

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: CHRISTIAN CARROLL, PLANNER
SUBJECT: 22585 MONTEBELLO COURT WOODLAND PERMIT
DATE: MARCH 31, 2023

The applicant, Mark Sieckman, seeks approval of a Woodland Use Permit, PBR22-0464, to remove four regulated woodland trees ranging in size from 8 to 18 inches diameter-at-breast-height (DBH) from a lot located at 22585 Montebello Court. The site is located north of Nine Mile Road and west of Novi Road in Section 27 of the City. The applicant is requesting the removal of four regulated woodland trees in order to increase recreational space in the backyard.

The City's Woodland Consultant reviewed the request and prepared a review letter dated February 27, 2023. Based on the plans provided, the applicant is proposing to remove four regulated woodland trees within an area mapped as city-regulated woodland. Therefore, five woodland replacement credits would be required. The Woodland Consultant's review letter, which is attached, provides a detailed count and explanation of the required replacements. The proposed removals have no impact on any previously approved site plan, nor does it have any impact on any previous agreements. It should also be noted that the proposed removals are not located within any recorded conservation or preservation easements that abut and encroach onto the property. Please refer to the Woodland Consultant's review letter for additional information.

Per the City of Novi's Woodland Ordinance, where a proposed activity (i.e., home construction) does not otherwise require site plan or plat approval, the granting or denying of the (woodland) use permit shall be the responsibility of the Planning Commission. The applicant shall obtain approval of the Plan from Planning Commission prior to issuance of any permits. The Planning Commission is asked to hold the public hearing and either approve or deny the requested woodland removal permit.

Section 37-26 of the Woodland Protection Ordinance states the following:

(b) Where a final subdivision plat or a final site development plan which includes activities regulated by this chapter has been reviewed and approved by the city in conformance with the requirements of this chapter, such approval together with any additional terms and conditions attached thereto shall be considered to have completed the requirements for a permit under this chapter which shall then be issued by the city.

(c) Unless the requirements of this chapter can be satisfied by the setting aside without encroachment of sufficient woodland areas, the developer of a single-family residential subdivision plat or single-family residential site condominium shall, as a part of use permit approval under this article, designate building areas for all structures and impervious surfaces on each subdivision lot or site condominium unit. Once such building areas have been approved and made a part of the use permit, no additional woodland use permit shall be required for the

erection of structures within such a building area. **Activities on a subdivision lot or site condominium unit that extend beyond the confines of such a designated building or impervious area shall require an additional approval pursuant to this chapter, which shall only be approved when it is not otherwise feasible to utilize the lot or site condominium unit for single-family residential purposes.**

SUGGESTED MOTIONS:

Postponement (Staff Preferred)

To postpone the consideration of Woodland Use Permit, PBR22-0464, for the removal of four regulated woodland trees within an area mapped as City Regulated Woodland at 22585 Montebello Court to a later date because the applicant is not in attendance and cannot provide justification for the proposed removals that complies with the City of Novi Woodland Ordinance.

OR

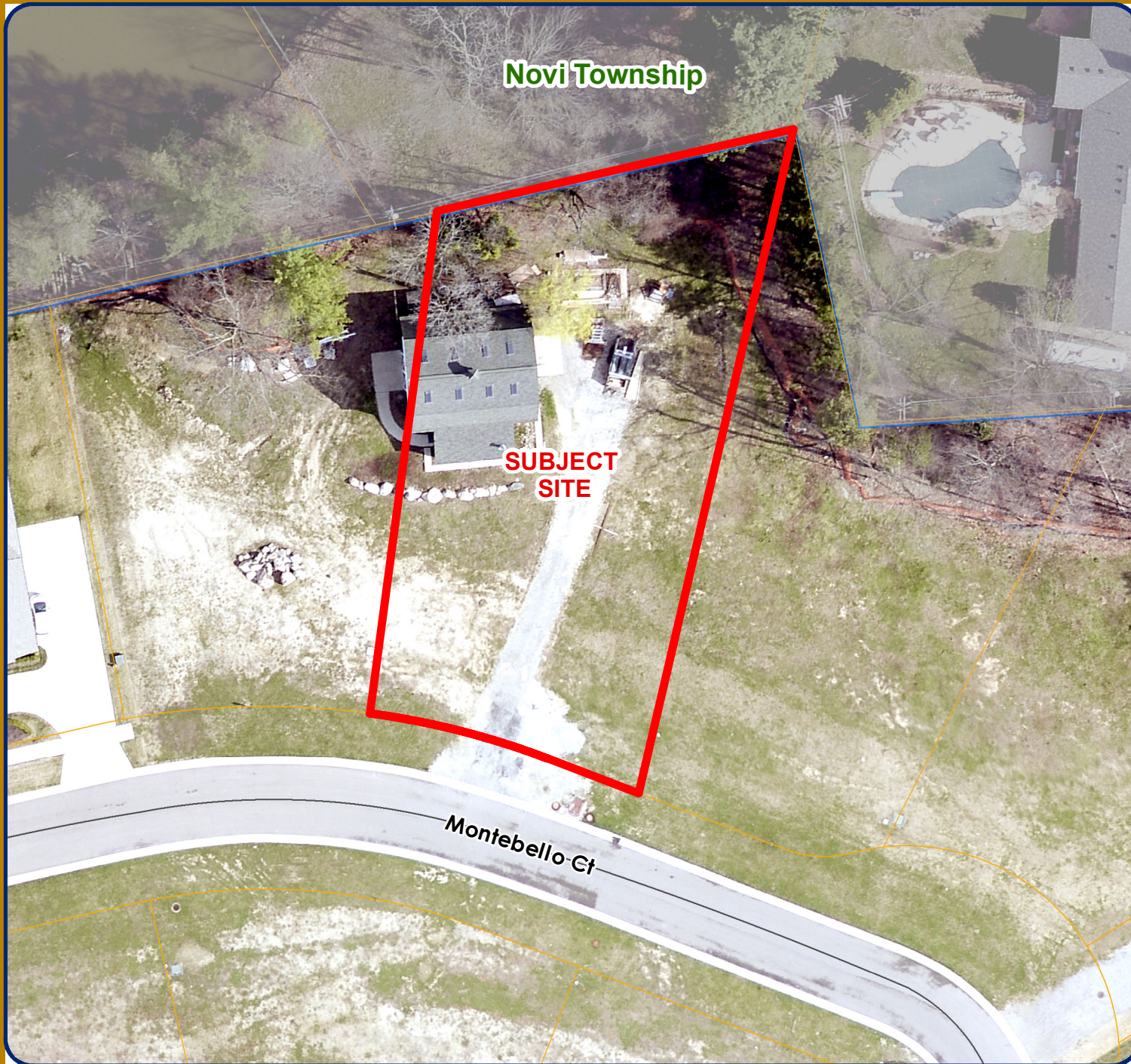
Approval (Applicant Requested)

