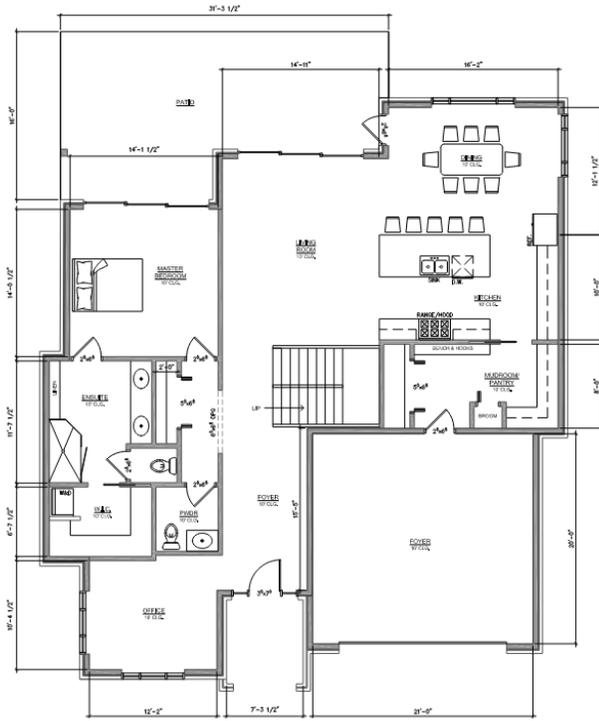
The plan provides a common area park proposed on the south side of Cordoba Drive, between units 17 and 18, along the drain. The size of this common park area is approximately 1/2 acre and largely includes the wetland and associated watercourse in an effort to help preserve their environmental integrity. The park will include a small play structure and seating area with benches and picnic tables.

A similar common area is shown on the north side of Cordoba Drive. This area will remain natural with no proposed improvements other than the split rail fencing designed to protect the natural features setback and wetlands. The area of this common space is approximately 34,000 square feet or approximately 3/4 of an acre.

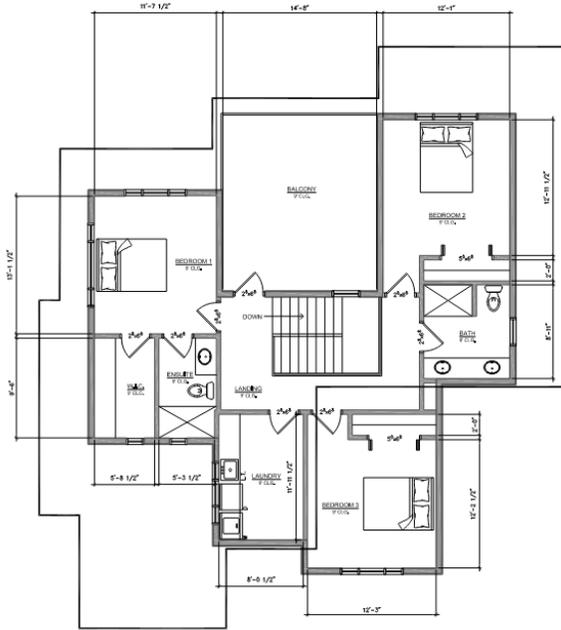
The development will be serviced by a stormwater system, specifically a detention pond, that will be located at the

Single Family Residence Elevations and Floor Plan





PROPOSED 1ST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



PROPOSED 2ND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

Zoning Map **Master Land Use Plan**



- RE One-Family Residential District
- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-4 One-Family Residential District
- RCD One-Family Residential Cluster District
- RM-1 Multiple-Family Residential District
- RMH Manufactured Housing Park District
- NB Neighborhood Business District
- CB Community Business District
- HB Highway Business District
- BD Brooklands District
- O Office District
- I Industrial District
- SP Special Purpose District
- EC Employment Center District
- FB Flex Business Overlay District
- MIR Mixed Residential Overlay District
- PUD Overlay



- Estate Residential
- Residential 2
- Residential 2.5
- Residential 3
- Residential 4
- Residential 5
- Mixed Residential Overlay
- Multiple Family
- Residential Office Flex
- Auburn Road Corridor
- Commercial Residential Flex - 2
- Commercial Residential Flex - 3
- Office
- REC Workplace
- REC Technology and Office Image Corridor
- REC Interchange
- Regional Commercial
- Industrial
- Special Purpose
- Park/Public Open Space
- Private Recreation/Open Space

| | Zoning | Existing Land Use | Future Land Use |
|--------------------------------|---|--|---|
| Site | R-4 One Family Residential District | Single Family Residential Homes | Residential 4 |
| North | R-4 One Family Residential District and MR Mixed Residential Overlay District | Single Family Residential Homes | Residential 4 and Residential Office Flex |
| South | R-4 One Family Residential District | Single Family Residential Homes | Residential 4 |
| East | R-4 One Family Residential District | Single Family Residential Homes | Residential 4 |
| West (across Livernois) | R-4 One Family Residential District | Place of Worship | Residential 4 |

