MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION

FROM: CHRISTIAN CARROLL, PLANNER

SUBJECT: 29930 BRUSH PARK COURT WOODLAND PERMIT

DATE: APRIL 6, 2022

The applicant, Meridian Homes Construction, LLC, seeks approval of a Woodland Use Permit, PBR21-0676, to remove twenty-four regulated woodland trees ranging in size from 8 to 18 inches diameter-at-breast-height (DBH) from a lot located at 29930 Brush Park Court, also known as Lot 10, West Park Place Condominiums. The site condos are located north of West Road and West of West Park Drive in Section 4 of the City. The Planning Commission reviewed the plans for West Park Place Condominiums in 2003 and approved a Woodland Use Permit for several of the initial lots that were developed. However, all remaining lots will be subject to individual Woodland Use Permit approval. The applicant is requesting the removal of twenty-four regulated woodland trees in order to build a single-family structure on the lot. Lot 10 of West Park Place is one of a few vacant lots remaining in the development.

The City's Environmental Consultant reviewed the request and prepared a review letter dated February 2, 2022. Based on the plans provided, the applicant is proposing to remove forty-two woodland trees. However, only twenty-four trees on the site are considered regulated by the City of Novi as they are greater than or equal to 8-inches DBH and located within an area mapped as Regulated Woodland. Therefore, 28 Woodland Replacement Credits would be required. The Environmental Consultant's review letter, which is attached, provides a detailed count and explanation of the required replacements.

The proposed removals have no impact on the previously approved Woodland Use Permit, nor does it have any impact on the previously approved and recorded Completion Agreement. 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 Environmental 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 MOTION:

To approve Woodland Use Permit, PBR21-0676, for the removal of twenty-four regulated woodland trees within an area mapped as City Regulated Woodland on Lot 10 of the West Park Place Condominiums for the construction of a single-family residence. The approval is subject to on-site tree replacements to the extent possible and payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as listed in the Environmental Consultant's review letter.

MAPS Location Zoning Future Land Use **Natural Features**

PBR21-0676 29930 BRUSH PARK COURT WOODLAND PERMIT LOCATION





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: 4/6/22 Project: 29930 BRUSH PARK CT WOODLAN

Project: 29930 BRUSH PARK CT WOODLAND PERMIT Version #: 1

Feet 0 5 10 20 30



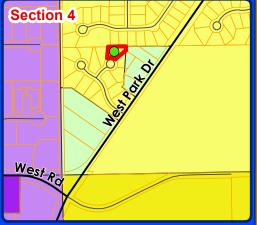
1 inch = 42 feet

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.

PBR21-0676 29930 BRUSH PARK COURT WOODLAND PERMIT ZONING





LEGEND

R-A: Residential Acreage

R-1: One-Family Residential District

R-2: One-Family Residential

I-1: Light Industrial District

I-2: General Industrial District

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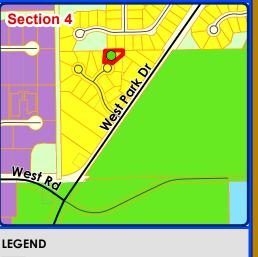
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PBR21-0676 29930 BRUSH PARK COURT WOODLAND PERMIT **FUTURE LAND USE**





Single Family

Industrial Research Development Technology

Public

Public Park

Private Park

Subject Property

City of Novi

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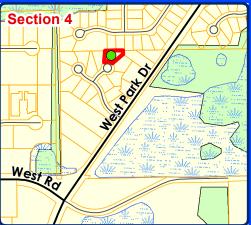
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PBR21-0676 29930 BRUSH PARK COURT WOODLAND PERMIT