To approve Woodland Use Permit, PBR22-0464, for the removal of four regulated woodland trees within an area mapped as City Regulated Woodland at 22585 Montebello Court for additional recreational space in the backyard. The approval is subject to on-site tree replacements of all five required woodland replacement credits. If necessary, any outstanding credits may be paid into the City's Tree Fund. In addition, any other conditions as listed in the Woodland Consultant's review letter shall be addressed.

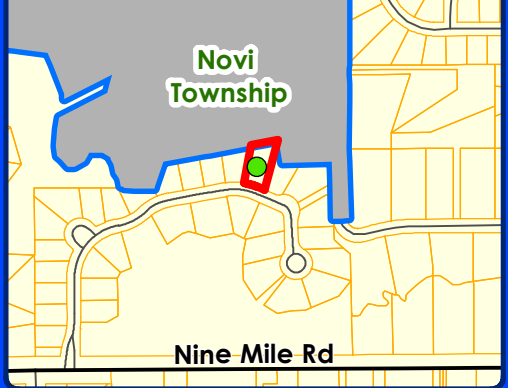
MAPS
Location
Zoning
Future Land Use
Natural Features

22585 MONTEBELLO COURT WOODLAND PERMIT

LOCATION



Section 27



LEGEND

 Subject Property



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Christian Carroll
Date: 3/14/23
Project: 22585 MONTEBELLO COURT
Version #: 1



