



## CITY COUNCIL ACTION REPORT

DATE: May 15, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Mark F. Miller, Planning Director

SUBJECT: Preliminary Site Condominium Approval – Villas of Somerset Site Condominium, south side of Big Beaver, east of Adams, Section 30 – R-1C

### Background:

- The applicant is proposing an 11-unit site condominium on the 5.1-acre parcel. The applicant is utilizing the lot averaging option, which allows a 10 percent reduction in lot width.
- The Planning Commission recommended Preliminary Approval of Villas of Somerset Site Condominium at the February 13, 2007 Regular meeting, with the following conditions:
  1. It is understood that the existing berm on the south side of that property will be removed.
  2. All trees existing within that berm will be transplanted and replanted after the installation of the drainage.
  3. Due to the removal of the existing berm, which extends into the neighboring properties to the south, the developer will work with those neighbors to ensure the proper drainage from the property owners from the south to the new development.
- The applicant has submitted a Landscape Plan indicating that 34 trees presently on the property will be replanted after the berm is removed.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment) and V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council can grant Preliminary Approval of Villas of Somerset Site Condominium.
- City Council can deny Preliminary Approval of Villas of Somerset Site Condominium.

Attachments:

1. Maps.
2. Planning Commission Minutes from the February 13, 2007 Regular meeting.

Prepared by RBS/MFM

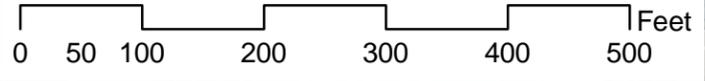
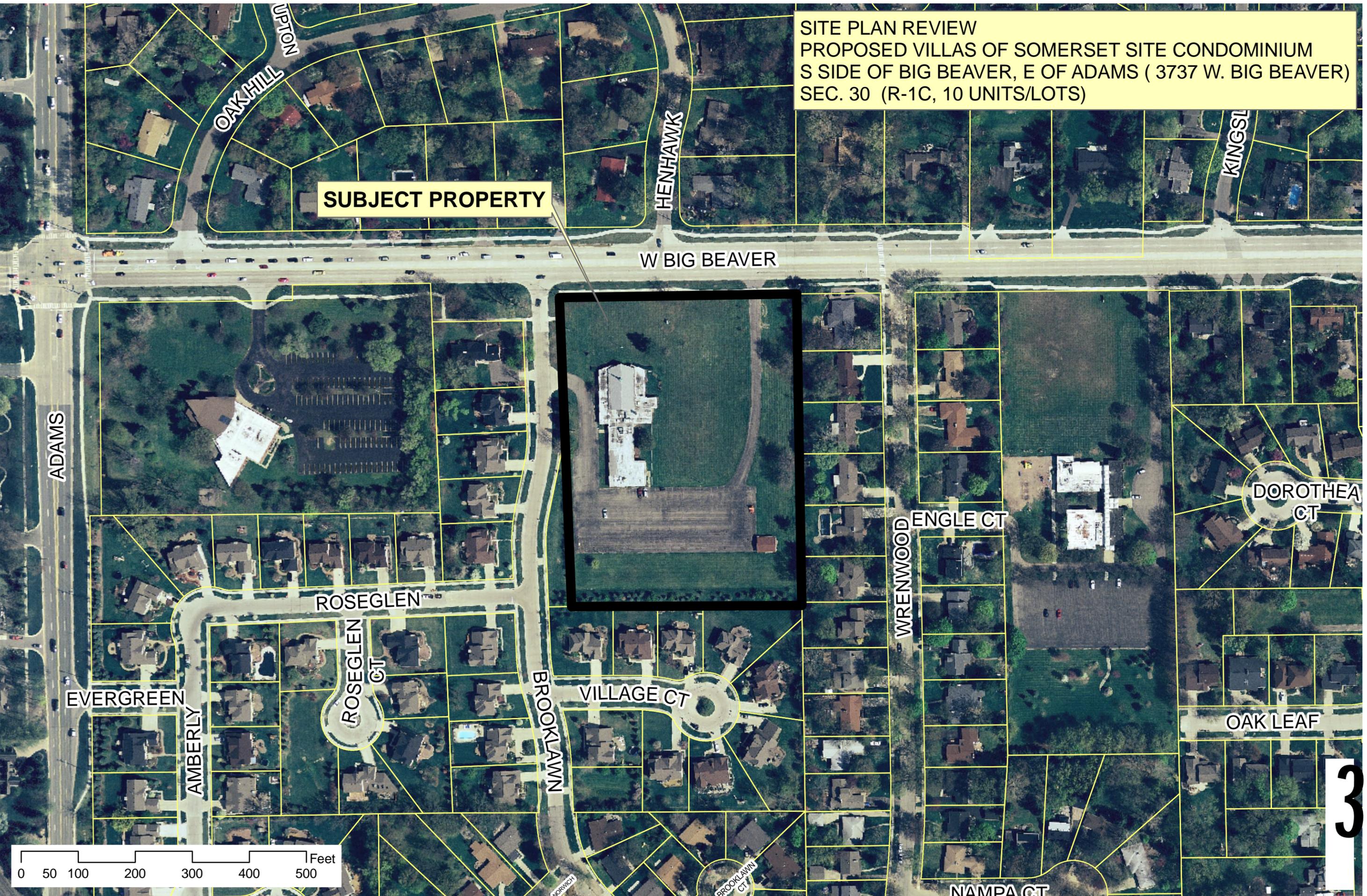
cc: Applicant  
File / Villas of Somerset Site Condominium