NATURAL FEATURES





LEGEND

12 11

WETLANDS



WOODLANDS

Subject Property



City of Novi

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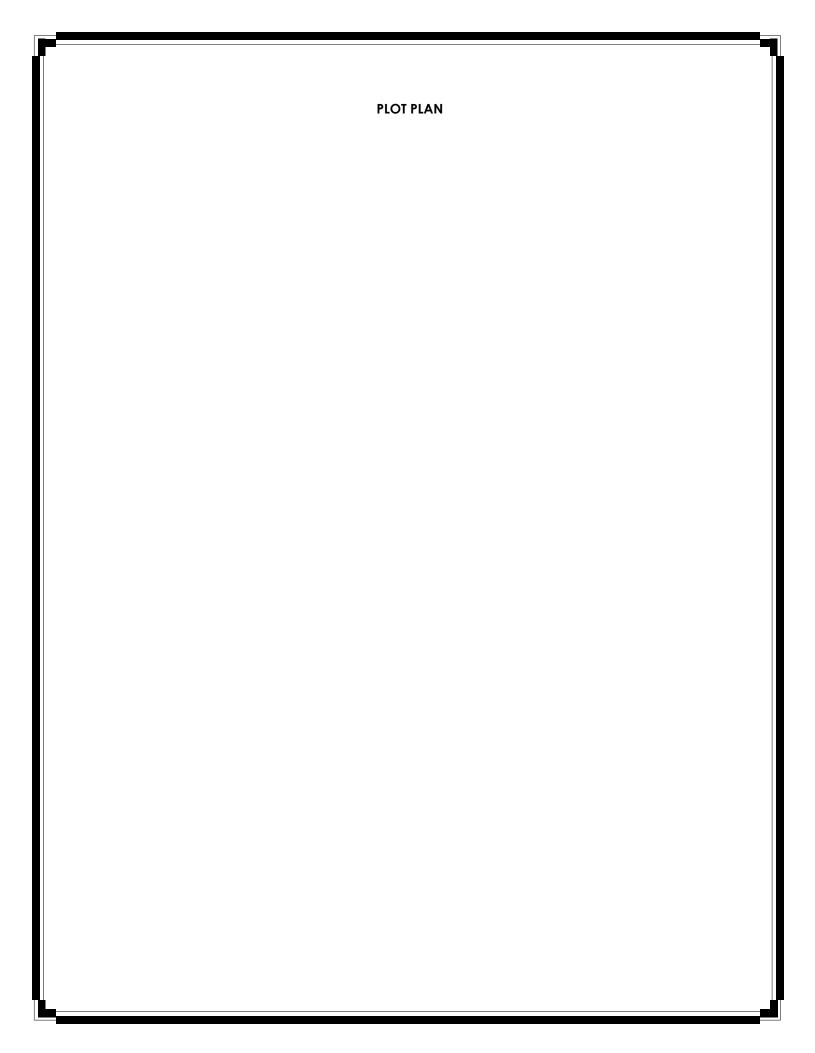
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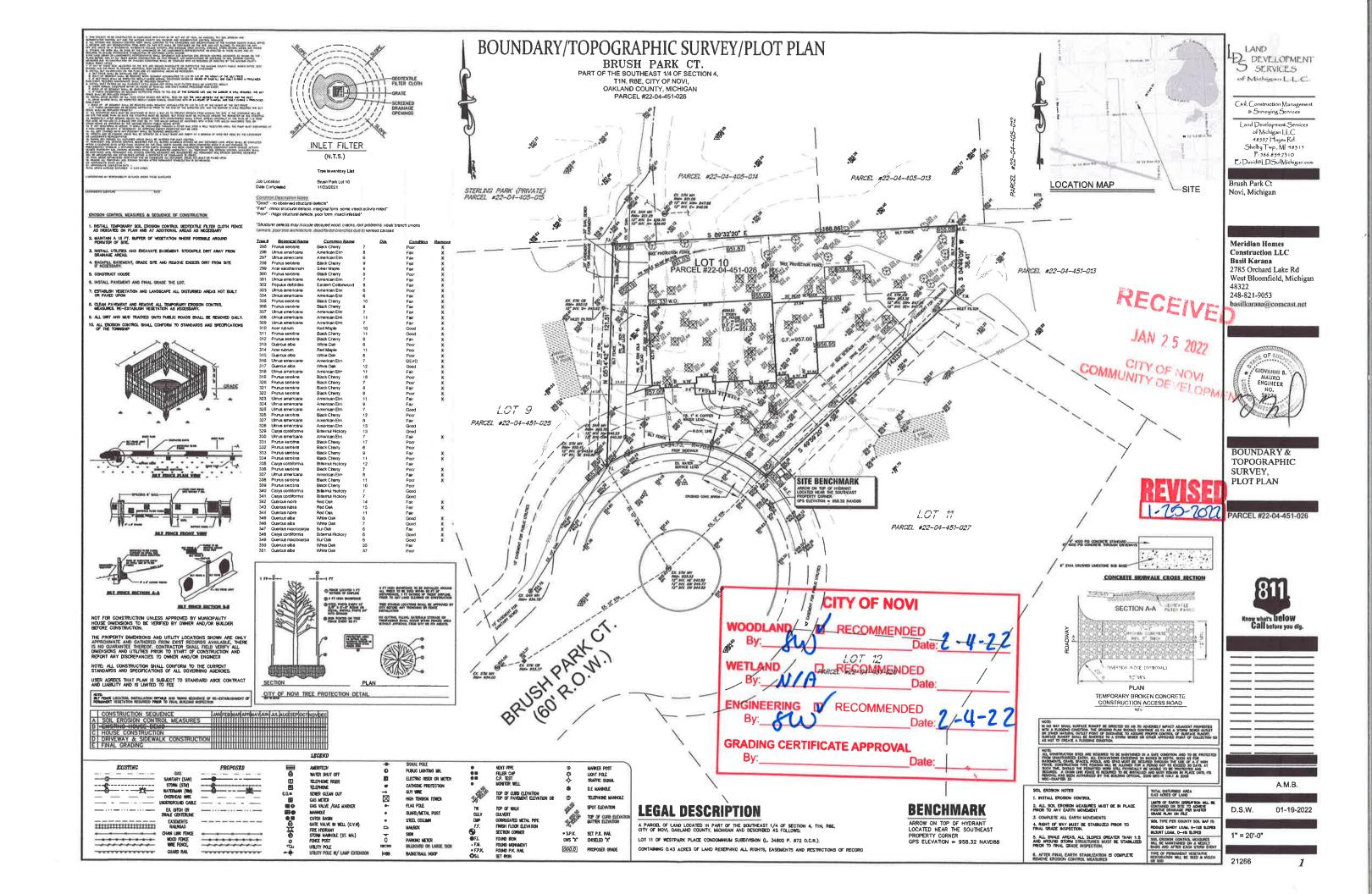