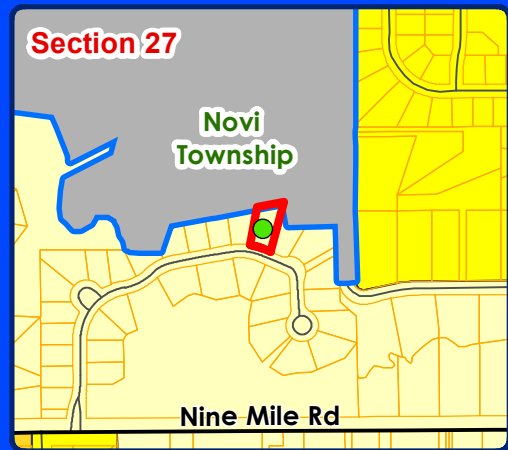
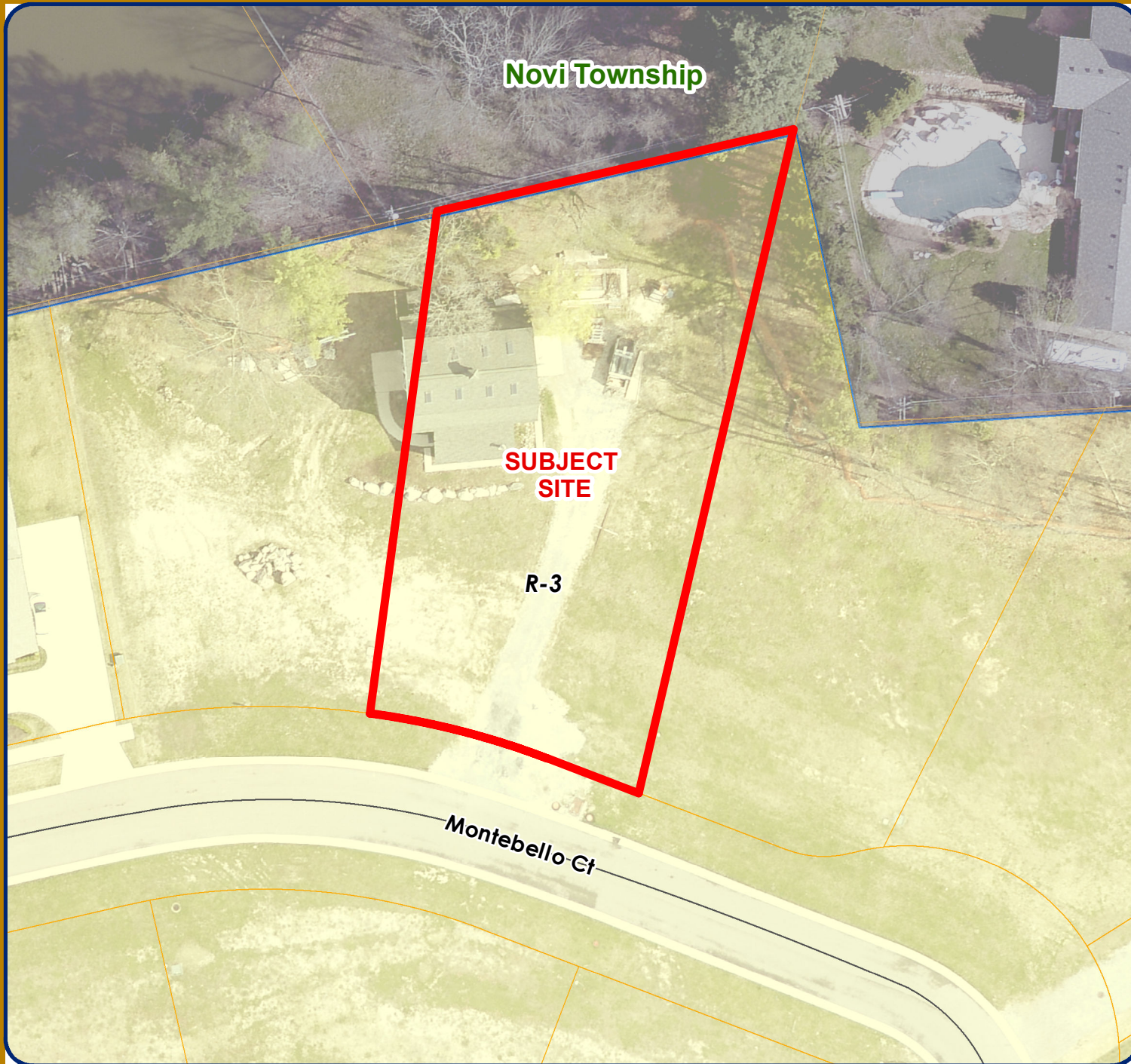
1 inch = 48 feet







MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

22585 MONTEBELLO COURT WOODLAND PERMIT ZONING




LEGEND

-  R-3: One-Family Residential District
-  R-4: One-Family Residential District
-  RM-1: Low-Density Multiple Family
-  Subject Property