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SITE PLAN REVIEW  
PROPOSED VILLAS OF SOMERSET SITE CONDOMINIUM  
S SIDE OF BIG BEAVER, E OF ADAMS ( 3737 W. BIG BEAVER)  
SEC. 30 (R-1C, 10 UNITS/LOTS)

**SUBJECT PROPERTY**



SITE PLAN REVIEW  
PROPOSED VILLAS OF SOMERSET SITE CONDOMINIUM  
S SIDE OF BIG BEAVER, E OF ADAMS ( 3737 W. BIG BEAVER )  
SEC. 30 (R-1C, 10 UNITS/LOTS)

**SUBJECT PROPERTY**

**(R-1B)**

W BIG BEAVER

KINGSL

HENHAWK

DOROTHEA CT

**(R-1C)**

ENGLE CT

ROSEGLEN

VILLAGE CT

BROOKLAWN

OAK LEAF

**(R-1E)**

NAMPA CT

ADAMS

AMBERLY

ROSEGLEN CT

EVERGREEN



10. SITE PLAN REVIEW – Villas of Somerset Site Condominium, 11 units/lots proposed, South side of Big Beaver Road, East of Adams, Section 30, Zoned R-1C (One Family Residential) District

Principal Planner Savidant provided the Planning Commission with a summary of the Planning Department report for the Villas of Somerset Site Condominiums.

Joseph Crucciolla, 2025 W. Long Lake Rd, developer for the site, was present.

Jeff Rizzo, 13399 West Star, surveyor and engineer for the site, was present.

Commissioner Vleck asked if any other locations for the retention areas were considered.

Mr. Rizzo stated they did consider underground retention, but the City prohibits this. They decided to expand the existing retention basin to the adjacent subdivision to the west.

Commissioner Tagle will this be a dry pond and what are landscaping plans.

Mr. Rizzo expects it to be a dry pond, and they will meet any landscaping plans that the City requires, but basically they will seed or sod the area.

Principal Planner Savidant noted that the pond will be turned over to the City and become public property.

Shelly Lauer, 3812 Village Ct, stated she lives just south of property. The residents of the Northpointe 1 subdivision currently maintain that particular retention area, how will the combination of the detention areas affect us?

Chairperson Schultz explained that when the retention ponds are built, they are deeded over to the city. They are mowed by the City on an annual basis.

Ms. Lauer stated their subdivision is not aware of this, and it is her understanding that this is not owned by the City.

Chairperson Schultz responded that the ownership will have to be determined by the City.

Karen Lueck, 3826 Village Ct., how do we determine who cares for the property once it is combined?

City Attorney Lancaster replied that City staff can research and get an answer for the residents.

Commissioner Tagle asked if there is a plan with the boundaries of the existing retention area.