Tree Removal Permit

The applicant has provided a tree survey that indicates a total of 265 trees onsite initially qualified as regulated trees. Of those a total of 34 trees were located in building envelopes. Of the remaining 231 qualified regulated trees, a total of 97 (approximately 42%) are proposed to be saved during development. The bulk of the saved trees are within the regulated wetlands and along the drainage course. The trees being removed are largely within the right-of-way of the proposed road and at the far eastern end of the site. The applicant is requesting to remove 99 regulated trees and 38 specimen trees, which require a total of 460 replacement tree credits (99 regulated tree replacement + 341 specimen tree replacement), and to provide 142 required replacement trees on site and to pay the remaining 318 required replacement trees into the City’s Tree Fund. The replacement trees will include 80 oversized deciduous trees (3” caliper vs. normally required 2”), totaling 120 credits and 22 evergreen trees meeting minimum requirements for a total of 22 credits, equaling 142 replacement credits onsite. As noted the remaining trees are proposed to be paid into the City’s tree fund.

Wetland Use Permit and Natural Features Setback Modification

A request to permanently impact approximately 417 square feet of wetlands and 85 linear feet of the unnamed watercourse and modify the required associated natural features setback by approximately 542 linear feet/11,872 square feet. ASTI, the City’s Environmental Consultant, has reviewed the site plans as a part of each site plan submittal and has also conducted an onsite investigation of the site on August 16, 2022 (when the wetlands were officially delineated).

The main wetland onsite is labeled as Wetland A and is categorized as an emergent and forested wetland. The emergent portion of the wetland is dominated by non-native species of plant material. The forested portion of the wetland was dominated by native tree species including cottonwood, green ash and boxelder with a canopy coverage of 80-100%. The underlayer was dominated by non-native buckthorn. The hydrology of the wetland indicated that the wetland likely detains small amounts of seasonal localized surface water runoff. The wetland area is associated with an unnamed watercourse that has an intermittent flow.

In summation, ASTI’s opinion of the wetland and associated watercourse is that they should be categorized as having medium ecological quality but are likely an important part of the natural drainage system of the City and should be considered a valuable natural resource. It is also ASTI’s opinion that the wetland is not only City regulated but also EGLE regulated.

The wetland impacts will occur primarily due to the construction of the proposed roadway. ASTI generally agreed with the proposed location of the roadway and the culvert placement since they are both proposed in the same location as the existing, albeit smaller drive and culvert in place. Further, the applicant requested additional review and consideration of the installation of a culvert rather than a small bridge or box span (square concrete culvert).

The initial requirement for the box span was to ensure the unnamed watercourse could reestablish a stream bed. However, after additional commentary from the applicant and review and analysis by ASTI, it was determined that the impacts of the two options were similar and the culvert, as it is proposed to be installed, would provide the same environmental effect as the box span.

The site plan also proposes several small areas of natural features modification. The first is located on the east side of Unit #4 on the north side of Cardoba Drive. The wetland in this area is not proposed to be impacted, just the natural feature setback. The proposed modification will provide a unit configuration that is squared off, in typical unit configuration. As noted in the ASTI review, the natural feature setback area is of low quality.