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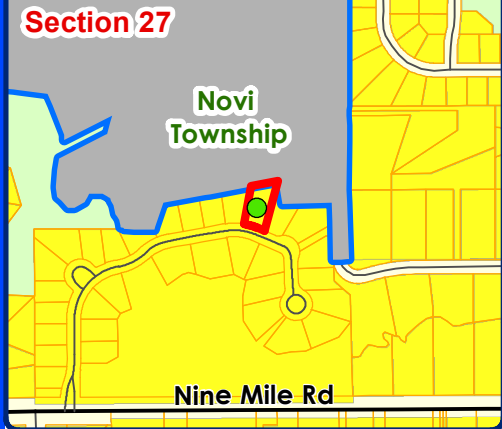
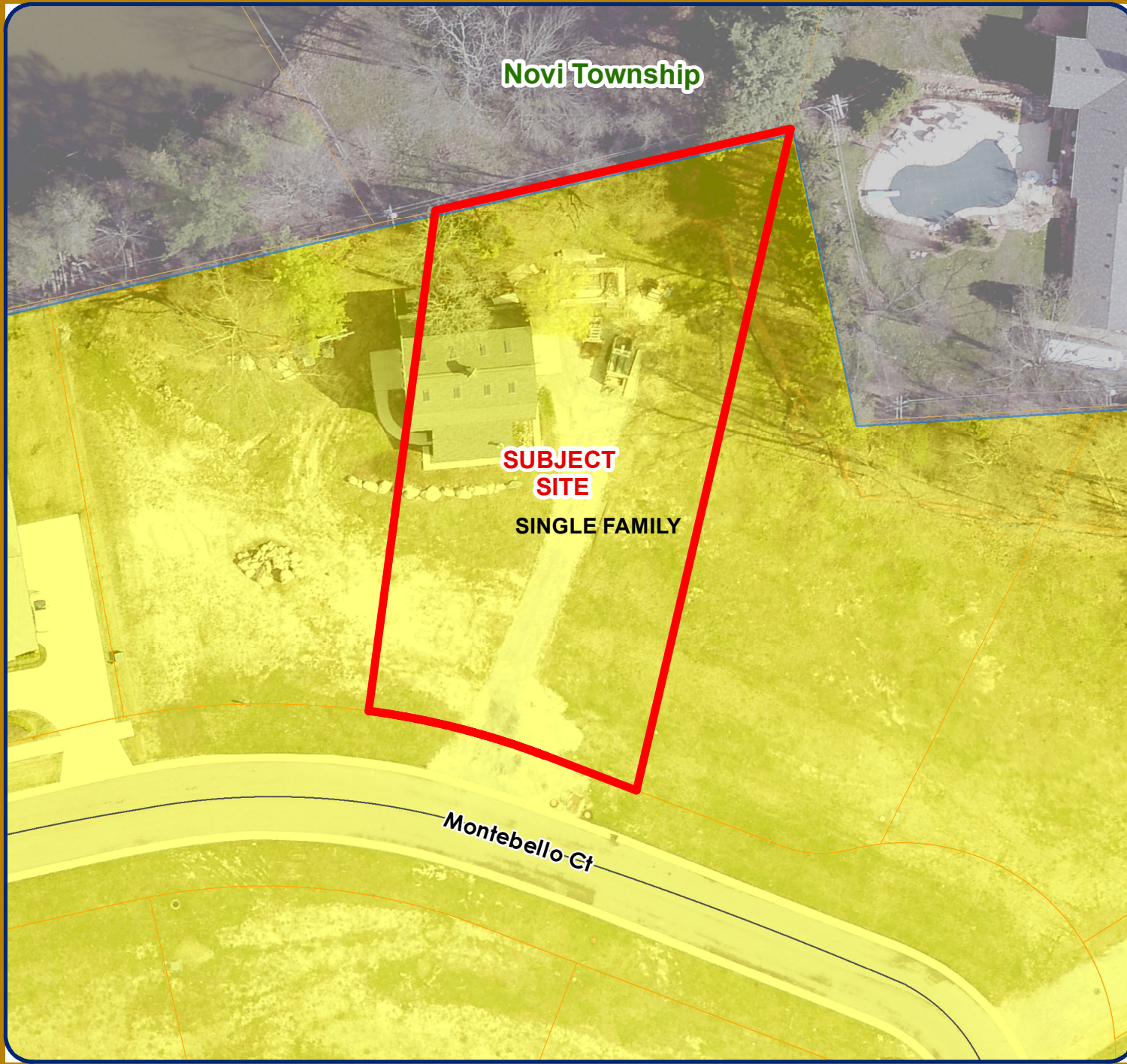


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22585 MONTEBELLO COURT WOODLAND PERMIT

FUTURE LAND USE



LEGEND

- Single Family
- Private Park
- Subject Property



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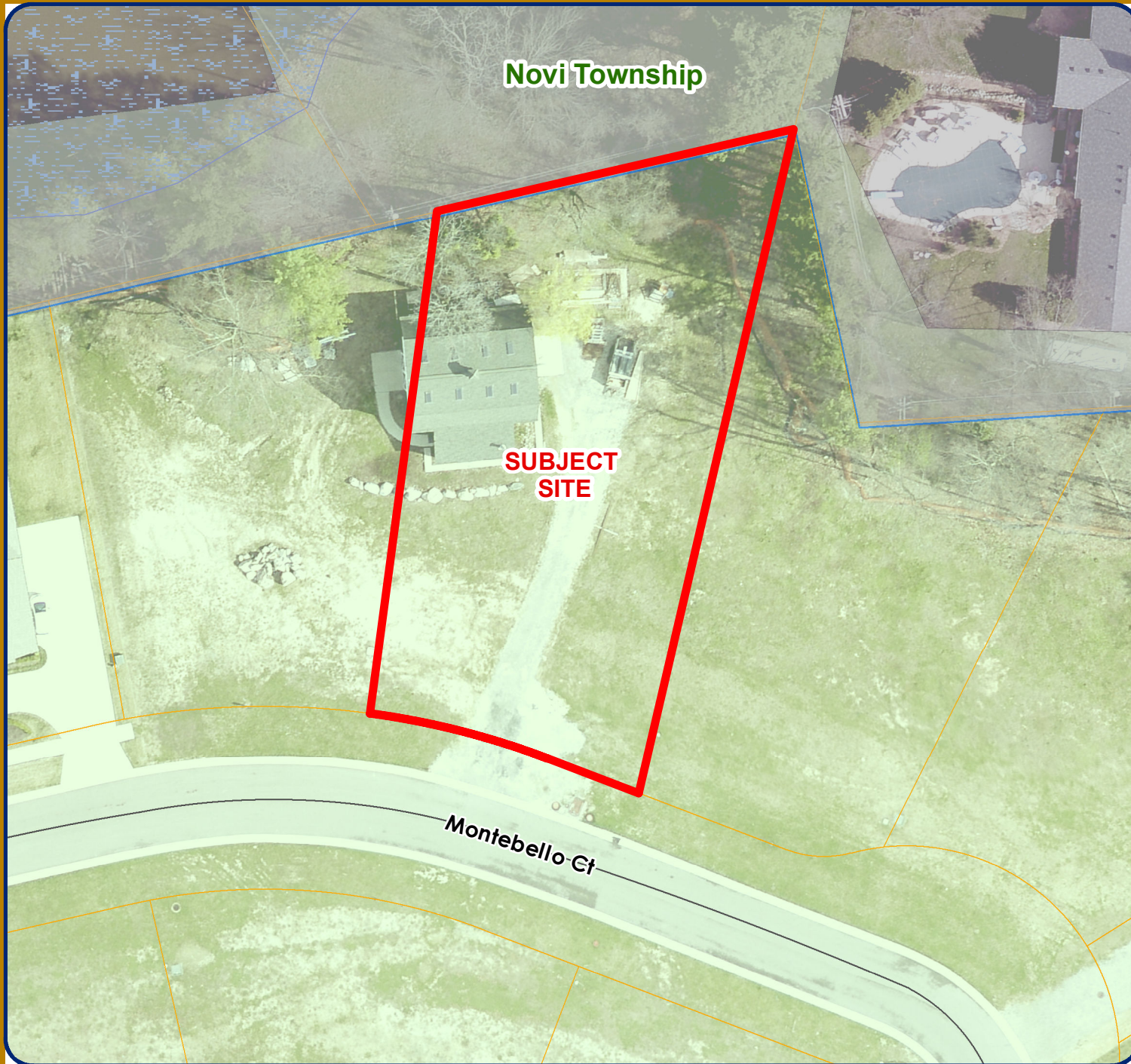