Planning Director Miller responded that the existing retention area is off of the subject property at the southwest corner.

Tim Madigan, 3798 Village Ct., stated his lot is directly south of the proposed subdivision. Are there any plans for walls, landscaping or fences on the south border?

Chairperson Schultz replied that those plans would include whatever is required by a City for a residential property abutting another residential property; but there are no requirements for walls, landscaping or fences.

Chairperson Schultz observed that there is an existing berm, and asked what are the plans for this area?

Mr. Rizzo stated that as part of the design, the berm is right in the future retention area. In addition, with the berm, Units 7 & 8 will have no usable back yard so their thoughts were to remove the berm. He stated the developer may consider using the trees on other areas of the property.

Jim Lieck, 3826 Village Ct, stated that the residents have re-landscaped the berm, put in 15 large trees, and maintained it for the past 12 years with the cooperation of church. This berm is a major issue for the homeowners. They would like to see trees replanted, perhaps onto their properties.

Chairperson Schultz stated the Commission certainly understands your concerns, however, that is a risk when making improvements on land not owned.

David Plunkett, representing the church. While the church understand the residents concerns, this is the churches property.

Commissioner Tagle asked for clarification on whether the berm was going away.

Mr. Rizzo replied that their intent is to remove the berm to provide suitable area for detention and to provide unit 7 and 8 a usable backyard. To leave it would leave only the building set back, limiting what a homeowner could do in their backyard.

Commissioner Kerwin clarified that the developer was volunteering to replanting the trees on the berm.

Mr. Crucciolla replied, absolutely, they are looking to remove the trees, the berm and then replant the trees in the area.

Chairperson Schultz stated there is confusion due to the grading plan shows the elevation for the berm as it exists, it does not show the berm would be removed.

Mr. Rizzo clarified that the intent was to remove the existing 8-inch storm sewer and the berm. The proposed grades and the existing contour of the berm, it indicates that it will be removed.

Discussion followed on the drawings submitted and the lack of accuracy to the preliminary grading plan.

Mr. Rizzo noted that this is a preliminary grading plan that will be worked out in engineering. He added that they are showing a proposed storm line, if we are putting in a storm line, we are not going to maintain the berm.

Chairperson Schultz stated it is reasonable to assume that you were going to dig into the berm, and replace it since you show the elevations restored. The Commission was surprised tonight to see that the berm was going away.

Mr. Rizzo requested that this site plan be approved subject to the removal of the berm. He added if the site plan is approved, subject to the removal of the berm, the developer is willing to work with residents to replant the existing trees at the property line. They will work to accommodate the size of the trees and use what means are necessary to preserve them.

Chairperson Shultz confirmed that according to the site plan there are approximately 28 trees on the berm. He asked if the developer's offer of replacing the 28 trees was acceptable to the homeowners association.

Homeowner representative, Karen Lueck, stated that the developer has spoken with the residents regarding the trees, and he has been very responsive. She noted that they have to work with the developer pertaining to the re-grading of the area and how it affects their yards.

Commissioner Vleck asked Ms. Lueck, on behalf of the homeowners, if it is acceptable to the homeowners if the berm is being removed if the trees are replanted.

Ms. Lueck answered yes.

Commissioner Kerwin commented that the Commission encourages developers to work with neighbors and she is satisfied that this is occurring here. In addition she stated she appreciated the developer volunteering to save trees because they are valuable to the community.

**Resolution # PC-2007-02-041**

Moved by: Vleck  
Seconded by: Hutson

**RESOLVED**, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Villas of Somerset Site Condominium, including 11 units, located south of Big Beaver and east of Adams, Section 30, within the R-1C zoning district, be granted, subject to the following conditions:

1. It is understood that the existing berm on the south side of that property will be removed.
2. All trees existing within that berm will be transplanted and replanted after the installation of the drainage.
3. Due to the removal of the existing berm, which extends into the neighboring properties to the south, the developer will work with those neighbors to ensure the proper drainage from the property owners from the south to the new development.

Yes: All present (5)  
No: None  
Absent: Littman, Strat, Troshynski, Wright

**MOTION CARRIED**