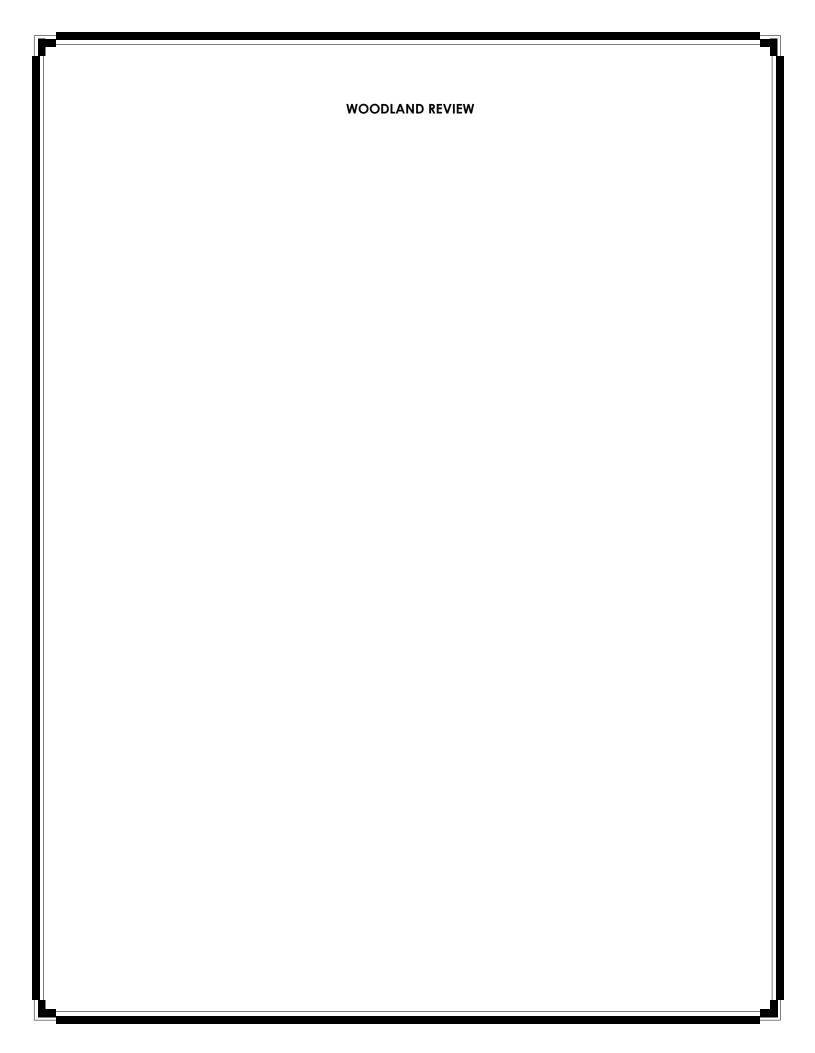
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Corporate Headquarters