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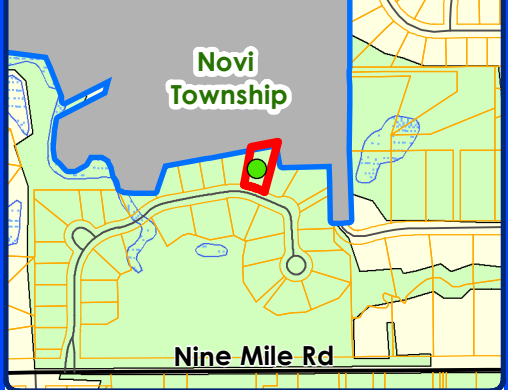
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22585 MONTEBELLO COURT WOODLAND PERMIT

NATURAL FEATURES



Section 27



LEGEND

- WETLANDS
- WOODLANDS
- Subject Property



City of Novi

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PLOT PLAN

UNIT 14 MONTEBELLO ESTATES

SECTION 27, TOWN 1 NORTH, RANGE 8 EAST,
CITY OF NOVI OAKLAND COUNTY, MICHIGAN



"BROOKLAND FARMS #1"
L86, P8+9
LOT 19

SID
COM
TO
DIS
ST



WOODLAND REVIEW



Corporate Headquarters
295 South Water Street, Suite 300
Kent, OH 44240
800-828-8312

Local Office
3381 Lapeer Rd. West
Auburn Hills, MI 48326

To: Nina Schaffrath, Account Clerk
City of Novi

From: Kerry Gray, Principal Consultant
Davey Resource Group

CC: Barbara McBeth, City of Novi City Planner
Lindsay Bell, City of Novi Senior Planner
Christian Carroll, City of Novi Planner
Rick Meader, City of Novi Landscape Architect
Ben Peacock, City of Novi Planner
Diana Shanahan, City of Novi Planning Assistant
Heather Gendron, Spalding DeDecker
Ted Meadows, Spalding DeDecker
Sydney Waynick, Spalding DeDecker
Douglas Repen, The Mannik & Smith Group, Inc.

Date: February 27, 2023

RE: 22585 Montebello Ct.– Single Family Residential Plot Plan (Lot 14 Montebello Subdivision)
Woodland Review #2 - PBR22-0464

Davey Resource Group, Inc. (DRG) has conducted a review of the recently submitted single-family residential plot plan for 22585 Montebello Ct. prepared by Seiber, Keast, Lehner Engineering, LLC (revision date: 08/22/2022). This is a new plot plan submission for 22585 Montebello Ct. – DRG previously reviewed a plot plan for this site (woodland review #1 letter dated 11/28/2022) that proposed no woodland impacts. This new plot plan submission proposes the removal of four (4) regulated woodland trees. DRG reviewed the plan for conformance with the City of Novi’s Woodland Protection Ordinance, Chapter 37, and the approved site plan for the Montebello Estates subdivision.

Recommendation: DRG **recommends conditional approval** of the 22585 Montebello Ct. Residential Plot Plan; see Woodland Review comments for revisions needed and the woodland permit and financial guarantee requirements.

The following Woodland Regulations apply to this site:

| Woodland Regulation | Required |
|--|----------|
| Woodland Permit (Chapter 37, Section 37-26) | YES |
| Tree Replacement (Chapter 37, Section 37-8) | YES |
| Tree Protection (Fence) (Chapter 37, Section 37-9) | YES |
| Woodland Conservation Easement (Chapter 37-30 (e)) | TBD |