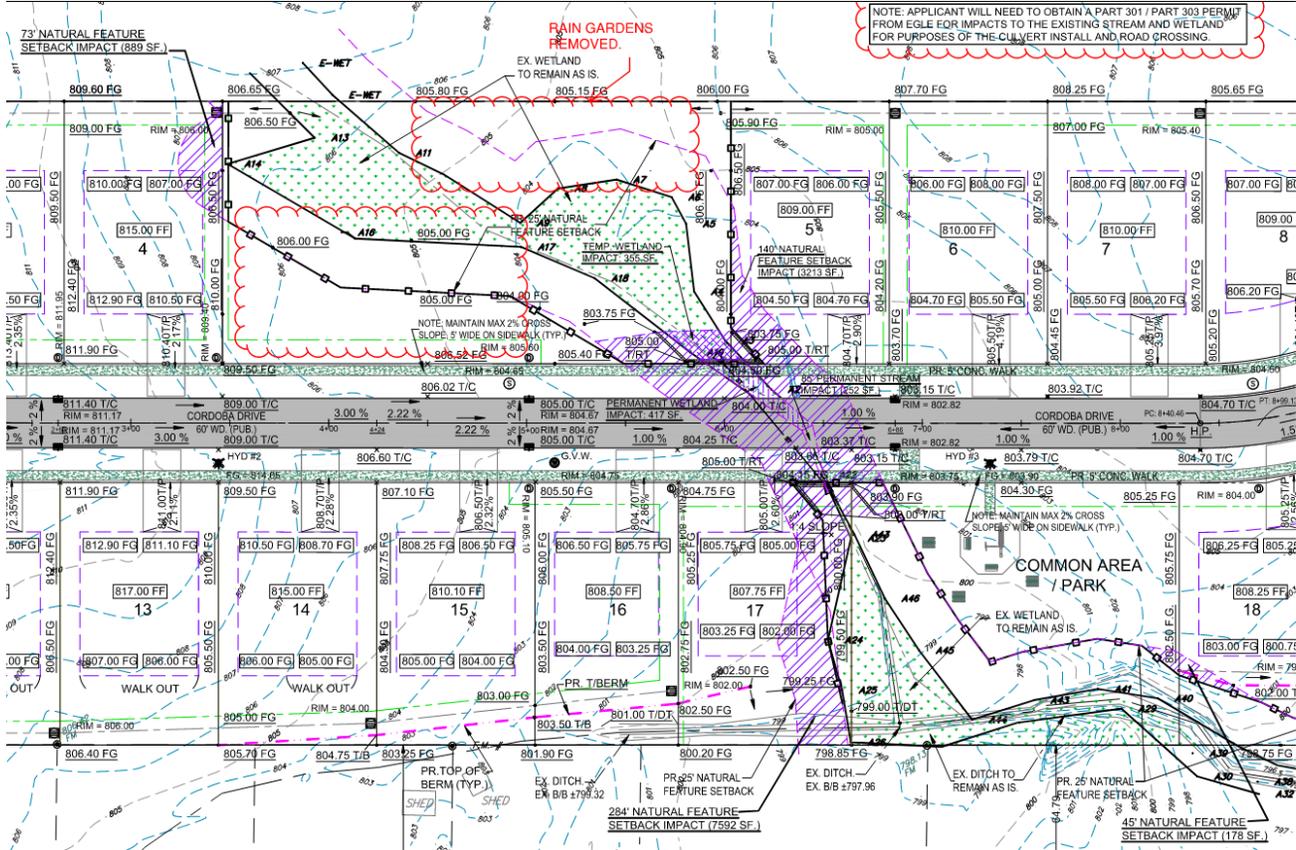
Second, the natural feature setback along the eastern side of unit #17 will also be impacted. The natural feature setback is of a low to medium quality in this area. This is the largest impact as a result of lot configuration. Portions of the natural features setback will be reduced to 0 feet along the edge of the wetland, however, at least a small portion of the natural feature setback will be maintained in most areas. As noted below, a split rail fence will be provided between the remaining natural features setback area or wetland area as the case may be and the private yard space of unit #17, as a physical barrier and reminder of the importance of these areas.

The third proposed modification area is along unit #18. Only a small portion of the natural feature setback is proposed to be impacted in this location, to provide a uniform building envelope area. The natural feature setback area associated with unit#18 is considered to be high quality.

Fourth, a small portion of the natural feature setback will be modified along the southwest portion of unit #5. This impact is largely a result of the filling and modification of the wetland request to construct the road but these activities will carry into the unit area of unit #5. The quality of this area of natural feature setback is higher than in most areas of the site and ASTI recommends minimizing the disturbance to these natural areas.

Finally, the natural feature setback in the location of the roadway construction will also be impacted. The natural feature setback in this area is of a low quality and function. The proposed crossing occurs in an area where the natural feature setback will be impacted in this least possible manner.

Applicable to all of the proposed areas where natural feature setbacks abut the proposed development of the roadway and associated lots, a split rail fence will be used to provide delineation along the required natural features setback which traverses both sides of the drain/wetland area that runs north/south through the site. In addition, the site plan notes that signage will be installed prohibiting the mowing, use of chemicals, etc. in these areas in order to maintain the integrity of the wetlands and natural features setback areas as much as is possible.



Staff Recommendations

| Department | Comments & Waivers/Modifications | Recommendation |
|-------------|--|----------------|
| Planning | <ul style="list-style-type: none"> Provide updated and final landscape cost estimate. Update crosswalk/midblock crossing on applicable drawings. | Approval |
| Engineering | <ul style="list-style-type: none"> Land Improvement Permit is required. Offsite storm sewer easement to be obtained prior to final. | Approval |
| Traffic | <ul style="list-style-type: none"> Install median island per plan | Approval |
| Fire | | Approval |
| Building | | Approval |
| Forestry | | Approval |
| Assessing | | Approval |

| Department | Comments & Waivers/Modifications | Recommendation |
|----------------|----------------------------------|----------------|
| Streets review | | Approval |
| Wetland | | Approval |

The application has been notified to the general public via the City’s website and information distribution outlets along with specific physical notices that were sent to those within 300 feet of the site for the purposes of the tree removal and wetland use permits. The Planning Department has not received any correspondence regarding the proposed application.