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

Local Office

3381 Lapeer Rd. West Auburn Hills, MI 48326

To: Angela Sosnowski, Bond Coordinator, 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

Madeleine Daniels, City of Novi Planner Ben Peacock, City of Novi Planning Assistant

Heather Gendron, Spalding DeDecker Ted Meadows, Spalding DeDecker Sydney Waynick, Spalding DeDecker

Douglas Repen, The Mannik & Smith Group, Inc.

Emily Hanson, Davey Resource Group

Date: February 4, 2022

RE: 29930 Brush Park Ct - Single Family Residential Plot Plan

West Park Place Subdivision Lot 10 Woodland Review #2 – PBR21-0676

Davey Resource Group, Inc. (DRG) has conducted a review of the Single Family Residential Plot Plan for 29930 Brush Park Ct (Parcel #22-04-451-026) prepared by Land Development Services of Michigan, LLC (attached; dated 01/19/2022). The Plan proposes the construction of a new single-family residential home. DRG reviewed the Plot Plan for conformance with the City of Novi's Woodland Protection Ordinance (Chapter 37). The site contains City of Novi Regulated Woodlands – see Figure 1.

Recommendation: DRG **recommends approval** of the Plot Plan for 29930 Brush Park Ct. contingent upon addressing the Woodland Review comments.

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))	YES

Woodland Review Comments

- A Woodland Use Permit is required for construction on any site containing regulated woodlands or trees. The permit for this site requires Planning Commission approval because 42 trees are proposed to be removed. Permits that propose removal of more than 3 trees require Planning Commission approval.
- 2. Tree protection fencing is required around all regulated trees and recommended around all trees proposed to be preserved. Please note at the time of installation that the tree protection fence must be outside the critical root zone of all protected trees. The critical root zone extends one (1)-foot outside of the dripline (edge of the canopy) of protected trees.
 - 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 and shall be released after construction following inspection by the City of Novi. The applicant must request the fence removal inspection.
- 3. Forty-two (42) woodland trees are proposed for removal, twenty-four (24) of the proposed removals are regulated woodland trees (8" in diameter or greater). Proposed tree removals and required replacements are listed in the chart below (listed in order by size (diameter)).