Woodland Review Comments

1. The site previously contained regulated woodlands (Figure 1) but all woodland trees, except eight (8) trees on site and one (1) tree on the property line (listed below) were permitted to be removed as part of the approved Site Plan for the Montebello Estates Subdivision. The trees and their proposed removal or protection status is listed in parentheses.
 - Tree #4434 – 17” diameter black walnut (*proposed to be preserved – on property line*)
 - Tree #4435 – 14” diameter black walnut (*proposed to be preserved*)
 - Tree #4436 – 9” diameter black cherry (***proposed to be removed***)
 - Tree #4437 – 9” diameter weeping willow (***proposed to be removed***)
 - Tree #4438 – 17” diameter black cherry (***proposed to be removed***)
 - Tree #4439 – 9” diameter black cherry (***proposed to be removed***)
 - Tree #4440 – 12” diameter Norway spruce (*proposed to be preserved*)
 - Tree #4441 – 10” diameter Norway spruce (*proposed to be preserved*)
 - Tree #4442 – 8” diameter Norway spruce (*proposed to be preserved*)
2. **A Woodland Use Permit** is required to perform construction on any site containing regulated woodlands or trees. The permit for this site **requires Planning Commission approval** because there are more than 3 trees proposed to be impacted/removed by constructed.
3. **Plot Plan.** The most recent plot plan that was submitted as part of the November 2022 submission (prepared by Seiber, Keast Engineering, LLC - dated: 11/10/2022) should be used as the basis for the revised plot plan submission.
4. **Woodland Replacements Credits.** A total of 4 regulated trees are proposed to be removed requiring 5 woodland replacement credits (see chart below).

| Tree Size (DBH) | Number of Trees | Ratio Replacement/ Removed Tree | Total Replacements Required |
|------------------------|------------------------|--|------------------------------------|
| 8-11” | 3 | 1 | 3 |
| 12-20” | 1 | 2 | 2 |
| 21-29” | - | 3 | - |
| 30+” | | 4 | |
| Multi-Stem | - | Add Stems/8 | - |
| Total | | | 5 |

- a. Woodland replacement credits can be provided by:
 - i. Planting the woodland tree replacement credits on-site.
 - ii. Payment to the City of Novi Tree Fund at a rate of \$400/woodland replacement credit.
 - iii. Combination of on-site tree planting and payment into the City of Novi Tree Fund (\$400/woodland replacement credit).

Please revise plot plan to include the number of woodland replacements required and provide, in writing, how the woodland replacement credits will be met. If planting on site – details on species and location do not need to be provided but are required to be submitted to the City of Novi for approval *prior* to installation.

5. The following Financial Guarantees and/or City of Novi Tree Fund payments are required prior to issuance of the City of Novi Woodland Use Permit:
 - a. A financial guarantee, **in the amount of \$750** is required for tree protection fencing maintenance per Chapter 26.5-37. This guarantee shall be paid prior to issuance of the City of Novi Woodland Use Permit
 - b. For tree replacement credits that will be planted on site a **financial guarantee of \$2,000 (5 replacement credits x \$400/credit)** is required to ensure planting of the on-site woodland replacement credits. The financial guarantee will be released after trees have been planted and approved by the City of Novi. The applicant must request the tree planting inspection. Payment is required as part of the woodland permit application process.
 - c. If space constraints prohibit the tree replacement credits from being planted on site a **payment into the City of Novi Tree Fund at a rate of \$400/tree replacement credit is required.** This payment is non-refundable and must be paid as part of the woodland permit application process.
 - d. **The applicant shall guarantee trees for two (2) growing seasons after installation and the City's acceptance,** per The City's Performance Guarantees Ordinance. A two-year maintenance bond in the amount of twenty-five (25) percent of the value of the trees, but in no case less than one thousand dollars (\$1,000.00), shall be required to ensure the continued health of the trees following acceptance (Chapter 26.5, Section 26.5-37). Based on a successful inspection two (2) years after installation of the on-site Woodland Replacement trees, the Woodland Replacement Performance Guarantee shall be returned to the Applicant. The Applicant is responsible for requesting this inspection.