Motion for Preliminary One Family Residential Detached Condominium Plan Recommendation

MOTION by _____, seconded by _____, in the matter of City File No. PSC2023-0001 Oak Creek Condominium, the Planning Commission **recommends approval of the Preliminary One Family Residential Detached Condominium Plan**, based on plans received by the Planning Department on March 13, 2025, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that the proposed development will promote the intent and purpose of the ordinance, as well as other City Ordinances, standards, and requirements; and those requirements can be met with the exception of the acceptable modifications shown below and subject to the conditions listed below.
2. The site plan and supporting documents demonstrate that the proposed development will be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole. The proposed project will be accessed primarily from Livernois Road, thereby promoting safety and convenience of vehicular traffic both within the site and on adjacent roadways. The preliminary plan represents a reasonable street, building and lot layout and orientation.
3. The development will be served adequately by essential public facilities and services, such as major roadways, streets, police and fire protection, drainageways, refuse disposal, and utilities.
4. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
5. The proposed development will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
6. The proposed improvements should have a satisfactory and harmonious relationship with the development onsite as well as existing development in the adjacent vicinity and act as an extension of the residential development to the east out to Livernois Road.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, including the Fire Department Streets review, prior to final detached condominium approval.
2. Provide a landscape bond in the amount as determined by an updated landscape cost estimate to be provided by the applicant and verified by city staff, plus the cost of inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

Motion to Approve a Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of File No. PTP2025-0005) (Oak Creek

Condominium Tree Removal Permit) the Planning Commission **grants a Tree Removal Permit (PTP2025-0005)**, based on plans received by the Planning Department on March 13, 2025, 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 City's Tree Conservation Ordinance.
2. The applicant is proposing to remove 99 regulated trees and to provide 142 replacement trees onsite, with the remaining 318 required replacement trees to be paid into the City's Tree Fund.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. Provide payment, equal to the current required fee for replacement trees, along with any additional fees associated with such, into the City's Tree Fund for the remaining 318 trees identified on the site plan.

Motion to Approve Natural Features Modification

MOTION by _____, seconded by _____, in the matter of City File No. PNFSM2025-0002 Oak Creek Condominium, the Planning Commission **grants a natural features setback modification** for 542 linear feet/11,872 square feet of permanent impacts to the identified Wetland area A identified on the site plans to construct the proposed public road providing service to the proposed single family residential units, and associated development infrastructure, based on plans received by the Planning Department on March 13, 2025, with the following findings and conditions:

Findings

1. The impact to the Natural Features Setback area is necessary for construction activities related to the proposed development; further, the applicant has minimized the impacts to the natural features and associated natural features setbacks by maintaining much of the sensitive area as common open space or edges of proposed units and the applicant has provided for the future protection of the natural features setback by providing split rail fencing and appropriate signage to define the area for future residents, workers, etc.
2. ASTI has reviewed the subject plans and proposed impacts to the natural features setbacks associated with Wetland A and the unnamed watercourse along with the proposed mitigation efforts to help reduce the impacts to those natural features and has indicated that the plans as proposed are satisfactory.

Conditions

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Site must be graded with onsite soils and seeded with City approved seed mix.
3. Those areas identified as "Temporary Impacts" must be restored to original grade with original soils or equivalent soils and seeded with a City-approved seed mix where possible, and the applicant must implement best management practices as detailed in the ASTI review letter dated February 27, 2025 prior to final approval by staff.

Motion to Recommend a Wetland Use Permit

MOTION by _____, seconded by _____, in the matter of City File PWEP2025-0001 (Oak Creek Condominium) the Planning Commission **recommends to City Council** approval of a **Wetland Use Permit** to permanently impact approximately 417 square feet of wetland to construct the public road to service the single family units, and associated development infrastructure based on plans received by the Planning Department on March 13, 2025, with the following findings and subject to the following conditions.

Findings

1. The proposed permanent impact of 417 square feet of wetland area on site is minimal, the wetland is of a medium ecological quality, the crossing of the wetland and watercourse area is the minimum impact that allows the property to be developed pursuant to city plans and regulations, and minimization and mitigation efforts pursuant to the City's environmental consultant have been implemented on the proposed site plans.
2. ASTI has reviewed the subject plans and proposed impacts to Wetland A and the unnamed watercourse along with the proposed mitigation efforts to help reduce the impacts to those wetlands and has indicated that the plans as proposed are satisfactory.

Conditions

1. City Council approval of the Wetland Use Permit.
2. That the applicant receives an EGLE Part 303 Permit (as applicable) prior to issuance of a Land Improvement Permit.
3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a city-approved wetland seed mix where possible, and the applicant must implement best management practices, prior to final approval by staff.
5. The applicant shall abide by all conditions and recommendations as outlined in ASTI's review letter of February 27, 2025.