Tree #	Botanical Name	Common Name	Diameter	Condition	Number of required replacements/Tree Credits
296	Ulmus americana	American elm	8	Fair	1
302	Populus deltoides	eastern cottonwood	8	Fair	1
306	Prunus serotina	black cherry	8	Fair	1
321	Prunus serotina	black cherry	8	Fair	1
322	Prunus serotina	black cherry	8	Poor	1
337	Ulmus americana	American elm	8	Fair	1
298	Prunus serotina	black cherry	9	Fair	1
299	Acer saccharinum	silver maple	9	Fair	1
300	Prunus serotina	black cherry	9	Poor	1
312	Prunus serotina	black cherry	9	Fair	1
333	Prunus serotina	black cherry	9	Fair	1
305	Prunus serotina	black cherry	10	Fair	1
310	Acer rubrum	red maple	10	Good	1
308	Ulmus americana	American elm	11	Fair	1
311	Prunus serotina	black cherry	11	Good	1
314	Acer rubrum	red maple	11	Poor	1
318	Ulmus americana	American elm	11	Fair	1
323	Ulmus americana	American elm	11	Fair	1
334	Prunus serotina	black cherry	11	Poor	1
338	Prunus serotina	black cherry	11	Poor	1
317	Quercus alba	white oak	12	Good	2
342	Quercus rubra	red oak	14	Fair	2
343	Quercus rubra	red oak	15	Fair	2
319	Prunus serotina	black cherry	18	Poor	2

- 4. Woodland Replacements. Twenty-eight (28) Woodland Replacement credits are required to be planted.
 - a. **On-Site Planting.** If the applicant chooses to plant all or some of the replacement credits on site, they shall submit a landscape plan to the City of Novi for approval that includes the species, size, and location of where the replacement trees will be planted (see comment #7 for requirements).
 - b. Tree Fund. If the applicant chooses not to plant all of the replacement credits on the property or site cannot accommodate all of the replacement credits a payment of \$400 per tree credit shall be paid into the City of Novi Tree Fund. This payment is not refundable.
- 5. Other Required Trees. Per the approved Woodland Permit for the West Park subdivision, this lot is required to plant two (2) Littleleaf Linden (*Tilia cordata*) on the site in addition to the required woodland replacements. Please add this information to the Plot Plan.
- 6. A Financial Guarantee of \$11,200.00 shall be required as part of the Woodland Use Permit fees (28 tree replacement credits x \$400/credit). Please add the financial guarantee information to the Plot Plan.

Dependent on how the woodland replacement requirement is met (see comment #4) a portion of the financial guarantee may be released to the applicant after successful planting of replacement trees; and/or it may be transferred into the City of Novi Tree Fund, if replacement trees are not planted on site.

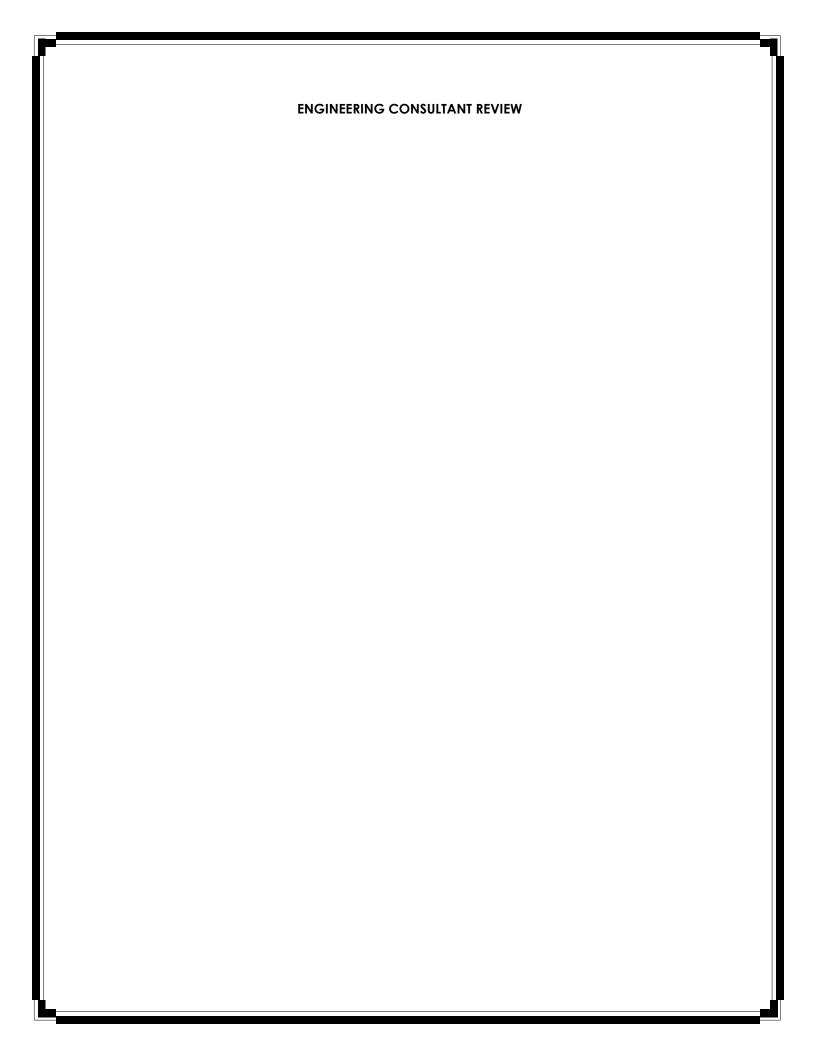
7. Replacement Trees.