Figure 1. 22585 Montebello (Lot 14)
City of Novi Regulated Woodland Map

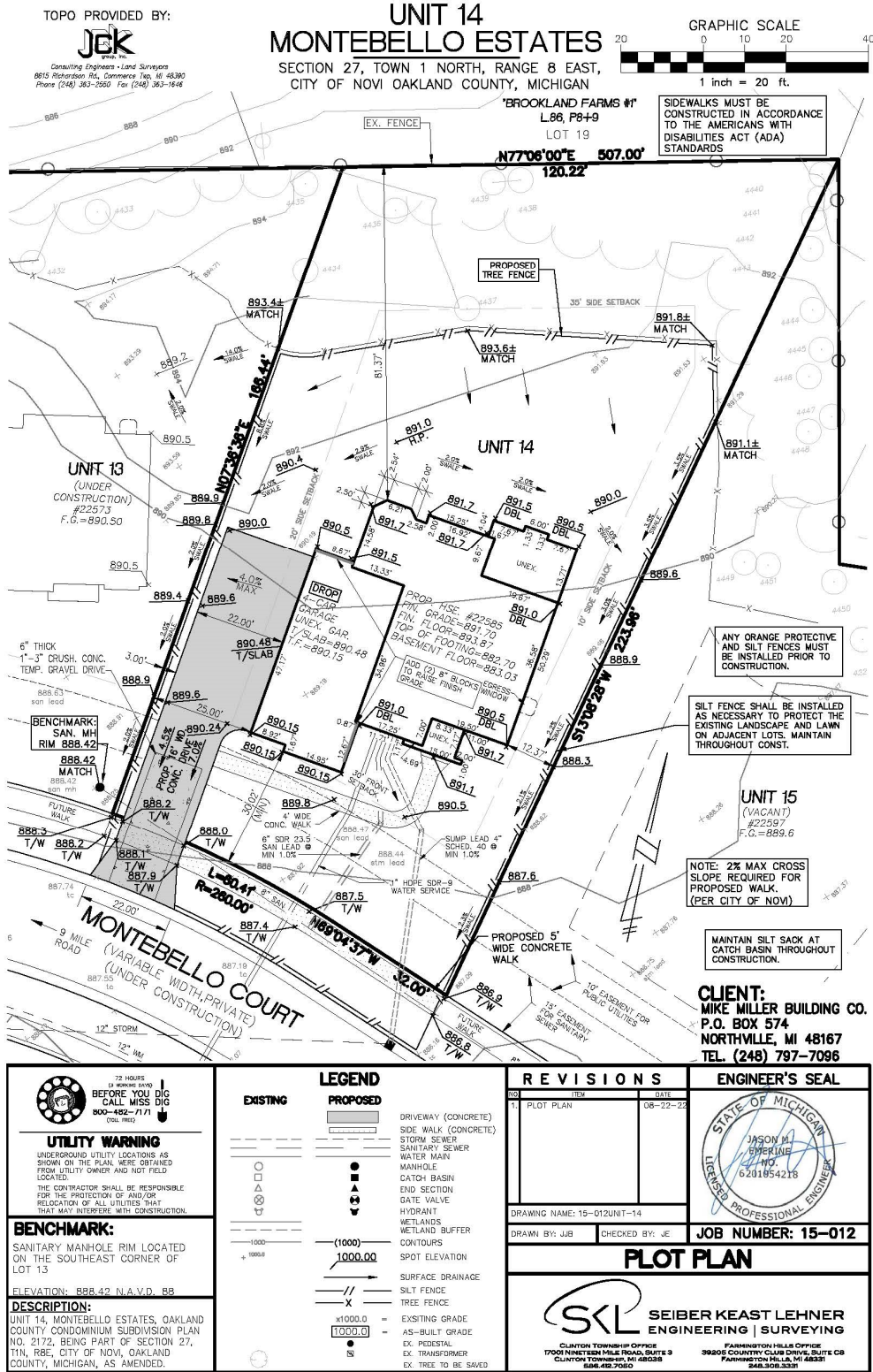


Figure 2. 22585 Montebello Plot Plan

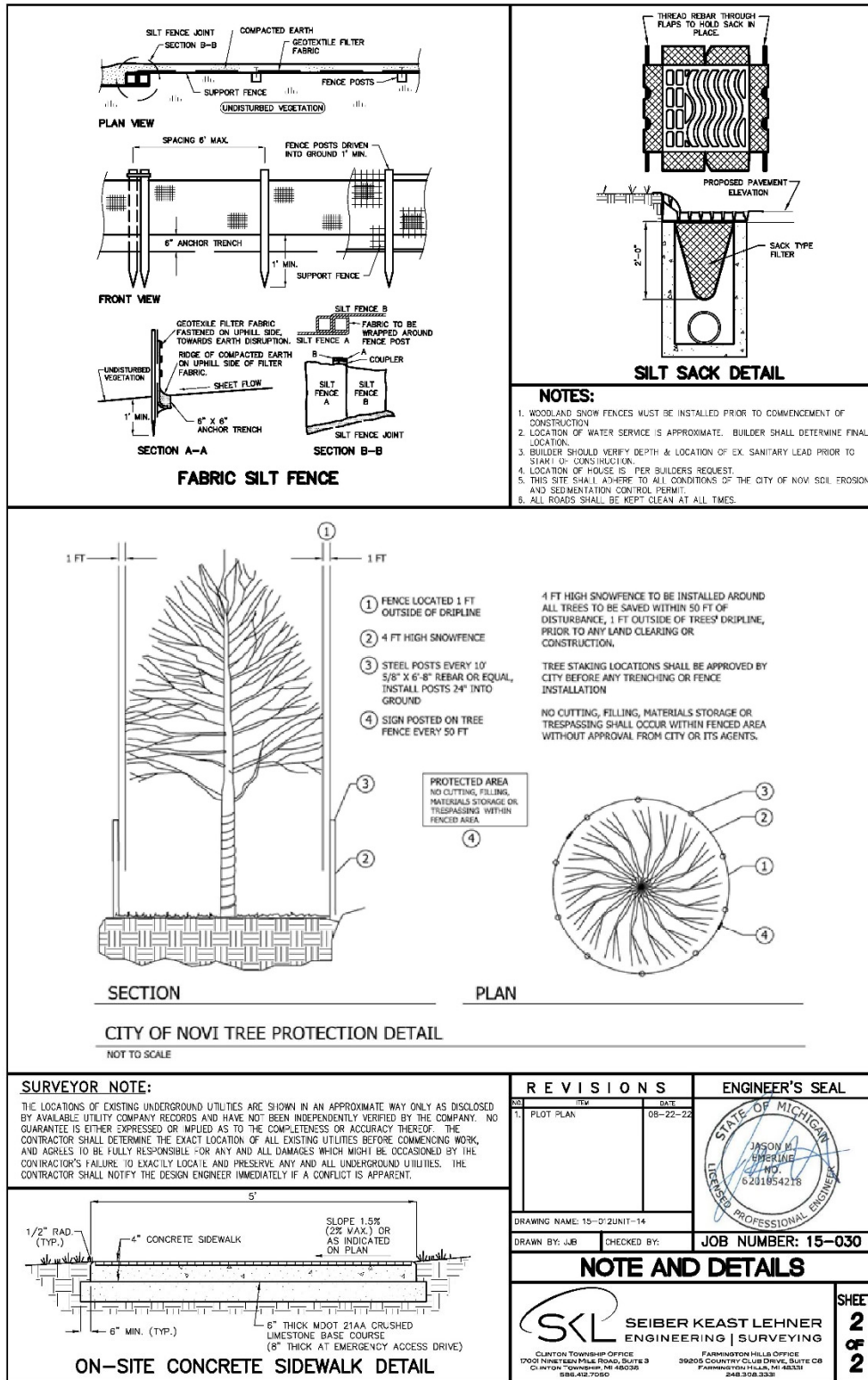


Figure 2. 22585 Montebello Plot Plan (p.2)

**UNIT 14
 MONTEBELLO ESTATES**

SECTION 27, TOWN 1 NORTH, RANGE 8 EAST,
 CITY OF NOVI OAKLAND COUNTY, MICHIGAN

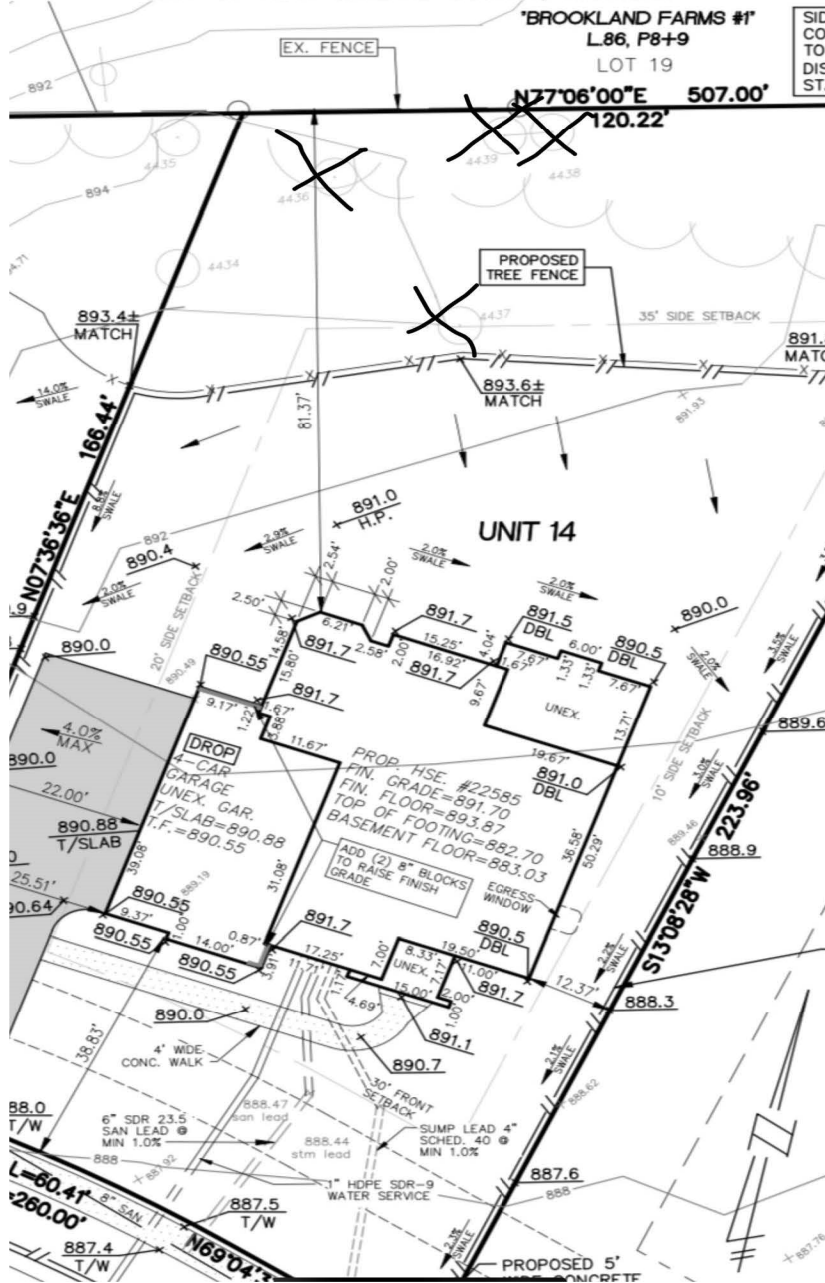
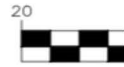


Figure 2. 22585 Montebello Plot Plan – Tree Removals (p.3)