- a. Replacement trees **shall be Michigan native species.** A list of suitable species can be found attached to this letter. The City may deny the use of certain trees based upon disease/insect susceptibility or the growing conditions on the site.
- b. The City may determine the number of tree species required to be planted, as a **diversity of tree** species is strongly encouraged (Chapter 37, Section 37-8).
- c. Replacement trees **shall not be located** (1) within 10' of built structures, (2) at the edge of any utility easements and (3) over underground structures/utilities or within their associated easements.
- d. Replacement **tree spacing** should follow the Plant Material Spacing Relationship Chart for Landscape Purposes found in the City of Novi Landscape Design Manual.
- 8. 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. 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 upon a successful City inspection for the 2 year warranty the financial guarantee will be returned to the Applicant.

b. Woodland Guarantee Inspection. The Applicant is responsible for walking the entire site to confirm that all of the material has survived and is healthy. If any material is missing, dead or dying, replacements should be made <u>prior to requesting</u> the inspection. Once this occurs the Applicant should contact the Bond Coordinator to schedule the inspection (Angie Sosnowski at asosnowski@cityofnovi.org / 248-347-0441) and complete the inspection request form. If additional inspections are needed, then additional inspection fees will be required to be paid by the applicant. Based upon a successful inspection for the 2 year warranty the Landscape/Woodland/Street trees financial guarantee will be returned to the Applicant.



Figure 1. 29930 Brush Park Ct (Lot 10) City of Novi Woodland Map



Engineering & Surveying Excellence since 1954

MEMORANDUM

DATE:

February 4, 2022

TO:

Nina Schaffrath, City of Novi

FROM:

Sydney Waynick, SDA

CC:

Humna Anjum, City of Novi Meridian Homes Construction Doug Necci, DRN Architects

RE:

Lot 10 West Park Place 29930 Brush Park Place

PBR21-0676

JOB NO.:

NV22-101

We have completed our review of the plot plan as received by our office on January 26, 2022 for the above referenced project. This plan is in general conformance with the City Ordinance and is **APPROVED**.

Please see the corresponding woodlands review letter.

Please note the following:

- 1. Ground slope and swales shall be a minimum 2% and maximum 25% anywhere on the site.
- 2. Sidewalks must be constructed according to Americans with Disabilities Act (ADA) standards; the maximum allowed cross-slope of finished sidewalk is 2%.

If future revisions affect the plot plan, the applicant should resubmit seven copies of the revised plot plan to the City of Novi Building Department for distribution. The specific revisions on the revised plot plan from the previously approved plan should be clearly noted by the applicant. If you have any questions, please feel free to contact us.